

**TOWN COUNCIL MEETING MINUTES**  
**FEBRUARY 12, 2008**  
**TOWN HALL, 156 E. JACKSON ST.**  
**6:00 P.M.**

**I. CALL TO ORDER**

Mayor Jenkins called the meeting to order at 6:04 PM.

**II. ROLL CALL**

PRESENT: Mayor Jenkins  
Vice-Mayor Tipton  
Council Hurt  
Council Cassell  
Council Herron  
Council Perry

ABSENT: None

**III. INVOCATION AND PLEDGE OF ALLEGIANCE**

Invocation: Bob Copeland  
Pledge of Allegiance: Chuck Newton, Sergeant at Arms

**IV. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS AND INTRODUCTION OF GUESTS.**

Mayor Jenkins stated that the current resignations would be discussed in closed session before being announced.

**V. COMMUNICATIONS**

None.

**VI. REPORTS**

**A. Manager**

Cindy Coates discussed the property maintenance issues. She explained that there has been a meeting with the theatre owner and the project is ongoing. She said some work should be accomplished within the next few weeks. Mayor Jenkins explained that a contract will be signed next week to start the first stage of demolition. Council Herron asked about a time frame for the project. Mayor Jenkins said Robert Mullins will set up a detailed plan. Mayor Jenkins explained that the Scott County Board of Supervisors was contacted and the Board waived the tipping fee at the landfill. He explained that this would be helpful in encouraging people to take material to the landfill. Details will be determined on who is hauling structural material to the landfill.

Cindy Coates discussed working on the CDBG Grant application for the Revitalization Plan. She explained how she, Mayor Jenkins and Vice-Mayor Tipton met with Kalena Porter and Ron Flanary to discuss Lenowisco helping the Town with the application. She mentioned attending a workshop in Abingdon and that the DHCD representatives are very excited. She said she feels positive about the Town being awarded the Grant this year. She explained that Aaron Arnette from Arnette/Muldrow will facilitate the upcoming Public Hearing on February 19<sup>th</sup>. She explained that the Town needs letters of support from the community. Mayor Jenkins and Cindy Coates said the Town has already received some good letters of support. Cindy Coates said the Grant must be submitted by March 26<sup>th</sup>, 2008. She said Vice-Mayor Tipton and herself will distribute flyers to local businesses before Tuesday. Mike Carrico suggested contacting Terry Kilgore regarding support.

**B. Police Department**

Cindy Coates explained that Jason Cox was absent due to illness. She explained that he had sent out RFP's for the police car grant. He is still looking at alternative ways to come up with funding, as the item was not budgeted for. He has talked about the sale of some of the current police vehicles, with projected proceeds going towards a new vehicle purchase. He will report on the status of item next month.

**C. Public Works**

Council Herron asked Stoney Falin how the new dump truck was working for the department. Mr. Falin said the truck was good. Council Herron asked about the water leaks on Manville Rd. Mr. Falin said the leak was not under warranty. He said the leak was on Oak St. but fed into Manville Rd. He said the leak was not very deep. Mayor Jenkins asked if any more valves have collapsed/disintegrated on meters. Mr. Falin said some are starting to come apart, but are under observation. Mayor Jenkins thanked Mr. Falin for his work.

**D. Water Plant**

Mayor Jenkins mentioned that all of the VDH letters he keeps getting have been good. He said the water plant is doing a good job. He asked about water loss prevention. Loretta Cruby said the freezing temperatures make leak prevention difficult. Council Herron commented about the disarray of wiring at the water plant. He asked about an inspection of the wiring. Ms. Cruby explained that the last schematics on the wiring were done in 1984. She explained that over the years, with different people working on the electrical at cheap rates, documentation was not applied and guidelines were not followed. Council Herron suggested that it would be worth paying someone to make the appropriate wiring diagrams. Ms. Cruby said no one has made the appropriate diagrams, some wires have been cut/disconnected and some people have been shocked. Council Herron said some of the alarms on the pumps are disconnected so they will not go off. He explained that if the Red Hill system overflowed, no one would know. Ms. Cruby said there is a silent alarm that is checked every 30 minutes, but that there is a lot of room for error in a 30-minute span. Ms. Cruby suggested that the water plant needs an electrician. Mayor Jenkins thanked Council Herron for checking on the water plant. Cindy Coates said she will talk to Andy Miles regarding wiring diagrams. Council Herron suggested hiring an electrician who is trained in PLC's. He also suggested hiring an inspector when the diagram is completed. Mayor Jenkins thanked the water plant employees for their work.

