

# **GATE CITY TOWN COUNCIL MEETING MINUTES**

**April 14, 2009**

**156 E. JACKSON ST.**

**6:00 PM**

## **I. PUBLIC HEARING CALL TO ORDER**

Mayor Jenkins called the public hearing to order at 6:03 pm and opened the public hearing on Westward Adjustment of Town Limit Boundaries.

### **Westward Adjustment of Town Limit Boundaries**

Mayor Jenkins stated he would open the public hearing with the boundary adjustments due to the tremendous amount of public concern. opened with recommendation that town would not pursue the annexation. Mayor Jenkins said it was his recommendation and he apologized because it was obviously not the recommendation of the people who live in the area. Town Attorney Mike Carrico stated that he spoke with all of the council members and they would not vote in support of the annexation. It was asked by someone if the council could vote on opposing the annexation and Town Attorney Mike Carrico said no because this was a public hearing and it was not on the agenda for a vote. Town member asked if he would have to come back next month concerning the annexation and Mayor Jenkins said it would not be on the agenda. Mayor Jenkins said if he ever thought that annexation would be a good idea again he would visit with town citizens beforehand. Mayor Jenkins said he felt like there was potential growth in that area and the sewer line is being resized and Mayor Jenkins thought it was a good idea. Town Attorney Mike Carrico said that legally it would be the recommendation of Planning Commission to the Town Council to have a public hearing again to discuss the issue. It would be up to the Planning Commission to bring this issue to the public's attention if it were considered again. John asked if the annexation happened how long would the town have to follow through. Mayor Jenkins said the town has 10 years to start the development. Town Attorney Mike Carrico stated that this hearing was limited to the current issue and any other comments should be brought up during public comment. It was requested that a bigger article be put in the paper if the issue comes up again. Mayor Jenkins said he would do better than that he would call Mr. Hammonds. Mayor Jenkins apologized again for the recommendation because he did not intend to make 400 more people mad. Mayor Jenkins stated again that the town was not going to pursue the annexation. Riley Boy wanted to present the petition with 400 plus signatures and he also spoke on behalf of the little moccasin community. He stated that the community was rural and wanted to remain that way. Mayor Jenkins stated he felt good about how the community stuck together and would love to have that community as part of the town. Several town members said how they admired Mayor Jenkins and thanked him for coming forward and admitting that he was the one who made the recommendation. One citizen asked about why the town is putting in larger water lines. Mayor Jenkins said it was due to the potential growth.

Mayor Jenkins closed the public hearing on Westward Adjustment of Town Limit Boundaries at 6:15 pm.

I. PUBLIC HEARING - CONTINUED

Mayor Jenkins opened the public hearing on the proposal to make Park Street a one-way street at 6:16 pm.

**Make Park Street a one-way street**

Jon McConnell asked why you want to get people killed by making Park St. a one-way. Jon McConnell said that cars do speed on Park St. but at least when they see an oncoming car they slow down. If it were a one way they wouldn't slow down at all. Residents also stated that if the Town's Police Officer would have a presence on Park Street radar and patrol the area instead of sitting on the 4-lane it would make an impact. Mayor Jenkins said that if the Police try to radar that cars start flashing their lights to warn other oncoming vehicles to slow down because the police are ahead. Someone asked why speed bumps can't be put in to slow traffic down. Mayor Jenkins stated that speed bumps would not deter a 4-wheel drive vehicle's speed. The discussion strayed from the subject at hand and Town Attorney Mike Carrico told everyone that this public hearing is for the Park St issue solely and all other issues should be held or brought up during public comment. One Resident stated that it is hazard from spring to fall due to the baseball season. Residents suggested that traffic from Grogan Park be routed through Horton street back to Jackson Street not to Park Street. The question was asked if Park Street a state or city street. Town Attorney Mike Carrico stated that Park Street is a state road. Mayor Jenkins said he was surprised by the opposition he said he spoke with several town residents who were in favor of making Park Street a one-way. There were a few residents present who were in favor.

Mayor Jenkins closed public hearing on proposal to make Park Street a one-way street at 6:42 pm.

