



***GATE CITY TOWN COUNCIL MINUTES  
MARCH 12, 2013  
156 E. JACKSON ST.  
6:30 PM***

**PUBLIC HEARING:**

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROPOSAL  
FOR THE COURTHOUSE HILL HOUSING REHABILITATION PROJECT**

I. Mayor, Frances Perry called Public Hearing to order at P.M.

II. **ROLL CALL** Town Clerk, Kathy Riley

Present : Mayor, Frances Perry  
Vice Mayor, Allan "Cotton" Roberts  
Council Member, Roger Cassell  
Council Member, Robin Richards  
Council Member, Wallace W. Ross, Jr.  
Council Member, Walter Salyers

Others present: Town Attorney, Michele Brooks, Frank Kibler, Debbie Kindle

III. **NEW BUSINESS**

- **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROPOSAL FOR THE  
COURTHOUSE HILL HOUSING REHABILITATION PROJECT**

IV. **PUBLIC COMMENT**

**Frank Kibler, Representative from LENOWISCO** – Discusses:

- The planning of the grant
- Identifying the area with a construction grant
- Possibility of 3 to 4 projects over a period of time
- The map and other areas
- Eleven property owners expressed interest with one property to be a demolition
- The submission of the grant for \$319,150
- An obligation from the Town to donate \$15,000 to go towards the demolition of the building if the Council adopts the resolution.

- Reason why this area was defined and there is no guarantee it will get funded
- The loans and grant were explained to residents and repayment of the loans depended on the homeowner's income and ability to pay.

**Council Member, W. W. Ross** – Expressed his dissatisfaction of the meetings with failed communication regarding answers to questions, the meetings were misleading and distrustful and his desire to have another meeting with the residents.

There was additional conversation held between **Council Member, W. W. Ross, Jr.** and **Mayor F. Perry** with **Council Member, W. W. Ross, Jr.** discussing the Court House Hill project and saying that he felt the community was dissatisfied. He felt that the communication between the community and this organization was not addressed correctly and that publication was not held.

**Council Member, R. Cassell** – Questioned if the Town could tear the building down.

**Close Public Comment at 7:13 P.M.**

**V. Public Hearing closes at 7:13 P.M.**

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Mayor Frances Perry

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Town Clerk, Kathy Riley

**PUBLIC HEARING:**

**REPEAL ORDINANCE SECTION 13.10.2, TWO HOUR PARKING ZONES, OF THE  
GATE CITY TOWN CODE**

I. Mayor, Frances Perry called Public Hearing to order at 7:14 P.M.

II. **ROLL CALL** Town Clerk, Kathy Riley

Present : Mayor, Frances Perry  
Vice Mayor, Allan "Cotton" Roberts  
Council Member, Roger Cassell  
Council Member, Robin Richards  
Council Member, Wallace W. Ross, Jr.  
Council Member, Walter Salyers

Others present: Town Attorney, Michele Brooks, Debbie Kindle

III. **NEW BUSINESS**

**REPEAL ORDINANCE SECTION 13.10.2, TWO HOUR PARKING ZONES, OF THE  
GATE CITY TOWN CODE.**

IV **PUBLIC COMMENT - None**

**Close Public Comment at 7:15 P.M.**

V. **Public Hearing closes at 7:15 P.M.**

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Mayor Frances Perry

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Town Clerk, Kathy Riley

**GATE CITY TOWN COUNCIL MEETING**

**I. COUNCIL MEETING CALLED TO ORDER AT 7:20 P.M. BY: Mayor - Frances Perry**

**II. ROLL CALL – Town Clerk - Kathy Riley**

PRESENT: Mayor, Frances Perry  
Vice Mayor, Allan “Cotton” Roberts  
Council Member, Roger Cassell  
Council Member, Robin Richards  
Council Member, Wallace W. Ross, Jr.  
Council Member, Walter Salyers

**Others present:** Town Attorney, Michele Brooks, Chuck and Arletha Newton, Brad Simmons, Randy Lane, Debbie Kindle, Edwin Deyton

**III. INVOCATION - Odell Beauchamp**

**IV. PLEDGE OF ALLEGIANCE** Sergeant of Arms, Chuck Newton

**V. APPROVAL OF AGENDA**

**Motion made to approve the agenda with the one addition.**

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Council Member, W. Salyers

VOTE:	Yeas,	5
	Nays,	0
	Absent,	0
	Abstain,	0

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

- **Jack Hinshelwood, Administrator of the Crooked Road about the resolution concerning the National Heritage Area.** – Strike, unable to attend.
- **Representative from Farm Bureau – Jerry Spraker** – Discussed Farm Credit’s stance of opposition on the Resolution for the Crooked Road Proposed Designation as a National Heritage Area and provides the reasons why. He closes with his request for the Council to oppose the Resolution.