**E. Sewer Plant**

None.

**F. Planning Commission**

Vice-Mayor Tipton explained that the Planning Commission is recommending the rezoning of the new boundary area that begins at the farthest northeast corner of the old Town boundary near State Rt.71, going north by the east side of the golf course, continuing north to State Rt.68 going east to State Rt.72 and continuing south on State Rt.72 until State Rt.71, then going west to the old Town boundary C-1 zone. Mayor Jenkins thanked Vice-Mayor Tipton for all of the work she has been doing. Council Herron asked if this was originally voted on but was never done. Vice-Mayor Tipton said yes.

**G. Street Commission**

None.

**H. Sanitation Authority**

None.

**I. Economic Development Committee**

Vice-Mayor Tipton explained that the EDC is still working on the same items as the previous month. She discussed how the EDC and the Planning Commission will both be meeting on the next regularly scheduled Planning Commission meeting on March 4th. She said that because the work of each committee is so closely related, it was a good idea for them to meet and interact with each other. Mayor Jenkins commented on the importance of those committees working together towards the Grant.

**J. Water Committee**

Council Cassell asked about the Manville project and asked if Cindy Coates or Mayor Jenkins had discussed the item with Dan Danko. Mayor Jenkins explained that he spoke with Mr. Danko last Tuesday. Mayor Jenkins explained that Joe Herron gave permission to do what needs to be done and the extra \$75,000 that Lenowisco offered is still on the table. He explained that Mr. Danko is going to see what the PSA can do and see if those residents were on the original documentation that was used on the user agreements to secure that project. He said that Mr. Danko is going to try and find those agreements.

Mayor Jenkins, Council Cassell and Council Herron discussed funding options for the project.

**K. Park Committee**

Vice-Mayor Tipton discussed water and sewer lines for the park extension. She explained how Jeff Stapleton and Mr. McClelland met at the Gazebo and inspected the park. She said they provided her with measurements. She explained the options for running the lines in regard to footage and location. Mike Carrico asked if the elevations were adequate for the sewer lines to flow. Stoney Falin said yes, but the sewer would have to be pumped from the new bathrooms. Mayor Jenkins asked if every option would require a pump station. Vice-Mayor Tipton and Mr. Falin said yes. Mayor Jenkins mentioned the potential of adding another customer at the end of the line. Council Cassell suggested making an option available while the lines are installed to place water fountains near the trail in the future. Vice-Mayor Tipton said water fountains could be a possibility. Mike Carrico asked if the funding would come from the Grant or from the Town. Vice-Mayor Tipton said the funding would be a matching Grant. The Council and Mike Carrico discussed options for the extension. Mayor Jenkins added the item to the agenda under New Business.

**L. Council Reports**

Council Cassell mentioned the review of the water policy and how issues have arose that need to be addressed. He explained that he hopes that the revisions can be completed before the next meeting. He suggested that a Public Hearing will have to be held regarding changes to the policy. Mayor Jenkins thanked the employees who have worked, and are continuing to work on the water policy.

**M. Treasurer**

Cindy Coates said she is still working with Cindy Fields and Ron Bostic. She mentioned having mailed out the delinquent notices for real estate taxes and that some have been collected. She explained the \$10,000 in revenue coming from some Public Service Corporation Taxes that had not been billed because the county had failed to include them on the list of PS Corporations to be billed.

She said it is almost time to distribute business license notices again.

\*Mayor Jenkins closed the Reports session and opened the Public Comment session

VII. PUBLIC COMMENT
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**A. Chuck Newton**

The Council received a communication from Chuck Newton regarding the chairs in the Town Hall auditorium. He explained that the chairs were the most uncomfortable chairs he has ever sat in and felt the Council should get new chairs. Council Cassell and Mayor Jenkins agreed with Mr. Newton. Mayor Jenkins said the Town would work on getting new chairs for the auditorium.

