

TOWN COUNCIL MINUTES



Gate City Town Council Minutes
February 9, 2021
190 Beech St., Gate City, VA
6:30 PM

I. COUNCIL MEETING CALLED TO ORDER AT 6:32 P.M. BY: Mayor – Bob Richards

II. ROLL CALL – Town Clerk – Lydia Morales

| | PRESENT: | ABSENT: |
|--|----------|---------|
| Mayor, Bob Richards | X | |
| Vice Mayor, Robin Richards | X | |
| Council Member, Allan “Cotton” Roberts | X | |
| Council Member, Roger Cassell | X | |
| Council Member, Wallace W. Ross, Jr. | X | |
| Council Member, Tyler Kilgore | X | |
| Town Manager, Greg Jones | X | |
| Town Attorney, Michele Brooks | X | |

Others present: Riley M. Boy; Jeremiah Riner; Madison Tipton; Dawn Williams; Jason Snapp, Mattern & Craig; Chris Henderson; Cameron Henderson; Daniel E. Fellhauer, Acting Commonwealth Attorney; Jessica Keith

III. INVOCATION – Jeremiah Riner, First Baptist Church of Gate City

IV. PLEDGE OF ALLEGIANCE - Mayor Bob Richards

V. APPROVAL OF AGENDA

Motion made to approve the agenda.

Motion by: Allan “Cotton” Roberts

2nd by: Wallace W. Ross, Jr.

VOTE: Aye, 5
Nay,
Absent,
Abstain

Motion Carried.

VI. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS AND INTRODUCTION OF GUESTS. -NONE

VII. APPROVAL OF MINUTES

1. Approval of January 12, 2021 Town Council Minutes.

Motion made to approve minutes as presented.

Motion by: Roger Cassell

2nd by: Robin Richards

VOTE: Aye: 5
Nay:
Absent:
Abstain:

Motion Carried.

VIII. APPROVAL OF PAYMENTS

Motion made for approval for payment of bills for January 2021 as presented.

Motion by: Robin Richards

2nd by: Allan “Cotton” Roberts

VOTE: Aye: 5

Nay:

Absent:

Abstain:

Motion Carried.

IX. PUBLIC COMMENT (Will be limited to 3 minutes per speaker.)

Mr. Riley Boy (726 Daniel Boone Rd. Gate City, VA 24251) – Mr. Boy handed out a notice that was delivered to members of the Daniel Boone community by the PSA. Mr. Boy stated that he is the pastor of Trinity Bell Church and has been involved in the community as part of the Board of Supervisors and the Public Service Authority. Mr. Boy stated that he is here as a representative of the community to state a concern that the notice that the PSA has delivered states that the sewer project has been stopped. Mr. Boy stated that the community is hoping that resolution to that issue will soon be forthcoming. Mr. Boy stated that when he was on the Board in the late 90s, surveys were conducted, and it was determined that eleven homes in the scope of this project have straight lines that are going into Little Moccasin Creek and others that are seeping into the stream as well. Mr. Boy stated that these are the homes that spurred the sewer project. Mr. Boy stated that he has had his own personal experience with a loved one being hospitalized due to E. coli from contaminated water. Mr. Boy stated that he prays that there will be resolve to these issues quickly and that the water standing at Grogan Park that is a concern for contamination will also be resolved.

Madison Tipton (766 Moccasin Hills Drive Gate City, VA 24251) – Ms. Tipton handed out information related to her proposal for a skate park in Gate City. Ms. Tipton presented her idea along with benefits, safety concerns and average cost. Ms. Tipton outlined the tourism, physical activity and social benefits of a skate park. Ms. Tipton stated that a skatepark would keep individuals out of the road and off of the sidewalks. Ms. Tipton stated that a small skatepark could cost \$100,000 but with fundraising and grants, it would be possible. Council Member Roberts asked Ms. Tipton where she proposes that the skatepark should be located? Ms. Tipton stated that the skatepark could be located on Water Street at the Daugherty Brothers Lot that is for sale. Town Attorney Michele Brooks asked if there are any specific grants to fund a project like this? Ms. Tipton stated that the Tony Hawk Project gives grants for projects like this.

