



**Town Council Meeting
9-Mar-10
156 E. Jackson Street**

Mayor, Mark Jenkins opened the meeting at 6:00 PM

Invocation

Prayer was led by Emmitt Wilson

Pledge of Allegiance

Pledge of Allegiance was done by Sergeant of Arms, Chuck Newton

*** PUBLIC HEARING ON AMENDING CHAPTER 1, GENERAL PROVISIONS OF THE GATE CITY TOWN CODE**

Council Present: Mayor, Mark Jenkins; Vice Mayor, Rita Tipton; Council Member, Cindy Coates; Council Member, Ashley Jenkins; Council Member, Frances Perry; Council Member, Tommy Herron; Town Attorney, Mike Carrico

Others Present: Debbie Kindle, Ron Kindle, Barbara Reed, Benny Reed, Chuck Newton, Jerletha Newton, Billy McClellan, Lisa McCarty, Tommy Quillen, Brenda Dishner, Andy Miles, Daris Hartsock, Nell Hartsock, Shelby Castle, Rita Ramey, Michael Ramey, Greg Carter, Roger Brooks, (?), Wallace Ross Jr., Spencer Howe, Jon McConnell

Mayor Mark Jenkins called the Public Hearing to order at 6:02PM

Mark states that the public hearing is on amending the General Provisions of the Gate City Town Code and gives the Section Numbers: 1.1; 1.2; 1.3; 1.4; 1.5; 1.6; 1.7; 1.8 ;1.9

No public comment was given.

The Public Hearing closed at 6:06 PM

*** PUBLIC HEARING ON AMENDING SECTION 2.51 OF THE GATE CITY TOWN CODE**

Council Present: Mayor, Mark Jenkins; Vice Mayor, Rita Tipton; Council Member, Cindy Coates; Council Member, Ashley Jenkins; Council Member, Frances Perry; Council Member, Tommy Herron; Town Attorney, Mike Carrico

Others Present: Debbie Kindle, Ron Kindle, Barbara Reed, Benny Reed, Chuck Newton, Jerletha Newton, Billy

McClellan, Lisa McCarty, Tommy Quillen, Brenda Dishner, Andy Miles, Daris Hartsock, Nell Hartsock, Shelby Castle, Rita Ramey, Michael Ramey, Greg Carter, Roger Brooks, (?), Wallace Ross Jr., Spencer Howe, Jon McConnell

Mayor, Mark Jenkins called the Public Hearing to order at 6:06 PM

Mark states that this deals with Section 2.51 of the Ordinances. He states the original reads: A Penalty of five percent will be charged on taxes not paid by the fifth day of December of the year in which such taxes are levied or assessed. The amended text reads: A penalty of five percent will be charged on taxes not paid by the 20th day of December of the year in which such taxes are levied or assessed. If the twentieth day of December is on a weekend or official holiday then penalty will begin on the next business day.

No public comment given.

The Public Hearing closed at 6:08 PM

*** PUBLIC HEARING ON AMENDING SECTION 6.1 OF THE GATE CITY TOWN CODE**

Council Present: Mayor, Mark Jenkins; Vice Mayor, Rita Tipton; Council Member, Cindy Coates; Council Member, Ashley Jenkins; Council Member, Frances Perry; Council Member, Tommy Herron; Town Attorney, Mike Carrico

Others Present: Debbie Kindle, Ron Kindle, Barbara Reed, Benny Reed, Chuck Newton, Jerletha Newton, Billy McClellan, Lisa McCarty, Tommy Quillen, Brenda Dishner, Andy Miles, Daris Hartsock, Nell Hartsock, Shelby Castle, Rita Ramey, Michael Ramey, Greg Carter, Roger Brooks, (?), Wallace Ross Jr., Spencer Howe, Jon McConnell

Mayor, Mark Jenkins called the Public Hearing to order at 6:08 PM

Mark states that the original reads: (a) There is hereby levied a tax of fifteen cents of each one hundred dollars of assessed value of all real estate and improvements thereon. (b) A penalty of 5 percent and 10 percent interest will be added if not paid by due date. The Amended text reads: (a) There is hereby levied a tax of thirty-three cents of each one hundred dollars of assessed value of all real estate and improvements thereon. (b) Penalties and interest after the due date shall be as stated in section 2.51.