**B. Rita Spivey**

The Council received a communication from Rita Spivey regarding her water bill. She explained that the amount due on her current water bill was \$777.04. She said she moved into the residence on February 1<sup>st</sup> and discovered a leak at an outdoor faucet. She said the house had been vacant before she moved in. She said she did not pay her first water bill because she had not been getting mail where it should have been delivered. Mayor Jenkins asked if she had had a prior courtesy adjustment. Ms. Spivey said she had not had an adjustment. Cindy Coates said if she had not had an adjustment in the past 12 months, she would be eligible for one. The Council discussed the issue with Ms. Spivey. Ms. Coates explained that Ms. Spivey was asked to come before the Council because as a new customer, there was not 3 previous months to calculate an adjustment with. She explained that in the past, in this situation, the customer paid for the water portion of the bill only. Mike Carrico explained that it would be unfair to Ms. Spivey to deny her an adjustment based on a 2 month average because she had not been billed for 2 months without a leak. He asked when she thought the leak was fixed. Ms. Spivey said she believed the leak was fixed by the time the meters were last read. Mike Carrico said no motion could be made during Public Comment. Council Herron said her request would be taken into consideration.

**C. Wallace W. Ross Jr.**

The Council received a communication from Wallace W. Ross Jr. regarding an article that had been printed in the paper. He requested clarification on the fees charged for the demolition of buildings. He asked if the reason it was taking so long to demolish buildings was due to the fees. He asked about a house near/on Cleveland St. Mike Carrico explained that the building in question was on the list and that the property was being sold for delinquent taxes. Mr. Ross Jr. asked about a time limit for an owner to address a building that is in disrepair. Mayor Jenkins said it is difficult to persuade people to do what the Town perceives to be the right thing. Mayor Jenkins explained that it is legal to address the issue, but once the Town takes the responsibility to demolish a building, the Town takes on the expense. He explained that if the expense of demolishing a building is more than the Town can recover, then the Town would be spending money when it may not be able to recover even 10% of the property value. Mayor Jenkins suggested imposing fines on such property owners. He explained that the County is helping Gate City with expenses and waiving the tipping fee. Mayor Jenkins explained that if the Town forces a person to demolish and dispose of a structure, the Town does not want that person to be charged any extra fees. Mr. Ross Jr. asked why it took so long to move forward on that particular property. Mike Carrico explained that the old theatre and Mr. Quillen's property were initially selected by the previous Town Manager and others, and that he does not know what the criteria was for that list to be developed. Mr. Ross Jr. said the property has been an issue for the past 5 yrs. Mike Carrico explained that the previous home owners are deceased and the house was listed for sale due to delinquent property taxes. He said the property is currently for sale and the purchaser will be responsible for demolition.

Mr. Ross Jr. inquired about the article published in the paper regarding the Public Hearing on February 19<sup>th</sup>. He discussed how business owners would receive \$7500.00 to update their businesses, but he wanted to know why his public input would be necessary at the Public Hearing since the Grant is specific to businesses. Mike Carrico suggested that Mr. Ross Jr. receive a copy of the Grant so he could see how the money from this particular Grant would be solely for the revitalization of the commercial district of Gate City. Mr. Ross Jr. asked why the Town was initially denied this Grant. It was explained that lack of interest from the community was a major factor in losing the Grant. Mayor Jenkins explained that businesses would benefit directly from the Grant. The Council discussed the importance of the Public Hearing and community support. Mike Carrico explained how the Grant would help business owners make storefronts more aesthetically pleasing. Mayor Jenkins explained that if the Town is awarded the Revitalization Grant, more opportunities will open up for other grants and improvements. He encouraged Mr. Ross Jr. and everyone else to attend the Public Hearing. Mr. Ross Jr. commended the Council for posting advertisements in both the Kingsport Times News and the Virginia Star.

Mr. Ross Jr. mentioned the item regarding the sign. He explained to the Council how he needs them to keep him informed on items. He said he needs the Council to guide and direct him on what he needs to do. He mentioned obtaining legal documents pertaining to issues and that he should get as much information as possible.