Mayor Richards closed the public comment session at 6:47 P.M. and opened the consent agenda session.

X. COMMUNICATIONS - NONE

XI. REPORTS (All reports given will be included with your packet. Any questions about the reports will need to be discussed with the department head PRIOR to the meeting.)

A. Engineer’s Status Report – Mr. Jason Snapp delivered the Engineer’s Status Report.

DEQ Sewer I&I Rehab Job: The contractor has substantially completed the project. A substantial completion walk through was completed with Greg Jones (Town Manager), Bill Spencer (DEQ), Robert Estes (Contractor), Homer Vandergriff (Contractor), and Jason Snapp (M&C) on Friday, December 18th at 10:00AM. A project punch-list was compiled during this meeting and has been distributed to all involved parties. It will be the contractor’s responsibility to complete the punch-list items to obtain final completion on the project. At final completion closeout documents will be processed and final payment to the contractor recommended.

Currently the overall budget is projected as stated below:

| | |
|--------------------|-----------------|
| Construction | \$ 1,210,000.00 |
| Contingency | \$ 60,066.00 |
| Legal/Bond Counsel | \$ 6,000.00 |

| | |
|-------------------------------------|---------------|
| Basic Engineering | \$ 128,000.00 |
| Permits | \$ 9,325.00 |
| Mussel Survey | \$ 8,100.00 |
| Easements/ROW Maps & Deeds | \$ 23,452.00 |
| Asset Management Plan | \$ 20,000.00 |
| Easement Acquisition | \$ 4,405.00 |
| Resident Project Inspection | \$ 90,000.00 |
| Additional Engineering for Redesign | \$ 14,740.00 |

These projections are estimated and not final and total approximately \$1,574,088.00. The original project budget was set at \$2,111,595.00. Current estimated project savings are approximately \$550,000. These savings will be realized from the construction, resident project inspection, and contingency line items. The town has covered the required restocking fees in the amount of \$14,746.63. Mr. Snapp stated that the project will most likely not be closed out until re-seeding is completed when the weather is warmer.

Sewer Asset Management Plan: M&C has submitted the Asset Management Plan to the Town and DEQ for review. If anyone would like hard copies for review, please feel free to let me know. Contact info: djsnapp@matternandcraig.com , 423-782-7336.

H/C Ramp HSIP Project: The project was bid at Town Hall on Thursday, June 25th, there was only 1 bidder that submitted. The lone bidder was Estes Brothers Const. at \$211,669.65. This was approximately 3 times the project's cost estimate. The project was re-advertised on Sunday, October 11th in the Kingsport Times newspaper. A Pre-bid conference was held at Town Hall on October 27th at 10:00AM with two bidders in attendance (Thomas Construction and Ken Construction). Bids were opened at Town Hall on Thursday, November 12th at 10:00 AM. There were 3 bidders on the project with Estes Brothers Construction being the low bidder at \$156,069.65. This was approximately \$56,000 over the construction budget, however VDOT has provided additional grant funds to cover the funding shortfall. The bid approval package has been approved by VDOT and the project awarded to Estes Brothers Construction. A pre-construction conference has been set up for Tuesday, February 16th at 10:00AM at Mattern & Craig's offices in Kingsport. Construction on the project is expected to start in mid-March. Council Member Wallace W. Ross, Jr. asked if the project will be completed by this Summer if it is able to start in March? Mr. Snapp stated that he believes it will be completed by then because there is a three or four month construction time.

DEQ Sanitary Sewer Evaluation Study: DEQ has awarded the SSES funding package for Gate City (The Town's funding package totals \$100,000, and consists of \$75,000 grant money and a \$25,000 Town match). The Town is now authorized to start on this project by DEQ pending providing required paperwork to DEQ including procurement certification letters. Mr. Snapp stated that he expects a 6-month time frame to get the report completed.