Public comment: Richard Hubbard says that this is not a new tax levy. We are amending the original text not raising the tax.

The Public Hearing closed at 6:10

*** PUBLIC HEARING ON RENUMBERING 11.29, BANK FRANCHISE TAX TO 6.2; MOVING SECTION 14.11, TRASH AND GARBAGE, TO CHAPTER 9, GARBAGE AND REFUSE; 14.13, INOPERATIVE MOTOR VEHICLES, TO 13.5, ABANDONED AND INOPERATIVE VEHICLES; 11.30, ITINERANT**

FLEA AND SELLERS MARKET VENDORS, AND 11.31 PROHIBITED SELLING ON STREETS, BYWAYS, ALLEYS, THOROUGHFARES, SIDEWALKS, PUBLIC PARKING LOTS OR RIGHT OF WAYS TO CHAPTER 18, SOLICITORS AND PEDDLERS

Council Present: Mayor, Mark Jenkins; Vice Mayor, Rita Tipton; Council Member, Cindy Coates; Council Member, Ashley Jenkins; Council Member, Frances Perry; Council Member, Tommy Herron; Town Attorney, Mike Carrico

Others Present: Debbie Kindle, Ron Kindle, Barbara Reed, Benny Reed, Chuck Newton, Jerletha Newton, Billy McClellan, Lisa McCarty, Tommy Quillen, Brenda Dishner, Andy Miles, Daris Hartsock, Nell Hartsock, Shelby Castle, Rita Ramey, Michael Ramey, Greg Carter, Roger Brooks, (?), Wallace Ross Jr., Spencer Howe, Jon McConnell

Mayor, Mark Jenkins called the Public Hearing to order at 6:10 PM

Mark states that this Ordinance is to renumber sections of the Gate City Town Code. The changes are 11.29 Bank Franchise Tax to 6.2; 14.11 Trash and Garbage to 9.12; 14.13 Inoperative Motor Vehicles to 13.5; 11.30 Itinerant Flea and sellers Market Vendors to 18.8; and 11.31 Prohibited Selling on Streets, Byways, Alleys, Thoroughfares, Sidewalks, Public Parking Lots or Right of Ways to 18.9.

Public comment: Tommy Quillen asks if this is saying that merchants can't put things on the sidewalk for sale. Richard Hubbard states that Chapter 18 has to do with door to door selling and that the Sidewalk Ordinance had already been passed in August.

The Public Hearing closed at 6:13 PM

*** PUBLIC HEARING ON AMENDING SECTION 15.14 OF THE GATE CITY TOWN CODE**

Council Present: Mayor, Mark Jenkins; Vice Mayor, Rita Tipton; Council Member, Cindy Coates; Council Member, Ashley Jenkins; Council Member, Frances Perry; Council Member, Tommy Herron; Town Attorney, Mike Carrico

Others Present: Debbie Kindle, Ron Kindle, Barbara Reed, Benny Reed, Chuck Newton, Jerletha Newton, Billy McClellan, Lisa McCarty, Tommy Quillen, Brenda Dishner, Andy Miles, Daris Hartsock, Nell Hartsock, Shelby Castle, Rita Ramey, Michael Ramey, Greg Carter, Roger Brooks, (?), Wallace Ross Jr., Spencer Howe, Jon McConnell

Mayor, Mark Jenkins called the Public Hearing to order at 6:13 PM

Mark reads Ordinance section 15.14 of the Gate City Town Code. He states the original reads: It shall be unlawful for any person to discharge or set off in any street or alley in the town any gun powder or explosive or combustible or dangerous material, without a permit from the mayor. The amended text reads: It shall be unlawful for any person to discharge or set off in any street or alley in the town any gun powder or explosive or combustible or dangerous material, without a permit from the town.

No public comment given

The Public Hearing closed at 6:14PM

*** PUBLIC HEARING ON AMENDING CHAPTER 13, MOTOR VEHICLES AND TRAFFIC OF THE GATE CITY TOWN CODE**

Council Present: Mayor, Mark Jenkins; Vice Mayor, Rita Tipton; Council Member, Cindy Coates; Council Member, Ashley Jenkins; Council Member, Frances Perry; Council Member, Tommy Herron; Town Attorney, Mike Carrico

Others Present: Debbie Kindle, Ron Kindle, Barbara Reed, Benny Reed, Chuck Newton, Jerletha Newton, Billy McClellan, Lisa McCarty, Tommy Quillen, Brenda Dishner, Andy Miles, Daris Hartsock, Nell Hartsock, Shelby Castle, Rita Ramey, Michael Ramey, Greg Carter, Roger Brooks, (?), Wallace Ross Jr., Spencer Howe, Jon McConnell

Mark Jenkins called the Public Hearing to order at 6:14 PM

Mark asks Richard Hubbard to summarize this ordinance.