**D. Debbie Kindle**

The Council received a communication from Debbie Kindle regarding the Public Comment session of the meeting. She suggested the Council impose a time limit on the Public Comment session. She said that the meetings are excessive in length and items are being discussed that do not pertain to Town business. She suggested that citizens who wish to speak to the Council be placed on the agenda. Mike Carrico said the Town can legally limit the time of Public Comment session and he agreed that it should be limited. He said the item could be taken into consideration and put on the agenda if it were to be voted on.

**E. Wallace W. Ross Jr.**

The Council received a communication from Mr. Ross Jr. regarding the proposed time limit on the Public Comment session. He commented that Town meetings are only held once a month and pertain to important issues regarding the Town. He said a time limit would be a 'catch-22'. Mike Carrico explained that Ms. Kindle was requesting that the Public Comment session should only pertain to matters regarding the Town.

**F. Joe Maya Jr.**

The Council received a communication from Joe Maya Jr. regarding the Grant and the community. He mentioned a phone conversation that he had with Cindy Coates in which she asked Mr. Maya Jr. why he thought the Town had been awarded the Grant last year. Mr. Maya Jr. explained that a person told him that the Town had already been awarded the Grant. He said that he had been in contact with Governor Kaine's office regarding the Town's blight situation. He apologized for his tone, aggression and assertiveness at the last Council meeting. He mentioned speaking to Jay Dixon and he understands that many

people are working towards the Grant. He asked why Lynne Moore was fired. Mayor Jenkins explained that she resigned. He asked if the Town was advertising for a Town Manager. Mayor Jenkins said the Town has advertised for a Town Manager and 8 applications have been submitted so far. Mr. Maya Jr. mentioned that he spoke with Tim Kaine and is expecting help from him. He mentioned his confidence in Rick Boucher. He encouraged everyone to work together and meet on February 19<sup>th</sup>. He asked what the plan is for the theatre in regards to the Grant. Mike Carrico said the Grant specifics will be discussed on the 19<sup>th</sup>. He added that the theatre is a separate, non-profit entity and will be different from the CBDG Block Grant. He explained that the Grant will provide a 50% match on what business owners spend to upgrade their storefronts up to \$7500. He said the Town has a good chance of being awarded the Grant this year because Cindy Coates and others have worked hard, and the application procedures have been more organized. Mr. Maya Jr. suggested that everyone needs to do more. Mayor Jenkins said the Town needs citizens to work together towards the Grant. Mike Carrico and Cindy Coates mentioned that anyone who has interest, not just the residents of Gate City, is encouraged to attend the Public Hearing on the 19<sup>th</sup>.

Mr. Maya Jr. disagreed with the time limit on the Public Comment session of the meetings. He asked how he had to go about getting the due date for taxes changed. He inquired about getting a petition. Mike Carrico suggested that a petition would be a good idea. Council Perry asked what the County did when they changed their due date on taxes and mentioned that the Town changed the due date in correlation with the County. Mayor Jenkins said the item would be looked into and that Mr. Maya, Jr. did not have to get a petition. Mike Carrico said the due dates were set several generations ago in relation to farmers selling tobacco. He said Gate City is not as agricultural as it used to be. Mr. Maya Jr. said he was called to be a speaker to promote neighborhood watches. He explained that the Town cannot expect the County and local police to monitor all areas of Gate City at all times. He expressed his disapproval of the parking in the downtown area. He mentioned he was looking forward to the Public Hearing on February 19<sup>th</sup>.

**G. Wallace W. Ross Jr.**

The Council received a communication from Mr. Ross Jr. regarding two notices that were posted in the paper in February. He asked about the ads that were posted on February 4<sup>th</sup> and February 21<sup>st</sup> of 2007, and what percentage of low-income/moderate people needed to be on the application. Mayor Jenkins explained that the VHDC has stipulations that require specific wording. Cindy Coates explained that those particular advertisements were submitted by Jason Stewart for the Grant application last year. She said the wording came directly from the VHCD. She said there are different types of grants that can be applied for through the VHCD regarding community development, part of which is low-income housing and that the Town can apply for those grants also but the one they are working on now is the Downtown Revitalization.