II. INVOCATION

Rev. Steve Brown

III. PLEDGE OF ALLEGIANCE

Steve Templeton, Town Manager

IV. COUNCIL MEETING CALL TO ORDER

Mayor Jenkins called the meeting to order at 6:45 PM

V. ROLL CALL

- PRESENT: Mayor Jenkins
- Vice-Mayor Tipton
- Council Herron
- Council Perry
- Council Jenkins
- ABSENT: Council Coates

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

None

VII. PUBLIC COMMENT

Mayor Jenkins opened the public comment session at 6:45 pm.

- A. Jon McConnell asked why the land was annexed and nothing has been done? Jon McConnell said his land has been incorporated but he does not have access to his land. Mayor Jenkins said we have 5 more years to get the access and all we have to do is have the breaks in place. Mayor Jenkins said we are trying to get started on previously annexed land but it needs go before the general assembly. Mayor Jenkins said he will talk to Terry Kilgore about taking it before the general assembly; the town does want the area developed. Several citizens feel like the annexation was only for a speed trap to generate revenue for Gate City.
- B. Debbie Kindle still does not understand why she should pay an extra \$10 fee for multiple meters vs. double billing? Debbie Kindle says she is not opposed to double-billing; she is opposed to paying an extra \$10. She is not getting anything for the \$10. Council Perry said it is the property owners choice. Council Perry asked how we are supposed to please her (Debbie Kindle), because the issue of double billing was initially brought up by her.
- C. Roger Brooks spoke out against the yard sale ordinance. He said this is taking away his rights, this is a rural America and we shouldn't be punished for 1 or 2 person's wrong doing. The Town just needs to make Gate City a better place. He said that the council is driven by the almighty tax dollar. This is not a metropolitan area. He has no street lights, water, sewer or garbage access. The state mowed the side road not the town. Priorities are mixed up.
- D. Issues concerning parking and loading zones on Jackson Street were also discussed. Residents asked about the parking lines being redone. Council Herron said the State did the lines for parking and it cost the town approximately \$35,000 to redo the parking lines. Mayor Jenkins said we do need to address the issue of loading zones on Jackson Street.
- E. Several residents spoke about the presence of the Police department. Residents feel that the police don't patrol the town's streets enough and spend too much time on the 4-lane running radar. Also spending time outside town limits. Residents asked if we could identify the police cars with a number. Mayor Jenkins asked if the officers could keep a daily log.

Mayor Jenkins closed the public comment at 7:43 pm.

VIII. CLOSED SESSION

7:45 PM- Council entered into closed session to discuss legal and personnel issues

Motion: Council Tipton

2<sup>nd</sup>: Council Herron

VOTE:

Yeas,

4

Nays,

None

Absent

Council Coates

**IX. RETURN FROM CLOSE SESSION**

8:20 PM council returned from closed session

Motion: Council Perry                      2<sup>nd</sup>: Council Tipton

VOTE:    Yeas,                      4  
    Nays,                      None  
    Absent                      Council Coates

**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.

VOTE:    Yeas,                      4  
    Nays,                      None  
    Absent                      Council Coates

**Motions from closed Session:** Motion to appoint Danni Campbell as Town Clerk.

Motion: Council Tipton                      2<sup>nd</sup>: Council Herron

VOTE:    Yeas,                      4  
    Nays,                      None  
    Absent                      Council Coates

**X. COMMUNICATIONS**

Council Herron said concerning the Elizabeth Ensor water bill issue that Town Attorney Mike Carrico is talking with her lawyer and the issued is tabled till next meeting.

**XI. REPORTS**

**A. Codifications Committee – No Report**

**B. Council Reports –No Report**

- C. **Economic Development Committee** – Town Manager Steve Templeton spoke in Council Coates absence and said they met and finalized the updates to the comprehensive plans on the goals and objectives in the policies section. Plan to have a joint meeting with the planning commission in May.
- D. **Façade Committee** – Council Coates said they met Monday, April 13, 2009 with the architect and project manager to discuss the design guidelines for the façade revitalization. Applications are being accepted for consideration.
- E. **Historical Committee** – Council Perry said they had a meeting scheduled but they moved to meet April 29<sup>th</sup> so that Mr. Pulice could be present for the meeting. Council Perry said that Mr. Pulice is pleased to be working with the committee.