**Mayor Perry** – Reads excerpt of letter from Mr. Hinshelwood of their intent to defer from making additional presentations to localities so that the Virginia Farm Bureau has an opportunity to respond to our meeting request.

**VII. APPROVAL OF MINUTES**

**Mayor Perry** - Are there any corrections to the minutes for the **Town Council Meeting** of February 12, 2013 as presented? **Mayor Perry declares the minutes approved as presented.**

**VIII. APPROVAL OF PAYMENTS**

**Motion made for approval for payment of bills for February, 2013**

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, R. Cassell

VOTE: Yeas,	5
Nays,	0
Absent,	0
Abstain,	0

**IX. PUBLIC COMMENT –**

**Brad Simmons, Central Builders and Cherokee Construction** – We are the company that put the water line back in the summer, early fall. After speaking with Andy from Vaughn and Melton, the last pay application less retain age has gone through and asks if it has been signed and sent to VDH with **Mayor Perry** replying yes. Asks if they know what their payment schedule looks like with **Town Attorney, M. Brooks** stating she understood it to have been preapproved it and should be fairly quick and will notify him when she hears anything. Questions the shortfall and what progress has been made regarding the additional monies for the shortfall with Town Attorney, M. Brooks stating she cannot comment on that unless instructed to do so, but we're working on that.

**Vice Mayor, A. Roberts** asks if some of the critical items be moved up on Unfinished Business because he has to leave due to another engagement he needs to attend.

**Motion made to move to Unfinished Business items before moving to Reports.**

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by: Council Member, R. Cassell

VOTE: Yeas,	5
Nays,	0
Absent,	0
Abstain,	0

**Mayor Perry** closed the public comment session at 8:13 P.M. and opened the consent agenda session.

**X. COMMUNICATIONS - None**

**XI. REPORTS**

**A. Engineer's Status Report –**

**Edwin Deyton** – Representative from Vaughn and Melton discusses:

- Four active VDH projects
- Phase 3 water improvement for Moccasin Hills community and having to pull out due to environmental road issues
- VDH's request the town to reapply for the Moccasin Hills project under a separate package, to have Council's concurrence to formally withdraw the 2011 loan package and approval from Council to move forward with a new funding application to the VDH to try to meet the same needs for the Moccasin Hills community as before

**Council Member, R. Cassell** – Questions if we have a good chance, would terms be the same, and the budget would need to prepare for this.

**Council Member, R. Richards** – Questions who is responsible for withdrawing.

**Edwin Deyton** – Responds to R. Cassell and R. Richards questions that VDH scores grant applications on need, the town would need to send a letter to F-CAP with their assistance, there is no guarantee of approval and terms would be the same and discusses folding Engineering costs from the current design into the new project.

**Council Member, R. Cassell** – Questions is the state would pay for engineering costs for that project or is it an all or nothing grant.

**Edwin Deyton** – Responds no. He asked the state if they would be obligated to pay some of that money and their response was no, the contract is not with the state of Virginia.

**Town Attorney, M. Brooks** – Asks Mr. Deyton Vaughn and Melton's position to hopefully reapplying and putting your engineering costs, what is your position on those costs in the meantime

**Edwin Deyton** – Explains it is a cash flow issue with Vaughn and Melton, with over \$60,000 being held up, it would be helpful to recover that cost if a little bit a month and his VP is very concerned about it.

**Council Member, R. Cassell** – States, if he read it right, we owe Vaughn and Melton \$100,000, \$60,000 on one project and \$40,000 on the other, and you would like to see payments made? They need to understand because he and Walter (Salyers) are preparing for the budget.