**H. Joe Maya Jr.**

The Council received a communication from Joe Maya Jr. regarding imminent domain. He asked what can be done about the Scott Motel. Mayor Jenkins explained that the state is negotiating taking/purchasing the property. Mike Carrico explained that Mr. Maya Jr. and Mayor Jenkins were referring to the same situation using different wording. Mr. Maya Jr. asked about the opposite side of HWY 23. Council Cassell explained that originally there was supposed to be a cloverleaf road pattern in that area. Council Perry mentioned that some of the questions Mr. Maya Jr. was asking should be directed toward VDOT.

**I. Lisa Mann**

The Council received a communication from Lisa Mann regarding her water bill from an old account. She asked if the Council had decided upon any action. Cindy Coates said she did not find a phone log and apologized for not making a decision. Mayor Jenkins explained that there would be an answer for Ms. Mann at the next Council meeting, and that she would not be charged penalty and interest on her account. Ms. Coates explained why the old bills were sent out in regard to the software change. Ms. Mann asked about bills from other accounts from people who had bought the house 10 years ago. Mike Carrico said the person who signs the user agreement is the person responsible for the bill. Mayor Jenkins said the Town is trying to collect updated user agreements on all customers. Council Cassell said Ms. Mann's mistake was leaving the water in her name for a tenant.

\*Mayor Jenkins closed the Public Comment session and opened the Consent Agenda

Council Cassell asked about the wording of headings listed under the bill payments. Cindy Coates explained how the invoices are worded and how Rhonda Stacey enters in the descriptions for the bill payments. She said all the invoices are on file if any payment is in question.

#### APPROVAL OF CONSENT AGENDA

MOTION: Motion by Perry, Seconded by Tipton  
To approve the Consent Agenda.

- A. Approval of Town Council meeting minutes of January 8, 2008.
- B. Approval of bill payments for January 2008 in the amount of \$129, 457.98.

ROLL CALL VOTE: Yeas, Council Cassell  
Council Hurt  
Council Perry  
Vice-Mayor Tipton  
Mayor Jenkins

Nays, None

Abstain, Council Herron

\*Mayor Jenkins closed the Consent Agenda and opened the Unfinished Business session.

#### **IX. UNFINISHED BUSINESS**

MOTION: Motion by Tipton, Seconded by Herron  
To approve the re-zoning of the new boundary area that begins at the farthest northeast corner of the old Town boundary near State Rt.71, going north by the east side of the golf course, continuing north to State Rt.68 going east to State Rt.72 and continuing south on State Rt.72 until State Rt.71, then going west to the old Town boundary C-1 zone.

VOTE: Yeas, 4  
Nays, 1  
Absent, None

\*Mayor Jenkins closed the Unfinished Business session and opened the New Business session.

#### **X. NEW BUSINESS**

##### **A. David Wells – GC/Young Life Road Race**

The Council received a communication from David Wells regarding a Young Life Road Race. Mr. Wells thanked the Town for giving the kids an opportunity to work. He explained that Young Life facilitates missionary work for children. He offered to volunteer some of the kids to participate in demolition work, albeit safely. Council Cassell asked Mr. Wells if the kids would paint fire hydrants. Mr. Wells said that could be a possibility. Mr. Wells proposed a Daniel Boone 5-K race on Memorial weekend. He said the event would be a win-win for the Town. He explained that a running organization called State-of-Franklin Racing would provide a database and expertise regarding the race. Mr. Wells suggested that the race be routed through Town and he discussed his proposed route. He suggested that the race could be an annual event. He said t-shirts would be made that could have advertisements promoting businesses in Town. His first choice for a race date was May 31<sup>st</sup>, his second choice was May 17<sup>th</sup> and his third choice was June 21<sup>st</sup>. He said he would need assistance from the Town police with blocking traffic, especially on Main St. He said he would be flexible on the route. Mike Carrico asked Mr. Wells if he had obtained a permit for the race from VDOT. Mayor Jenkins said he would approach VDOT. He suggested meeting with Mr. Wells to discuss routes and times. Mike Carrico asked for clarification on what Mr. Wells expected from the Town. Mr. Wells said the only things from the Town would include the use of streets and the aid of the police department. Mike Carrico asked about disclaimers. Mr. Wells explained that State-of-Franklin Racing has waivers specifically for race participants. Mayor Jenkins asked about an advertising/entry fee. Mr. Wells asked about noise regulations and said that there is typically music playing during the race. He said the race would be from 8 am – 9 am. Mike Carrico said there is a noise ordinance that would be looked into, but it generally regarded issues like loud vehicles. Mayor Jenkins said the ordinance would be looked into and there was the option of issuing a variance. Mayor Jenkins thanked Mr. Wells and said the item would be looked into.