VDH Backup Generator Project: VDH has tentatively offered funding in the amount of \$1,220,000 per the funding application for the Emergency Backup Generator Project M&C and the Town submitted last spring. The funding package consist of \$366,000 in grant funds and \$854,000 in loan funds with a term of 20 years. It is possible that a Waterworks Business Operations Plan could be attached to this project per the funding letter. The Town sent a letter stating their intent to accept the offer prior to the October 30, 2020 deadline. The Town and Mattern & Craig had a preliminary project call with VDH on January 27 at 10:00 AM. During this meeting the Town, Engineer, and VDH discussed the project and final funding selection process as well as schedule and adding a Water Business Operations Plan to the funding package. VDH has now approved adding the WBOP to the funding package as 100% grant funds. Vice-

Mayor Robin Richards asked when can we expect the generators to be in place? Mr. Snapp stated that we have told VDH that we would like to get a reduced interest rate and the project has to close within a year to get that. Mr. Snapp stated that it would be approximately an eighteen month time frame to have it fully operational.

Town Hall Renovations Project: The Town Hall Renovations Project construction has begun. The project will provide an enclosed entry way into the Town Hall and Police Department offices. The project is approximately 70% complete currently. Pending material availability, we expect the project to be completed sometime in early April. As of now it appears the antimicrobial door hardware will have the longest lead time of approximately 8-10 weeks. This along with the security drawers will be the last things to be installed.

B. Manager's Report – Town Manager Greg Jones delivered the Manager's Report.

- **Department of Housing and Community Development (DHCD): Park Street Housing Rehabilitation Project.**

DHCD has awarded \$522,200 for the Park Street Housing Rehabilitation Project. The funds will be used to rehabilitate seven residential homes, reconstruct two residential homes, and demolition of two vacant residential structures on Park Street. Our budget is as follows:

\$522,200 – DHCD
\$12,000 – Town (In-Kind)
\$534,200 – Total

Update: Town Manager Greg Jones stated that DHCD has asked us to hold off on Phase II at this time and try to implement it in the second round of funding in October. The Town of Gate City is ready to move forward with Phase II of the Park Street Housing Rehabilitation Project. The grant application deadline is April 1st, 2021. **Council Action: 1. Approve grant application submission; 2. Approve two public hearings that are required prior to the grant application submission**

Town Manager Greg Jones stated that 649, 608, and 599 have all been demolished and 554 has been rehabilitated. Town Manager Jones stated that there are some properties in that area for rent or sale that we will try to utilize for people living in that phase to relocate to or to even make a permanent residence.

- **Gateway Park**

Council has approved a quote from Factory to You Fence of Kingsport for \$7,046.00 to install stack fence at Gateway Park. The project has been delayed from the target install date of January 28th, 2021. Factory to You Fence stated that due to the current Coronavirus issue, parts are delayed. Completion of this project is expected during the week of February 8th, 2021.

- **Banner Placement – Kane & Jackson Streets**

AEP has approved our application to place banners on the large streetlights. AEP has drafted a proposed agreement. There is no cost for the agreement. Council approved the agreement on January 12th, 2021. The agreement has been submitted to AEP. Currently we are waiting on AEP to submit an executed copy of the agreement. Update: Town Manager Greg Jones stated that the copy was sent over the weekend and we are ready to start on the banners on the streetlights on Kane Street, Jones Street, and West Jackson Street. Town Manager Greg Jones stated that we now need a design, to order and to get them hung up.

- **Bond Counsel Procurement**

Both Virginia Department of Health and Department of Environmental Quality is requiring Bond Counsel Procurement for the upcoming projects. The Request for Qualifications (RFQ) has been drafted and approved. Deadline for responding to the RFQ is on February 10th, 2021.