**Edwin Deyton** – States willing to work with the town in getting some payment now and rolling the other payment into a future application. He continues discussing:

- Hydraulic Energy Efficient Enhancement system (HEEE) with the state issuing a go to bid letter last week
- Explains what the project entails with the Water Plant
- Minor change on the project to reduce costs and will need to receive approval before advertising
- Explains next steps if given the okay to proceed with a possible June start date and Vaughn and Melton has about \$60,000 in labor that has been paid already

**Town Clerk, K. Riley** – Asks if this project (HEEE) is part of the replacement of new meters with Mr. Deyton replying yes.

**Council Member, R. Cassell** – Questions if what Andy said of the placement of two inch meters would have been placed under the HEEE project would be charged back toward the HEEE project to recoup part of that cost with Mr. Deyton stating he would check on that.

**Town Attorney, M. Brooks** – States it was about \$9,000.

**Edwin Deyton** – Suggest Utility Management Group to come and review the town needs.

## **B. Treasurer's Report –**

**Council Member, W. W. Ross, Jr.** – Questions Jeremy Keller’s last day and receipt of checks.

**Mayor Perry** – Refers him to Chris Edwards, Treasurer, for answers.

**C. Codification Committee/Property Maintenance – None**

**D. Police Department Report –**

**Chief Birchfield** thanks Council in their decision regarding their new location, invites the Council to come see it, will have some minor construction going on soon.

**Mayor Perry** – Discusses the recent press release and reminds the Chief not to do any alterations yet, the lease is not signed.

**Council Member, R. Cassell** – Questioned who will pay for the alterations with **Mayor Perry** responding it is in discussion and that is the reason it has not be signed yet.

**E. Council Reports –**

**Council Member, W. Salyers** – None

**Mayor Perry** – Is working on recruiting another member of the Building Board of Zoning Appeals.

**Council Member, R. Richards** – Questions Chief Birchfield:

- Costs of Brett Harmon, Auxiliary Officer, attending Police Academy
- Any contracts for reimbursement, with Auxiliary Officers, if the go to the academy then leave for a job in Kingsport
- When finished with the academy, is when they attend Walter State

**Chief Birchfield** – Responds:

- Town pays a yearly training fee for each officer to attend the academy
- There is no contract because auxiliary officers are not paid and not paying the academy fee of \$4,000.
- Explains the class for state of Virginia is at Walter State and is part of the full academy, no additional costs.

**Council Member, R. Cassell** – Discusses:

- Complaints received regarding the servicing of police cruisers being done out of state and not being serviced by in-town businesses with Council Member, R. Richards confirming citizen’s dissatisfaction.

**Chief Birchfield** – Responds requests for bids were provided to in town service facilities, Fairway and Ramey Ford with only Ramey Ford providing bid prices. Informed Council the town was paying 2-3 times more the amount for work performed. Explains he takes a vehicle home, so when he has that vehicle to take for service, he drives that vehicle so it’s the same amount of gas and same vehicle.

**Council Member, R. Cassell** – Discusses:

- July, 2012, Council minutes a motion was made to review allowing the Chief to continue driving a police vehicle home for the next fiscal year.

- Gasoline costs of an eight month period of officers patrolling, compared to usage of Chief Birchfield's of \$2,859 to drive back and forth to Elizabethton.
- Wear and tear on vehicle within next year and explains SCTC and AEP stopping employees taking vehicles home due to fuel costs
- A suggestion received of all officers stop driving police vehicles home with exception of Adam due to the dog
- Not being good stewards of tax payer money by spending almost \$3,000 in fuel costs to drive back and forth to Elizabethton in an eight month period
- Chief Birchfield's request for a new 4-wheel drive vehicle
- Budget restraints and wearing out only 4-wheel drive we have

**Chief Birchfield** – Responds:

- He is looking into a good used 4-wheel drive if we can't get a new one with **Council Member, R. Cassell** stating he didn't know if they could even do that.
- Informs Council he was told by the Mayor, who was acting Town Manager, that was the Department's head car, and he was to take it home. It was part of my package and fuel was part of it.

**Council Member, R. Cassell** Responds when it was discussed, that was not part of any discussion on the package, we were told it was a misunderstanding on your part on salary and the former Town Manager authorized it.