##### **B. Resolution to accept Master Plan designed by Arnette Muldrow for the Town of Gate City.**

MOTION: Motion by Tipton, Seconded by Herron  
Resolved to accept the Master Plan designed by Arnette Muldrow for the Town of Gate City.

VOTE: Yeas, 5  
Nays, None  
Absent, None

**C. Park Committee – asking for authority to run water & sewer to new park extension.**

MOTION: Motion by Tipton, Seconded by Perry  
To run water and sewer to the new park extension.

VOTE: Yeas, 5  
Nays, None  
Absent, None

**D. Rita Spivey’s water bill**

MOTION: Motion by Herron, Seconded by Cassell  
To make a courtesy adjustment on Rita Spivey’s water bill based on her first water bill and her upcoming water bill.

VOTE: Yeas, 5  
Nays, None  
Absent, None

The Council discussed the matter of another account that had an incorrect adjustment. Mayor Jenkins explained that Rex McCarty’s water bill had an incorrect adjustment done that would have to be rectified. Mayor Jenkins explained the confusion of what the water policy states regarding circumstantial adjustment procedures. The Council discussed the flaws in the water policy and how certain items need clarification. Council Perry explained how the water policy needs more definition to incorporate all situations that may arise.

MOTION: Motion by Herron, Seconded by Perry  
To go into closed session to discuss personnel issues.

VOTE: Yeas, 5  
Nays, None  
Absent, None

\*Mayor Jenkins closed the New Business session and opened the Closed Session.

**CERTIFICATION OF CLOSED MEETING**

**WHEREAS**, the Gate City Town Council has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-7312 of the Code of Virginia requires a certification by the Town Council that such closed meeting was conducted in conformity with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED**, that the Gate City Town Council hereby certifies that to the best of each member’s knowledge, (1) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in closed meeting to which this certification applies and (2) only such business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Gate City Town Council.

MOTION: Motion by Tipton, Seconded by Perry  
To return the meeting to open session.

ROLL CALL VOTE: Yeas, Council Cassell  
Council Herron  
Council Hurt  
Council Perry  
Vice-Mayor Tipton  
Mayor Jenkins  
Nays, None  
Absent, None

MOTION: Motion by Perry, Seconded by Herron  
To accept the resignation letters of employee #28, employee #30 and employee #66.

VOTE:           Yeas,           5  
                  Nays,           None  
                  Absent,         None

MOTION:        Motion by Herron, Seconded by Tipton  
To advertise for the positions of Town Clerk/Utility Billing Clerk and Treasurer.

VOTE:           Yeas,           5  
                  Nays,           None  
                  Absent,         None

Council Perry stated that she had been approached by someone regarding a streetlight. Mike Carrico said streetlights are a standard business practice. Council Perry said there was no actual streetlight at the location the individual was referring to. She said the individual told her the area was dark and needed a streetlight.

Council Perry discussed her disapproval of using “Liquor-By-The-Drink” as a title for the referendum. She explained how the title gives the public the wrong impression of what the Council is trying to achieve. Mike Carrico explained that the referendum does not have to contain that specific wording. Council Perry said she wants to educate the public on what the Council is working towards. Council Cassell suggested posting an article in the paper. Cindy Coates said she had already spoken with Lisa McCarty. Council Perry suggested the title read “Mixed Drinks in Restaurants” in the paper and on the petition.

MOTION:        Motion by Hurt, Seconded by Tipton  
To adjourn the meeting.

VOTE:           Yeas,           5  
                  Nays,           None  
                  Absent,         None

\*Mayor Jenkins adjourned the meeting at 8:55 p.m.

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Mayor Mark Jenkins

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Town Clerk Jessica Kaarlela