Richard Hubbard states that he has been working with the Police Chief and officers on the Parking Ordinance. It was given to council and the attorney to review. One change, assuming that the renumbering takes places, is that the inoperative vehicles ordinance would be moved to this section. One change was to add to the handicap parking that curb side and grade level markings would be in blue paint. Otherwise it should be the same ordinance that council has reviewed. Before this ordinance can be fully enforced, above grade signs for handicap parking and no parking would need to be placed, parking spaces would have to be numbered and possibly place additional signage.

No public comment

The Public Hearing closed at 6:16 PM

I. CALL TO ORDER

Mayor, Mark Jenkins opened the Town Council Meeting at 6:16PM

II. Roll Call

Town Clerk, Angel Parker conducted roll call and the following members were present:

| Present | Absent |
|--------------------------------|---------------|
| Council Member, Cindy Coates | none |
| Council Member, Tommy Herron | |
| Council Member, Ashley Jenkins | |
| Council Member, Frances Perry | |

Vice Mayor, Rita Tipton

Others Present: Debbie Kindle, Ron Kindle, Barbara Reed, Benny Reed, Chuck Newton, Jerletha Newton, Billy McClellan, Lisa McCarty, Tommy Quillen, Brenda Dishner, Andy Miles, Daris Hartsock, Nell Hartsock, Shelby Castle, Rita Ramey, Michael Ramey, Greg Carter, Roger Brooks, (?), Wallace Ross Jr., Spencer Howe, Jon McConnell

III. Proclamations, Congratulatory Resolutions, Awards, Appointments, Resignations, and Confirmations, Administration of Oaths and Introduction of Guest

None

IV. Communications

None

V. Reports

Council Reports:

None

Codification Committee/ Property Maintenance:

Richard Hubbard stated that the Attorney, Greg Baker could not be here tonight and has some concerns he would like to address with the council with the Town Manager present. He would like for council to recess this meeting for next week. One item is the consent agreements for people have asked for extensions, which would include George Howard and Mark Chapman at this time. They asked for an extension for a certain length of time to accomplish certain tasks. Richard states that he spoke with Mark Chapman and he is asking for a delay until May 1, 2010 to begin work, 90 days to accomplish the work. He has not spoken with George Howard, Steve has spoke to him on the phone but he has been out of the office since that time. We are having trouble filling Gate City's Appeals Boards. There is a provision where the town can enter into an agreement with another municipality or county to fill the BBCA and BZA. With the BBCA there are different options to persue, you can modifying the agreement with Scott County that already allows them to hear part 1 appeals to part 2 appeals or you can go out of the county. With the BZA, the County has decided that until the new BZA fully takes effect they did not want to enter into any joint agreements so you would have to use another municipality or county for that.

Economic Development Committee:

Council Member, Cindy Coates said that the Committee did not have a meeting this because of the Workshop meeting that was held. She states that they are still working on the Music Shelter for the Park.

Engineer's Status Report:

Town Engineer, Andy Miles stated that the Clearwell cross connection at the Water Plant is now

eliminated. Water Street improvements - the right of way entry application with Norfolk Southern Railroad got turned in, and from recent correspondence they will issue the permit. We are waiting for the permit to come through. Regional Water Main upgrades - one plan is from the water plant up by the High School to Kane Street, and that is replacing the 8 inch line to a 12 inch line. This plan has been approved and cleared, and we should be getting some information from the Health Department to start the loan closing process so we can get this out to get bid. With the next Phase, we heard from the State that we did make the cut, they made an additional offer of funding for that project and that goes from Kane St. up to Jackson St. replacing the 8 inch with the 12 inch. The Health Department is giving the Town to the 15th of this month to see if we want to accept the offer. Andy does recommend for the Town to do this. From the workshop meeting that we had, the next grant/loan applications is coming up in April, that is for the Health Department Drinking Water State Revolving fund. He states to resubmit the applications that we didn't get the funding for last year. With the Stimulus Act, 20% of the funds go toward energy and hydraulic efficiency. He suggests to put in applications for radio read meters to replace the touch read meters. Sewer system improvements - We submitted an application to DEQ last month for the green project reserve money. The State Water Control Board will make the recommendations next week. This does not commit the Town to anything, this will see if it ranks high enough with the State for them to give an offer.