- **CARES Act Funding - FEMA Public Assistance Grant**

Our allocation and budget for the CARES Act Funding is listed below:

| CARES Act Funding | | | | | |
|---------------------------------|----------------------|---------------|---------------|---------------|---------------|
| Total Funds Allocated: | \$ 163,299.00 | | Ok | Ok | |
| Project | Vendor | Budget | Pay Request 1 | Pay Request 2 | Pay Request 3 |
| Foyer | Mattern & Craig, Inc | \$ 99,900.00 | \$ 99,900.00 | | |
| Computer - Ipads | Amazon | \$ 17,464.00 | \$ 17,464.00 | | |
| Computer - Laptops | NewEgg | \$ 2,419.79 | | \$ 2,419.79 | |
| Fire Department -Turnout Gear | Fire Department | \$ 15,495.00 | \$ 15,495.00 | | |
| Telephone System | TUCTech | \$ 7,189.20 | \$ 7,189.20 | | |
| PPE, Cleaning | Various | \$ 18,304.50 | \$ 12,300.00 | | \$ 6,004.50 |
| Total | | \$ 160,772.49 | \$152,348.20 | \$ 2,419.79 | \$ 6,004.50 |
| Submitted but not yet received. | | | | | |

The Foyer project is about 70% complete. We have received laptops and iPads. The Fire Department has ordered and received their Turnout Gear. The telephone project is complete. We have reordered the Gate City Strong facemask and will be delivering to business this week. Town Manager Greg Jones stated that pay request #3 has been paid. **Council Action: Approve user agreement forms for iPads.**

State Corporation Commission (SCC) CARES ACT Municipal Utility Relief Grant

The SCC CARES Act Municipal Utility Relief Grant became available on Tuesday, November 24th, 2020. The Grant Funding will allow relief for customers who are 30 and 60+ days delinquent with their water bill.

To date we have provided relief to 53 water accounts for a total of \$17,845.51.

GATE CITY WATER LEAKS January-2020

Location Repair Date Materials used for Repair

No Water Lines Repaired in January 2020.

C. Attorney’s Report - Town Attorney Michele Brooks delivered the Attorney’s Report.

- **946 West Jackson Street**
1st Offense
2nd Offense

– Town Attorney Michele Brooks stated that as previously discussed, this property needs to be demolished but there are a couple of barriers to that including the current policy of the Board of

Supervisors, which states that they will not grant a demolition permit without all real estate taxes being current. Town Attorney Michele Brooks stated that she will be attending the next Board of Supervisors meeting on March 3rd to present this issue to them. Town Manager Greg Jones offered to attend the meeting as well since it will involve a lot of the housing project. Town Attorney Michele Brooks stated that she is recommending the following action steps: Town Attorney Michele Brooks to attend the March Board of Supervisors Meeting to request change of demolition permit for town actions and to seek demolition order in Scott County Circuit Court. Vice-Mayor Robin Richards asked if taxes are still owed on the property? Town Attorney Michele Brooks stated that approximately \$340 are still owed to the town but the county taxes have to be paid, but hopefully we can work something out with the Board of Supervisors. Council Member Wallace W. Ross, Jr. asked if this property would be in the same category as being condemned and being able to be sold for taxes? Town Attorney Michele Brooks stated that it is only one year behind and at this point we can't do that, but we can seek a demolition order from the Circuit Court. Town Attorney Michele Brooks explained the liens that the Town has against the property and stated that we are not asking the Board of Supervisors to waive the taxes; we are just asking that the property be demolished for public safety.

- **Wall on 770 West Jackson Street**

-Town Attorney Michele Brooks stated that this property owner has been served and has filed responsive pleadings Pro Se. Town Attorney Michele Brooks stated that there is a lien on the property for the fence that was taken down. Town Attorney Michele Brooks asked Town Manager Greg Jones if he would like for TACS to take over or if he wants her to proceed with the lawsuit that she has? Town Manager Greg Jones stated that as far as the lien, we will handle all of that. Town Attorney Michele Brooks stated that she will take this property off her list and non-suit what she has against them.