**F. Manager- Town Manager Steve Templeton reported:**

**Water Department** – Software has been ordered which will enable our personnel to ‘crack’ the password-protected program installed by Dickie Owens. This software will enable us to control the hardware which he installed, in turn allowing us to manipulate the water volumes in our tanks via telemetry, rather than manually. Mrs. Cruby has requested a laptop computer to be purchased to be dedicated solely for that purchase. We have had the older laptop examined by Allen Edwards of Computer Circuits to determine its feasibility for that purpose and apparently it will require either significant upgrades or another computer to operate the software, depending on the software requirements.

**Grants** – Andy Miles, Mayor Jenkins, Vice-Mayor Tipton and I met to determine the Town’s priorities (water and sewer) for our requests for inclusion under the Stimulus Package. They include Moccasin Hills, Phase II of the extension of the main line from the High School to Jackson Street, and the sewer interceptor line at Little Moccasin and Big Moccasin.

**Zoning** issues – There have been three requests for zoning permits, and all have been in compliance. One new out building was found to be under construction without a permit and when the owner (moved here from out of state) was contacted, he immediately obtained a permit and moved it to within set-back requirements.

**Sewer** –Mike Carrico, Andy Miles, and I attended the March meeting of the Scott County Public Service Authority. At that meeting Dan Danko promised that our Waste Water Treatment Plant would be demolished by May 31<sup>st</sup> of this year. We will have a representative of the Town at each of their Authority meetings. On Tuesday, April 7<sup>th</sup> Mayor Jenkins, Vice-Mayor Tipton, Andy Miles and I met with officials of DEQ in Abingdon and discussed the plans for the dismantling of the Waste Water plant.

**Gate City Entrance Signage** –I have sent in an application to VDOT requesting a temporary and partial lane closure of Kane Street at U.S. 23 in order to install our southeastern Gate City branding sign. As soon as I receive approval I will coordinate with Marvin Egan in order to install both signs at the same time.

**New Software, Hardware and Wiring** –All the new power pole drop-downs have been installed which included cabling for computers and telephones and all the lines have now been removed from the office floors. The data for the utility billing has been submitted to Accufund and that portion of the installation has been completed. We are now awaiting the installation of the accounting portion.

- a. The final installation of the computers, printers, and servers is complete with wireless service to the entire building. This will facilitate information retrieval during meetings in the Council chamber for example. The new receipt printer for utility bills is installed and is a real asset for the Town, printing much more information on the receipt, and saving paper as well.

- G. **Park Committee** – Vice-Mayor Tipton said the surveillance cameras have been installed at Grogan Park to combat recent vandalism.