Façade Committee:

Council Member, Cindy Coates stated that they had met with Rob Jones on Thursday night after the workshop meeting and he updated on the progress of the facades renovations. There are 2 buildings right now and the contractors are ready to sign contracts. One is Egan Construction and the Battery Depot. Two more buildings are getting ready to go out.

Historical Committee:

Council Member, Frances Perry stated that she had gotten a reply from William and Mary on the Historical project. She is in the process of trying to gather some information that they want.

Manager:

None

Park Committee:

Vice Mayor, Rita Tipton said that the Park Expansion was completed as far as the grant is concerned. Jeff Stapleton has completed a master plan and it shows the parts of the Park extension that is complete and what is in the plans for the future. Chris has submitted the paperwork that is needed by DCR to reimburse the Town for their expense. They discussed future trail grants and will be working up a date to do clean up at the park.

Planning:

Vice Mayor, Rita Tipton stated that the planning commission had made a recommendation for the Scott County Co-Op property on Rt. 71 to not be rezoned as a C1 but to stay as R1. Parking is still a problem at Grogan Park and they will be working on it.

Police Department:

Chief of Police, Tom Smitley stated that for February they had 246 service calls, 3 arrest, 34 summons, 5 crime, 2 traffic and 1 DUI. Significant activity was in the sexual assault investigation which resulted in an arrest. Investigation to a suspicious fire on Willow St., could be possible arson. Investigation and assault at B&E and dog theft resulted in warrants being issued for the suspects arrest. With the Sue Street problem, officers are collecting information involving candidates on Sue Street, one which is firing an automatic weapon into the city limits from the county. The Clinch Manor Apartments received some damage from these shots. The individual is on notice that was doing the shooting. We hired a new part time Office Assistant and purchased a speed spy through a grant. We completed the new Officer testing to fill the vacant positions. One candidate being Pat Deskins who is currently a part time officer, and the second candidate being Mark Nash who he recommends to give an additional offer of employment during a background investigation, he is due to graduate the academy May 1st. Committee meetings were scheduled for the month of March, they are working with the Scott County Sheriffs Dept. on booking procedures and finger printing. They purchased big easy's which unlocks citizens cars. They will be using the speed spy to reduce traffic violations.

Public Works:

Mayor, Mark Jenkins says that the Public Works Crew have picked up Brush, Trash and Recycling and had a total of 56 work orders. He commends them on doing a good job.

Sanitation Authority:

Council Member, Cindy Coates states that the committee will meet tomorrow night.

Street Committee:

Council Member, Frances Perry stated that she has placed littering on the agenda.

Treasurer:

Mark Jenkins asks Cindy Coates if the type of reports that they are now receiving is what they are looking for. She reply's yes, it is what he is providing. Mark states that Chris is doing a good job.

Water Committee:

None

Water Plant:

Mark states that there is a 25.85% water loss which is excellent. There are no significant water leaks, just some small ones.

VI. Public Comment

Benny Reed states that he would like to clarify some things he said from the last meeting. He was

not questioning anyone's honesty, commitment or intelligence. He thinks the council have proved these things. The council has done some good things and have made some difficult decisions. He says that even though they have done some good things they still have basic responsibilities to tax payers. One of those things is for the Town's financial condition to be transparent. Everyone who pays taxes in this Town or has a business should be able to know the financial conditions of the Town without having to ask. He asks for the council to have the missing audits completed and have the independent auditor to present them in an advertised meeting and be sure that it is done annually. What this will do is validate what you are doing and give the Gate City Town government the credibility it deserves. Benny adds that on December 31, 2009 you were 2 years behind on the audit and another physical year will end June 30, 2010. He questions what the plans are concerning the audits. Mark Jenkins states that the audits that have been completed are available to the public. There are a few years before this Council was setting that we cannot find the audits. We have employed an auditor and an accountant to do what is required by law. All we can do is wait on the auditors to do their job. Benny Reed gave a petition to complete the audits for 2008 and 2009 to the Town Clerk. (included as attachment with the minutes)

Judy Vicars states that she is concerned with the brush pickup and logs that are sticking out that is going into the Quillen Heights Subdivision. Logs are laying around and leaves have not being cleaned up. She would like the Town at their convenience to clean this up before it gets out into the road and hits cars.