D. **Council Reports** (Any new business from Committees that needs to come before the Council.)

Vice Mayor, Robin Richards – Vice-Mayor Richards stated that Gate City Frontier will be hosting Small Town Saturdays beginning May through September, where food trucks will be located in town the first Saturday of each month and will hopefully increase sales.

Council Member, Allan “Cotton” Roberts – NONE

Mayor Bob Richards – Mayor Richards asked when the concrete tables and chairs are expected to come in? Town Manager Greg Jones stated that it is too cold for the concrete to be poured, but they are estimated to be ready mid-February depending on weather. Mayor Bob Richards stated that we are hoping to have them in time for Small town Saturdays.

Council Member, Roger Cassell – Council Member Roger Cassell stated that he met last week with Deanna Stoddard and one of the residents on Park Street that is eligible for housing. Council Member Cassell stated that they have the option to rehab or relocate if we can find a home for sale. Council Member Cassell stated that this family is considering relocation.

Council Member Cassell stated that the vendor for the streetlights is arranging a meeting to come and look at the streetlights to get some ideas.

Council Member, Wallace W. Ross, Jr. – Council Member Wallace W. Ross, Jr. stated that the Town of Gate City website has only a few businesses featured on it. Council Member Ross stated that there is not a picture of Quillin Hardware on it, which is one of the oldest businesses in town. Council Member Ross

stated that there is not a picture of the library coming east, the Kane Street and Jackson Street intersection at the light, or the businesses near the interstate or on top of the hill at Highway 23 that would make our town look bigger. Council Member Ross recommended that the website be enhanced with more photos and that the sign coming into town be changed to say “Gate City Business District”. Town Manager Greg Jones stated that the mygatecity.com website is geared towards local residents while yourgatecity.com is designed specifically for visitors. Town Manager Greg Jones stated that these websites all link back into each other including links to event pages, our gcvaproperties website, and a business directory. Town Manager Greg Jones explained that every business in the business directory has its own separate webpage which is searchable by Google. Council Member Ross stated that he has not seen these things on the website. Vice-Mayor Robin Richards suggested that Town Manager Greg Jones and Council Member Wallace W. Ross, Jr. meet to allow Town Manager Jones to show Council Member Ross how to go through some of these sites and get to the different links so that he is better able to share this information with others. Town Manager Greg Jones explained what the VTC grant will allow us to do for our town and events and stated that we will be meeting with the county tomorrow to hold interviews for marketing firms.

Council Member Wallace W. Ross, Jr. stated that the sidewalk near the light at the intersection of Kane Street and Jackson Street needs to be refurbished.

Council Member, Tyler Kilgore - NONE

E. Sanitation Authority – Council Member Roger Cassell stated that the PSA has agreed that both committees will meet on February 25th to work on contract issues. Town Attorney Michele Brooks stated that she attended the PSA meeting this morning and the letter sent out by the PSA is very slanted. Town Attorney Michele Brooks stated that the agreement PSA signed was a draft and there had been no negotiations for a very long time. Town Attorney Michele Brooks stated that we want the citizens of Daniel Boone to have access and she is hopeful that we can resolve the issues. Council Member Cassell stated that the entire board has not always been involved, but we have now narrowed it down to two committees; that way, we may be able to make some progress.