**Chief Birchfield** responded between the two of them, that is what he was told.

**Further discussion ensued regarding complaints on out of town work on cruisers.**

**Council Member, R. Cassell** – Questioned when they plan to review the officers taking police cruisers home, during the budget process with Council Member, R. Richards stating she would think so. He requests Chris Edwards, Treasurer, be in attendance of the Budget Workshop.

**Motion made to amend the agenda to add Budget Workshop under new business.**

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by Council Member, W. Salyers

Vote:	Yeas,	4
	Nays,	0
	Absent,	1-A. Roberts
	Abstain,	0

**F. Economic Development Committee – None**

**G. Historical Committee – None**

**H. Manager-**

**Mayor, Perry** – Discusses an email from Jeremy regarding his attendance of the Scott County Board of Supervisor meeting regarding a proposed Ordinance for meth lab cleanup that we need to look at.

**Town Attorney, M. Brooks** – States she has not looked at it, but if the County has passed it, if she is correct, almost everything we would do we would charge under the state code when dealing with a meth lab.



**Chief Birchfield** – Replies if we are the first on the scene, accepting responsibility for the call, that it will be billed to us. He asked if we could find out for sure on this with Town Attorney, M. Brooks stating she would check it.

**Mayor Perry** – States there would be no problem of the town adopting an Ordinance of our own that would cover us and wants to look into that.

**I. Park Committee – None**

**J. Planning Commission –**

**Council Member, R. Cassell** – Received some good ideas and Jo Ann will try to prioritize and present it to the April Council Meeting. Have received the final copy of King Ford property with Town Attorney, M. Brooks stating it will have to make its way up the chain in Richmond.

**K. Public Works – None**

**M. Sanitation Authority – None**

**L. Street Commission –**

**Council Member, R. Cassell** – Discusses response from VDOT regarding parallel parking spots in front of Williams Heating and Cooling. VDOT sent a representative to look at it with the following suggestions; paint 2-3 parallel parking spaces in front of the business or place no parking signs in front of the business and have vehicles to park in the side lot. States there is enough space to parallel park a vehicle to avoid being parked on the sidewalk and still have room to open vehicle door. It will be close, but need to be careful when opening vehicle door. Will speak to Tim Williams and will check with Stoney regarding painting of lines. Questions enforcement, will officers provide a warning to start with or write tickets?

**M. Safety Committee - None**

**N. Water Plant – None**

**XII. UNFINISHED BUSINESS**

- **Business Licenses**

**Town Attorney, M. Brooks** – She is working on an Ordinance for Council for modification to resent to the Codification Committee. Should have it by the next meeting and will forward to you if completed before then.

- **Brad Simmons – Water Project Shortfall** – Moved to Public Comment

- **Brush Pick-Up Proposal**

**Vice Mayor, A. Roberts** – Suggests waiting until Town Manager is hired to communicate better with the employees. Item was tabled until a Town Manager is in place.

- **Veolia Water** – Unable to attend. Will place on the agenda when they notify Council Member, W. Salyers, of when then can attend.

- **Decision on Safety Manual** –

**Motion made to adopt the Safety Manual with the addition of contact numbers to be added to make it complete.**

Motion by: Council Member, W.W. Ross, Jr. 2<sup>nd</sup> by: Vice Mayor, A. Roberts

VOTE:	Yeas,	5
	Nays,	0
	Absent,	0
	Abstain	0

- **Splash Pad** –

Discussion ensued between Council regarding size, quotes, funding, contributions, alternative location, and flooding concerns. Item was tabled until notified by Mayor Perry to place on agenda.

- **Decision on Purchase of I-Pads**

**Council Member, R. Cassell** – Discusses:

- I-pads versus Kindles, size capacity, price per units, cell service, options, total price, and the availability of money in budget.
- Chris Edwards, Treasurer, concern regarding Council understanding how to use, with **Council Member, R. Richards** asking who will train us on its use.
- Availability of having information saved to unit to be able to review during meetings by Council.

**Item was tabled until next Council Meeting.**

- **Proposed Solution for Water Project Overage** – Move this item to closed session.
- **Resolution for the Crooked Road Proposed Designation as a National Heritage Area**

This item was tabled until notified by Mayor Perry to place on the agenda.