Attorney, Tom Baker comes forward to represent the Scott County Co-Op. He states that the Co-Op came to the Town to get a building permit, they were granted a permit and have thus been told that they cannot build a mixing facility at the Co-Op site. He doesn't know why the planning commission recommends to the council that it stay R1. He says that going through the history of R1/C1 land, the co-op has a commission that has come before the board several times recommending that this be a C1 property as opposed to a R1 property. He says that the Co-Op property was grandfathered in as C1 property. They are asking for the Town to issue them the permit to let them build the facility that they are asking to build. The facility generates 100 decibels when operational, the new will generate 10 decibels. It will be an indoor facility and will not be a hammermill facility like we have here in town. This will be an inside operation and the dust will be minimal, no rats, will take the pigeon problem down, and will not need the auger anymore. Will generate more economic business for the Town. The Tobacco Commission already granted money to build this facility. They are asking for the Town to issue the permit.

Ike Biggim with Top Feed Welding says that he is a builder with 37 years experience in this type of work. The noise will be minimal and this will be a new facility. There will be 2 elevators, 1 at 50ft and 1 at 30ft and this is mostly an indoor operation. There will be 5 tanks which will be 15 ft in diameter and about 25 ft tall, there will be an off loading bin for trucks to load and off load. Tom Baker submits the plan to council. He states that everything will be sealed from the top of the bins and there will be no dust. Rita Tipton asks what will not be indoors of the operation. He responds that you will see the top of the elevators, the 3 tanks which are here in town and 2

additional tanks. They will be fed from the top from the elevator. Mr. Baker states they would like for the permit to be in effect, if it doesn't go into effect we would like to come back for the R1/C1 meeting if you are going to have that. If not, they would like to get in touch with whoever is representing the Town. This is a grandfathered property, the permit from 2006 says this. Mike Carrico says the zoning map, prior to the Co-Op being built, shows R1.

Charlie Broadwater asks that if the grinding facility will be shut down and certain composites of that facility moved to the new place, this place has hammermill in it, if they are going to stop grinding all together and mix only. He asks that in the grant proposal that was submitted through the tobacco commission and approved, why is there an estimation for a hammermill. If they are not going to grind out here where is the hammermill going and what are they going to do with it.

Alex Broadwater says that there will be no hammermill and the estimate that he saw was the first estimation. This estimate was not presented to the Tobacco Commission. The true estimate that the tobacco commission granted us the grant money is not that estimate. There is no hammermill involved in the grant money. Mr. Ike Biggim states there is not a hammermill in the quote or in the moving of it.

Daris Hartsock of the Davison Subdivision states that this will effect our homes and property in a negative way. We feel that this will reduce our property values and disrupt our neighborhood. The neighborhood will be infested with rats, mice, pigeons, dust and noise. He understands there will be no augers but it looks like they unload with augers from a pit in the ground, which looks like augers to him. He says that this will be unsightly. The elevators will be taller than the trees and power lines. This takes away from view of Moccasin Valley. There is an unloading pit and it will run into the creek every time it rains. He said that he knows this is new equipment but eventually new equipment wears out. Additionally there will be more truck traffic. The proposed Co-Op project is more than just retail sales for farm and garden equipment, they are taking several materials and grinding, mixing and blending them and this is more than retail sales it is manufacturing. This should not be allowed in residential area. In 2006 when they moved out there they told us they were not going to have a hammermill with storage and mixing and they should live up to their promise. The Co-Op is getting free money and equipment, what about the other businesses. They have to buy their equipment with their profits, so they are not getting free money.

Attorney, Tom Baker says that their engineer states that there will not be the problems that Mr. Hartsock is addressing. They are just asking the Town to issue the permit that was issued at one time and not withdraw it, and if not ,they would like to speak with whoever the attorney is that involved in this matter. Mike says that his other option is not speaking to an attorney it is following the procedure that is set forth in the Town. He says he has to go before the Planning Commission and it is their recommendation of whether to or not to recommend it. We have a Planning Commission that you have to go before to do that.