F. Police Department - NONE

XII. UNFINISHED BUSINESS - NONE

XIII. NEW BUSINESS

1. Daniel E. Fellhauer, Acting Commonwealth Attorney: Town of Gate City Misdemeanor Cases Agreement

Acting Commonwealth Attorney Daniel Fellhauer stated that Richmond has enacted many new laws that will take effect on March 1st and July 1st. Mr. Fellhauer stated that the state doesn't want as many police and citizen encounters, but the workload from arrest, charging, and conviction will be greatly enhanced. Mr. Fellhauer stated that the Commonwealth Attorney's office is structured in a fashion where the Commonwealth Attorney is the constitutional officer and the funding comes from the state for felonies and certain misdemeanors, domestic violence grants for a part-time position, and the county funds a full-time low-level salary position. Mr. Fellhauer stated that the contribution would allow us to expand and keep our current staff. Mr. Fellhauer stated that they are asking for \$2,000 per month to handle all town prosecutions. Mr. Fellhauer stated that it is inevitable that we will have to change some of the town ordinances, which will allow us to incorporate certain traffic offenses and misdemeanors to allow the town to keep the revenues from those violations. Mr. Fellhauer stated that there are several traffic offenses that will no longer be considered stop worthy which will make policing much more difficult. Mr. Fellhauer stated that he needs more tools to be able to keep the level of prosecution with the level of policing that the town wants right now. Mr. Fellhauer stated that the \$2,000 may have to increase but that it costs approximately \$2,000 per month just to give \$1,500 in salary because the state doesn't provide any fringe benefits, the county does. Mr. Fellhauer stated that he would like to take a part-time position to fully

dedicate to the town. Town Attorney Michele Brooks asked if Mr. Fellhauer has someone designated to the town cases at this point? Mr. Fellhauer stated that at this point, Chad Wilson is handling most of them but he is full time. Jessica Keith stated that the plan is to take the part time position that is partly grant funded and merge the two together. Town Attorney Michele Brooks asked how soon Mr. Fellhauer needed a commitment from the town? Mr. Fellhauer stated that he is fine with a short-term commitment but would like to have someone start working on looking at the town ordinances so that we can get the changes necessary by the time the new laws go into effect March 1st. Mr. Fellhauer stated that he would like to meet with the town officers to review the policy. Council Member Roberts asked if we would still be able to go after assets if they do not pay their fines? Mr. Fellhauer stated yes, we can do that if the amount is large enough and it would be cost effective, we can enforce a lien or foreclose on property. Mr. Fellhauer stated that he has more success with the statute that carries 60 days jail sentence for failure to pay fines, costs and restitution which the town may want to enact as an ordinance. Town Attorney Michele Brooks stated that the amount of time and effort that it is going to take to prosecute our cases, the amount that they are asking for is not unreasonable, especially under the circumstances. Town Attorney Michele Brooks stated that she, Mr. Fellhauer and Mrs. Keith can get the ordinances worked out so that we can get the maximum benefit for the town, but paying her to try and do what the Commonwealth Attorney's office is going to do will not come out ahead for the town at this point.

Deferred Until After Closed Session.

2. DCJS – Body Camera Grant Application Approval

Town Manager Greg Jones stated that we have already filed for the grant application and submitted it on time due to the short deadline.

Motion made to approve the DCJS – Body Camera Grant Application.

Motion by: Allan “Cotton” Roberts

2nd by: Roger Cassell

VOTE: Aye: 5

Nay:

Absent:

Abstain:

Motion Carried.

3. Budget Calendar Approval

Town Manager Greg Jones stated that the budget calendar will create the budget for 2022 and outlines the events, meetings and thresholds that we need to follow and meet before June 8th to get a budget that Council can pass. Council Member Cassell asked if the meeting on the 25th has changed? Town Manager Greg Jones stated that the meeting on the 25th has now changed to March 4th, and some of the meeting dates may change.

Motion made to approve the budget calendar as presented with the meeting change of February 25, 2021 to March 4, 2021.

Motion by: Robin Richards

2nd by: Allan “Cotton” Roberts

VOTE: Aye: 4

Nay:

Absent:

Abstain: 1

Motion Carried.

4. Street Committee – Evaluate Streets

Town Manager Greg Jones stated that the list of streets needs to be evaluated and prioritized by the Street Committee by the next council meeting on March 9th so that we can know what we need to do for budgeting. Town Manager Greg Jones stated that there may be some streets that have gotten worse over a period of time and may take precedence over the streets on the capital improvement list. Town Manager Greg Jones stated that we would like to pave one or two streets per year. Council Member Roberts

recommended to the Street Committee to evaluate Estil Street since we will be making improvements to the cemetery.