XI. REPORTS - CONTINUED

- H. Planning Commission** - Vice-Mayor Tipton said that Nancy Willis resigned. Discussion to change the by-laws to have 5-7 members on committee. Further discussion on the possible campground area at Grogan Park. Meeting continued to April 17, 2009
- I. Police Department Report** – Officer Delano stated there were 371 calls, 122 summonses, 13 arrest and 7 DUI's 2 of which occurred during Bristol race weekend. Council Herron asked Officer Delano if we could monitor speed on Park Street. Chief Cox commented that he monitored Park Street for 2 weeks with radar and only wrote 1 ticket for 41 mph. Chief Cox said he is trying to get a hand held radar gun with an available grant. Chief Cox said they patrol Park Street and the Ball fields there are officers on Park Street 3-4 times per shift per officer. Chief Cox also mentioned that VDOT is opposed to speed bumps on Park Street. Council Perry suggested a traffic counter might help plead the town's case for speed bumps. Chief Cox spoke about a special camera called a Spy Camera that could be used on Park Street to monitor traffic patterns.
- J. Property Maintenance Committee** – Council Herron stated they we should proceed with prosecution for the properties which have been notified of violations and have not complied. Robert Mullins is working on correspondence concerning the Scott Motel and the Old Theatre Building.
- K. Public Works** – Forman Stoney Falin reported they had: 22 Meter Turn Ons, 27 Meter Turn offs, 1Meter Replacement, 100 Rereads/Check for leaks, picked up 10,580 lbs. of cardboard, picked up 35,500 lbs of brush, picked up 168,860 lbs. of trash, 167 total work orders. Town Manager Steve Templeton mentioned a complaint on Moore Street concerning a handicapped man who was having trouble crossing the road due to gravels that washed away. The public works department cleaned the area up and put more gravel down. Council Perry said there was possible water gathering on Bradford Street and asked should the State be notified.
- L. Sanitation Authority** – Steve Templeton stated that Andy Miles will help with the updates to the comprehensive plan. Equipment from the dismantling of the Sewer Plant will be placed on govdeals.com for sale excluding any equipment the SCPSA may need for future repairs or replacements. Mayor Jenkins asked that the Council generate new ideas for how to use the old sewer buildings site. Council Perry suggested it as a possible green area development.
- M. Street Commission** – Council Perry wants to plead the town's case with VDOT for speed bumps on Park Street. Mayor Jenkins mentioned complaints on McConnell Street because it was not paved. It was scheduled to be paved but was missed.
- N. Treasurer Report** – Steve Templeton said the Budget Committees met 2 times about budget expenditures. The town is under on some items and over on some items. The new Accufund software and installation has almost all been paid out of current budget. Therefore the loan the town secured can be added back into the budget.
- O. Water Committee** – Mayor Jenkins said he would like 1 committee member and Lorretta Cruby to attend the Awards Event on May 29<sup>th</sup>, 2009 in Roanoke, VA. The event is a 16 hour day trip.
- P. Water Plant** – Chief Water Plant Operator Loretta Cruby reported that the Town received the first water violation. The water flow is below 40% this month. Town Engineer Andy Miles discussed concerns about the overflow pipe at the sewer plant. Town Engineer Andy Miles and Town Manager Steve Templeton recently met with DEQ to talk about the sewer plant and it there a reported overflow of wastewater from a constructed overflow pipe. DEQ has asked the town to monitor and document when this occurrence happens. The town needs to follow up with a letter to the DEQ.

Mayor Jenkins closed the Reports session and opened the Consent Agenda session.

**XII. CONSENT AGENDA**

**Approval of Town Council meeting minutes from March 10, 2009**

Motion: Council Perry	2 <sup>nd</sup> : Council Herron
VOTE:	Yeas, 3
	Nays, None
	Absent Cindy Coates
	Abstained Ashley Jenkins

**Approval of bill payments for March 2009 in the amount of \$149,392.79**

Motion: Council Perry	2 <sup>nd</sup> : Council Herron
VOTE:	Yeas, 4
	Nays, None
	Absent Cindy Coates

**XIII. UNFINISHED BUSINESS**

**A. Motion to approve Water Policy Revisions**

Motion: Council Herron	2 <sup>nd</sup> : Council Tipton
VOTE:	Yeas, 4
	Nays, None
	Absent Cindy Coates

**B. Motion to approve Yard Sale Ordinance**

Motion: Council Perry	2 <sup>nd</sup> : Council Tipton
VOTE:	Yeas, 4
	Nays, None
	Absent Cindy Coates

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

**XIV. NEW BUSINESS**

**Motion to approve and draw up a contract to accept the Terms and Conditions from Bank of America for the property located behind the drive-in branch.**

Motion: Council Perry	2 <sup>nd</sup> : Council Jenkins
VOTE:	Yeas, 4
	Nays, None
	Absent Cindy Coates

XV. ADJOURN

**Motion to adjourn the meeting until the next regular scheduled council meeting May 12, 2009.**

Motion: Council Herron      2<sup>nd</sup>: Council Tipton

VOTE:            Yeas,            5  
                     Nays,            None  
                     Absent            Council Jenkins

**\*Mayor Jenkins adjourned the meeting at 9:51 PM.**

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Mayor Mark Jenkins

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Town Clerk Danni Campbell