Roger Brooks wants something to be done so that the audience can hear the proceedings. (The Town Clerk turns up the microphones.)

Mark Jenkins closes Public Comment.

VII. Closed Session

Motion to go into closed session for legal and personnel issues.

Motion by:

Council Member, Frances Perry

Seconded by:

Council Member, Cindy Coates

Yeas: 5

Neas: 0

Absent: 0

VIII. Entered Closed Session at

7:10 PM

IX. Return from Closed Session at

8:28 PM

Motion to Return from closed session.

Motion by:

Vice Mayor, Rita Tipton

Seconded by:

Council Member, Cindy Coates

Yeas: 5

Neas: 0

Absent: 0

Certification of Closed Meeting read by Attorney Mike Carrico

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 provision 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 conformity with Virginia law;

Now, Therefore, Be it Resolved, that the Gate City Town Council Herby 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 the certification applies and (2) only such business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Gate City Town Council.

Yeas: Council Member, Cindy Coates
Council Member, Tommy Herron
Council Member, Ashley Jenkins

Absent:

Council Member, Frances Perry

Vice Mayor, Rita Tipton

Mayor, Mark Jenkins

Neas: None

Motions coming out of closed session.

A motion to hire Mr. Nash as a Gate City Police Officer upon his completion of the Police Academy at 11.20 per hour, and to hire Pat Deskins immediately from part time to full time.

Motion by:

Council Member, Tommy Herron

Seconded by:

Vice Mayor, Rita Tipton

Yeas: 5

Neas: 0

Absent: 0

X. Approval of Payments

- * A motion to approve payment of bills for February 2010

Motion by:

Council Member, Frances Perry

Seconded by:

Council Member, Cindy Coates

Yeas: 5

Neas: 0

Absent: 0

XI. Approval of Minutes

- * A motion to approve Minutes for February 9, 2010

Motion by:

Council Member, Tommy Herron

Seconded by:

Council Member, Ashley Jenkins

Yeas: 5

Neas: 0

Absent: 0

XII. Unfinished Business

- * Hope House - has Mike received decision from Attorney General
Town Attorney, Mike Carrico states he has not heard anything yet.

- * Fire Department - Do we continue to pay their water bill or turn this over to Fire Dept.
Town Attorney, Mike Carrico states he has not heard anything yet.

* Clinch Mountain Arts and Crafts - exemption of license tax.
 Town Attorney, Mike Carrico states that the Code of Virginia 58.1 - 3703, if it is a non-profit 501c3 who has receipts from an unrelated trade or business the income which is taxable under Internal Revenue Code Section 511, that part is taxable. Because of the fact that are 501c3 they have vendors who are selling goods and the profit on those goods would be taxable therefore the Va. Code 58.1-3703 would require them to obtain a business tax. Mike says because of the vendors who are selling and being taxed on the goods that are sold, then it is his opinion that they be required to have a business license.

* Grogan Park deed correction
 Mike Carrico said that there is a plat on record that shows the correct meets and bounds and that plat is recorded even though there is a mistake in the footage of the deed. He says he can do a deed of correction from the Town to the Town that the Town signs showing that it has been corrected, and that it is accordance with the plat that was recorded. Deed 393 page 718 and that will correct the error that was done on the deed that was done in 1991. There is a plat on record that is showing the correct meets and bounds.

XIII. New Business

* Revised resolution for Gate City Little League
 Mark Jenkins states the wording was wrong , it is now reading fees and inspections

A motion to make the revision to the resolution

Motion by:
 Vice Mayor, Rita Tipton

Seconded by:
 Council Member, Frances Perry

Yeas: 4
 Neas: 1
 Absent: 0

* Adopt Chapter 1
 A motion to adopt Chapter 1 of the Ordinance

Motion by:
 Council Member, Frances Perry

Seconded by:
 Vice Mayor, Rita Tipton

Yeas: 5
 Neas: 0
 Absent: 0

* Adopt Ordinance No. 03092010-1, Section 2.51

A motion to adopt Ordinance No. 03092010-1, Section 2.51

Motion by:

Council Member, Tommy Herron

Seconded by:

Council Member, Cindy Coates

Yeas: 5
Neas: 0
Absent: 0

* Adopt Ordinance No. 03092010-2, Section 6.1

A motion to adopt Ordinance No. 03092010-2, Section 6.1

Motion by:

Council Member, Tommy Herron

Seconded by:

Council Member, Ashley Jenkins

Yeas: 5
Neas: 0
Absent: 0

* Adopt Ordinance No. 03092010-3, Renumber 11.29, 14.11, 14.13, 11.30, and 11.31

A motion to adopt Ordinance No. 03092010-3, renumber 11.29, 14.11, 14.13, 11.30, and 11.31

Motion by:

Council Member, Tommy Herron

Seconded by:

Council Member, Cindy Coates

Yeas: 5
Neas: 0
Absent: 0

* Adopt Ordinance No. 03092010-4, Amend 15.14

A motion to adopt Ordinance No. 03092010-4, amend 15.14

Motion by:

Vice Mayor, Rita Tipton

Seconded by:

Council Member, Tommy Herron

Yeas: 5
Neas: 0
Absent: 0

* Adopt Chapter 13

A motion to adopt Chapter 13

Motion by:

Council Member, Frances Perry

Seconded by:

Council Member, Cindy Coates

Yeas: 5

Neas: 0
Absent: 0

* Action on: BZA, BBCA Representatives

Town Attorney, Mike Carrico states that the Town Manager can send a letter advising that they can't be on the two boards and then you can authorize the Town Manager to advertise for the vacancy on the two boards. He asks if you shouldn't explore this before you take away the boards from the citizens in the Town. Frances Perry states that we have not had anyone to apply for them and if you can't get anyone to apply for them then sometimes you have to go out of Town. Cindy Coates asks if we have advertised for those vacancies. Mike states that the BZA is done by the judge, the circuit court does that. If there is a conflict then he will have to go to the circuit court judge advising that there is a conflict, then you will have to advertise if there is vacancies on that board. He will have to do a petition, petitioning the court to appoint those people to the BZA. Frances Perry states that there is a code section that gives the option to join in on other municipalities on their boards. She says we do need to explore this before we take action on it. A motion to table until we get more information.

Motion by:

Council Member, Cindy Coates

Seconded by:

Council Member, Frances Perry

Yeas: 5
Neas: 0
Absent: 0

* Consent Agreements

Table till next meeting

* Authorize the Town Manager to advertise for any vacancies on boards, etc., as the need arises.

A motion for the Town Manager to advertise for any vacancies on boards, etc., as the need arises

Motion by:

Council Member, Ashley Jenkins

Seconded by:

Council Member, Tommy Herron

Yeas: 5
Neas: 0
Absent: 0

* Littering

Council Member, Frances Perry says she is concerned with the litter that is on the street. She states that near the bridge going down the four-lane and on Manville Road, it looks like people are dumping trash over. Mike suggests to send a letter to Jason with Community of Corrections to see if they have any community service persons that are working right now. Frances wants our citizens made aware and we need some sort of program for litter awareness . Mike says he will speak to

...and we need some sort of program for meter enforcement. Mike says he will speak to Jason about this. Mark states he will ask the Town Manager to speak to the Chief of Police about issuing a letter of citations if it potentially can be done.

* Discuss Reissuance of letter of Sidewalk Ordinance

Mark Jenkins states that the last letter of the Sidewalk Ordinance that was issued did not have a deadline or action that would be taken if people did not come in compliance. We need to issue a letter with a deadline whatever is allowed by the Ordinance. Mike Carrico says that the Town Manager can do this.

* Representatives to speak from Scott Farmers Co-Op

Mark Jenkins says that all the speakers had spoken and everything was covered in Public Comment. He says that a recommendation from a member of the Planning Commission that we not rezone that property. Mike states that is not on the agenda to rezone. There are not any recommendations for rezoning the property. It is not on the agenda asking for it to be rezoned from R1. Mark says it is residential and no action can be taken. It will stay R1 until something is decided. The refusal of the zoning permit stands.

The Council Meeting date will be rescheduled to April 1, 2010.

A motion to adjourn the meeting at 8:50 PM until April 1, 2010 at 6:00 PM

Motion by:

Council Member, Tommy Herron

Seconded by:

Council Member, Cindy Coates

Yeas: 5

Neas: 0

Absent: 0

Adjourned meeting until April 1, 2010

Mayor Mark Jenkins

Town Clerk Angel Parker