5. Approval - Quote Cemetery Fence

Town Manager Greg Jones stated that we have two quotes, one from Factory to You Fence and the other is from Tri-City Fence to take down the old fencing around Estil Cemetery and reinstall it with a 4ft black vinyl chain link fence approximately 1,040 ft. Town Manager Greg Jones stated that the Factory to You Fence quote is \$16,734 and Tri-City Fence Company issued a quote for \$15,905. Town Manager Greg Jones stated that he recommends the quote from Tri-City Fence and that the fence will be funded through the cemetery account. Council Member Cassell stated that the Factory to You Fence quote stated that it includes tension wire, but that is not on the Tri-City Fence quote. Council Member Cassell asked if the Tri-City Fence quote may increase if tension wire is added? Town Manager Greg Jones stated that he would need to ask the company, and this can be delayed if Council would like to wait until he can ask. Council Member Roberts stated that he is concerned that the gate being added would be on an uphill angle and people may slip and fall, whereas the other two gates are level. Mayor Richards stated that he thinks we should just put fence all the way around. Council Member Wallace W. Ross, Jr. asked if handicap individuals would be able to have access? Council Member Roberts stated that there is a big double gate that would easily accommodate anyone with a wheelchair. Council Member Wallace W. Ross, Jr. asked if there is any parking? Mayor Richards stated that the parking is limited, but we may work on that in the future.

DEFERRED UNTIL MARCH 9, 2021 TOWN COUNCIL MEETING.

6. Approval - RFP Cemetery Restoration

Town Manager Greg Jones stated that the only response is from Highland Monument Conservation, a local company from Yuma and this is the company recommended by DHR. Town Manager Greg Jones stated that they have divided the quote into three different phases including first cleaning, second is assessment, documentation and GPS coordinate assigning, and the third is to upload graveside information and pictures to findagrave.com along with rehabilitation, construction and biological growth and organic staining which equaled \$27,280. Council Member Roberts asked if funding will be coming from the cemetery fund? Town Manager Greg Jones stated yes.

Motion made to approve the cemetery restoration as presented by Highland Monument Conservation, LLC.

Motion by: Allan "Cotton" Roberts

2nd by: Tyler Kilgore

VOTE: Aye: 5

Nay:

Absent:

Abstain:

Motion Carried.

7. Approval to draft RFP for mowing

Town Manager Greg Jones stated that we need to develop a RFP to contract some of our mowing duties out this year. Council Member Cassell asked if brush removal will be included? Town Manager Greg Jones stated that we can but may have to make it a separate issue and see what type of response we get. Council Member Cassell stated that will either need to put the brush removal out for bid or purchase equipment to take care of it, such as a chipper. Council Member Ross asked if this would cover the whole Town of Gate City during mowing season? Town Manager Greg Jones stated yes. Council Member Ross asked if the contract will cover rainy seasons? Town Manager Greg Jones stated that we will need to work on those details.

Motion made to approve to advertise for a RFP for mowing for the Town of Gate City during summer months with brush removal.

Motion by: Allan "Cotton" Roberts

2nd by: Roger Cassell

VOTE: Aye: 5
Nay:
Absent:
Abstain:

Motion Carried.

8. User Agreement Form – Apple iPad Computers

Town Manager Greg Jones stated that the 10 iPads have arrived and Town Attorney Michele Brooks developed the user agreement form and once it is approved and signed, we will start distributing the iPads. Town Attorney Michele Brooks stated that we will put the model# of the iPad for each person on this agreement as well.

Motion made to approve the presented form for the iPad Policy and User Agreement.

Motion by: Robin Richards
2nd by: Allan “Cotton” Roberts

VOTE: Aye: 5
Nay:
Absent:
Abstain:

Motion Carried.