- **Decision to REPEAL Ordinance Section 13.10.2, Two Hour Parking Zones of the Gate City Town Code.**

**Motion made to repeal the two hour parking ordinance.**

Motion by: Vice Mayor, A. Roberts 2<sup>nd</sup> by: Council Member, R. Cassell

VOTE:	Yeas,	5
	Nays,	0
	Absent,	0
	Abstain,	0

Vice-Mayor, A. Roberts leaves the meeting at 8:18 p.m.

**XIII. NEW BUSINESS**

- **Decision regarding the CDBG Courthouse Hill Housing Rehabilitation Project Resolution**  
**Motion made to pass the resolution in support for the CDBG grant.**

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Council Member, W. Salyers

Yeas,	3
Nays,	1-W.W. Ross, Jr.
Absent,	1-A. Roberts
Abstain,	0

- **Budget Workshop** –

**Motion made to schedule a Workshop for Budget on Monday, April 22, 2013 at 5:30 p.m.**

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Council Member, W. Salyers

VOTE: Yeas,	4
Nays,	0
Absent,	1-A. Roberts
Abstain	0

**Council Member, R. Cassell** – Asks if you have something to add to the agenda, can a Council Member place something on the agenda by notifying the Town Clerk with Mayor Perry stating if you have something to go on the agenda, contact the Town Clerk to add it.

**XIV. PUBLIC COMMENT – NEW BUSINESS - None**

Mayor Perry closed the public comment session for new business at 8:30 P.M. and opened the consent agenda session. Move meeting to Reports.

**XV. CLOSED SESSION**

**Motion made for Council to enter into closed session to discuss legal and personnel issues.**

Motion by: Council Member, R. Richards 2<sup>nd</sup> by: Council Member, W. Salyers

VOTE: Yeas,	4
Nays,	0
Absent,	1-A. Roberts
Abstain,	0

Mayor Perry opened the closed session at 9:40 P.M.

**XVI. RETURN FROM CLOSED SESSION**

Council returned from closed session at 10:33 P.M.

Motion made for Council to return from closed session.

Motion by: Council Member, R. Richards 2<sup>nd</sup> by: Council Member, W. Salyers

VOTE: Yeas,	4
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Nays,	0
Absent,	1-A. Roberts
Abstain,	0

**CERTIFICATION OF CLOSED MEETING – Read by: 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.

VOTE: Yeas,	5
Nays,	0
Absent,	1-A. Roberts
Abstain,	0

**XVII. MOTIONS FROM CLOSED SESSION: No motions coming out of closed session.**

**XVIII. ADJOURN**

Motion made to adjourn.

Motion by: Council Member, R. Richards 2<sup>nd</sup> by: Council Member, R. Cassell

VOTE: Yeas,	4
Nays,	0
Absent,	1-A. Roberts
Abstain,	0

\*Mayor Perry adjourned the meeting at 10:38 P.M., until the next regularly scheduled Council Meeting on April 9, 2013, at 6:30 P.M.

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Frances Perry – Mayor

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Kathy Riley – Town Clerk

**RESOLUTION IN SUPPORT OF  
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION  
COURTHOUSE HILL HOUSING REHABILITATION**

**WHEREAS**, the Town of Gate City, Virginia, wishes to apply for \$319,150 in Virginia Community Development Block Grant (VCDBG) funds for the "Courthouse Hill Housing Rehabilitation" project; and

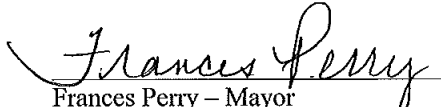
**WHEREAS**, anticipated funding from other sources, identified in the application, will provide the balance of the total project cost of \$345,830; and

**WHEREAS**, citizen participation requirements have been met through two duly advertised public hearings; and

**WHEREAS**, the project will meet the VCDBG National Objective of providing benefit to low- or moderate-income (LMI) persons by providing housing rehabilitation services to eleven (11) households, all of whom are LMI households.

**NOW, THEREFORE BE IT RESOLVED** by the Gate City Town Council that the Mayor of the Town of Gate City is hereby authorized to sign and submit any and all appropriate documents relevant to this Virginia Community Development Block Grant proposal.

Adopted this 12<sup>th</sup> day of March, 2013.

  
\_\_\_\_\_  
Frances Perry – Mayor

Attest:

  
\_\_\_\_\_  
Kathy Riley – Town Clerk