9. Approval: Interview Committee, Engineering Firm Procurement Recommendation

Town Manager Greg Jones stated that the interview committee, Council Members Roger Cassell and Tyler Kilgore, have created a short list of the engineering firms and from that short list we have interviewed three of the firms and through that ranking, Mattern & Craig turned out on top by quite a bit. Town Manager Greg Jones recommended on behalf of the interview committee that Mattern & Craig continue engineering services for the Town for a two year contract. Council Member Ross asked how many firms came forward? Town Manager Greg Jones stated that he believes there were 7 and 3 were short listed and interviewed.

Motion made to offer contract to Mattern & Craig for engineering firm services for a length of two years.

Motion by: Roger Cassell
2nd by: Tyler Kilgore

VOTE: Aye: 5
Nay:
Absent:
Abstain:

Motion Carried.

10. Council Appointment: Courthouse Facilities Committee

Town Manager Greg Jones stated that the county has informed us that we need to have someone representing the Town of Gate City on the Courthouse Facilities Committee and they need to know by their March Board of Supervisors meeting. Council Member Wallace W. Ross, Jr. asked what are the duties of this committee? Town Manager Greg Jones stated that he believes they are a committee formed to oversee the rehabilitation and restoration of the courthouse. Mayor Richards asked Council Member Ross if he would be willing to serve on this committee? Council Member Ross stated that he could.

Motion made to nominate Council Member Wallace W. Ross, Jr. to serve on the Courthouse Facilities Committee.

Motion by: Allan “Cotton” Roberts
2nd by: Roger Cassell

VOTE: Aye: 5
Nay:
Absent:
Abstain:

Motion Carried.

XIV. PUBLIC COMMENT – NEW BUSINESS - NONE

XV. CLOSED SESSION

Motion made for Council to enter into closed session to discuss 1.) Legal issues concerning the proposal by the Acting Commonwealth Attorney and 2.) Gate City Theater

Motion by: Allan "Cotton" Roberts

2nd by: Tyler Kilgore

VOTE: Aye: 5

Nay:

Absent:

Abstain:

Motion Carried.

Mayor Richards opened the closed session at 8:12 P.M.

Acting Commonwealth Attorney Daniel E. Fellhauer and Jessica Keith were asked to enter the closed session at 8:32 P.M. and returned at 8:35 P.M.

XVI. RETURN FROM CLOSED SESSION

Motion made for Council to return from closed session.

Motion by: Allan "Cotton" Roberts

2nd by: Tyler Kilgore

VOTE: Aye: 5

Nay:

Absent:

Abstain:

Motion Carried.

Council returned from closed session at 8:55 P.M.

CERTIFICATION OF CLOSED MEETING – Read by: Town Attorney Michele Brooks

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.

ROLL CALL VOTE: Aye: Mayor, Bob Richards
Vice Mayor, Robin Richards
Council Member, Allan "Cotton" Roberts
Council Member, Roger Cassell
Council Member, Wallace W. Ross, Jr.
Council Member, Tyler Kilgore

Nay:

Absent:

Abstain:

Motion Carried.

XVII. MOTIONS FROM CLOSED SESSION:

1. Daniel E. Fellhauer, Acting Commonwealth Attorney: Town of Gate City Misdemeanor Cases Agreement

Motion made to accept the Acting Commonwealth Attorney’s proposal with the understanding that the amount will be \$1,500 for a 6 month period of time due to budget constraints and a written memorandum of understanding will be given to the Town.

Motion by: Allan “Cotton” Roberts

2nd by: Tyler Kilgore

VOTE: Aye: 4

Nay: 1

Absent:

Abstain:

Motion Carried.

XVIII. ADJOURN

Motion made to adjourn.

Motion by: Allan “Cotton” Roberts

2nd by: Robin Richards

VOTE: Aye: 5

Nay:

Absent:

Abstain:

Motion Carried.

*Mayor Richards adjourned the meeting at 9:58 P.M., until the next scheduled Council Meeting on March 9, 2021.

Bob Richards – Mayor

Lydia Morales - Town Clerk