



GATE CITY TOWN COUNCIL MINUTES
APRIL 9, 2013
156 E. JACKSON ST.
6:30 PM

GATE CITY TOWN COUNCIL MEETING

I. COUNCIL MEETING CALLED TO ORDER AT 6:31 P.M. BY: Mayor - Frances Perry

II. ROLL CALL – Deputy Town Clerk – Judy Guinn

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, Debbie Kindle, Benny reed, Cory Cochran, Logan Norton, Thomas Keller, Randy Lane, and Andy Miles.

III. INVOCATION - Tommy Holtzclaw

IV. PLEDGE OF ALLEGIANCE Sergeant of Arms, Chuck Newton

V. APPROVAL OF AGENDA

Mayor, F. Perry – We have 2 applications for the Building Board of Zoning Appeals we need to add approval to New Business. Also have a Proclamation that needs to be added under Section VI Proclamations.

Motion made to approve the agenda with additions.

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

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.

Logan Norton – Request for a Civil Rights Rally on May 11, 2013

Logan Norton – Discussed rally. It is for the group lgbt (lesbians, gays, bisexuals, transgenders). There will be speeches and according to Facebook, the event so far has 50 people – more or less. They would like to use sidewalks in front of court house and the County said steps would be okay to use. He will notify the Sheriff if the Town gives the okay. He is not asking for roadway, but will use sidewalks on both sides. There would be no violence. The purpose is to allow people in area to have a voice through the group. There is no sponsoring organization. Mr. Norton would be the responsible person. It would last approximately 2 hours. There would be signs, but nothing large. There would be a microphone. He felt that it needed to be held on the courthouse steps because that is public property and the justice center and a good place to gather. He would also notify the Town Police and County officials.

Mayor F. Perry – I don't think you need our permission and we cannot stop you from meeting on courthouse steps.

Town Attorney M. Brooks – Look at Chapter 28 of the Town Ordinances on the website – contains concerns about encroachment – it must be done in lawful manner.

Mayor F. Perry - Someone must take the responsibility to write and ask for permission.

Council Member W. W. Ross Jr. – If attendance goes to 100 or more, how do you control and let people walk through town?

Logan Norton – We could use parking lot across street, sidewalk on other side of the street, and around courthouse steps. Would Police barricades be possible?

Town Attorney M. Brooks – Street shutdown is a VDOT issue.

Chief K. Birchfield - They have a right to legal assembly, as long as they do not block the sidewalks.

Council Member R. Richards – You need to write an application to the Town Manager.

Vice Mayor A. Roberts – Logan Norton would be liable for property damage, correct Michele?

Town Attorney M. Brooks – Yes.

Proclamation “Mayors Day of Recognition for National Service”

Mayor F. Perry – read copy of Proclamation and it was signed by Mayor Frances Perry.

VII. APPROVAL OF MINUTES

Mayor Perry - Are there any corrections to the minutes for

- **Public Hearing**, CDBG Proposal for the Courthouse Hill Housing Rehabilitation Project of March 12, 2013.

Discussion of minutes was held between Council Member W. W. Ross Jr., Mayor F. Perry, and Town Attorney M. Brooks. After much discussion, it was decided that changes would be made to the Minutes and they were approved with changes.

Motion made for approval of Public Hearing on CDBG Proposal for the Courthouse Hill Housing Rehabilitation Project of March 12, 2013 minutes as amended.

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

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

- **Public Hearing**, Repeal Ordinance Section 13.10.2, Two Hour Parking Zones of the Gate City Town Code of March 12, 2013.
- **Town Council Meeting** of March 12, 2013.

Mayor Perry declares the minutes approved as presented.

VIII. APPROVAL OF PAYMENTS

Motion made for approval for payment of bills for March, 2013

Motion by: Council Member, R. Richards 2nd by: Council Member, W. W. Ross, Jr.

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

IX. PUBLIC COMMENT –

Benny Reed – 167 Poplar St. – Discussed problem of the black vultures (hundreds) roosting above his house and in other places in Town. They are protected by law, the Town allows no shooting, and the Town has a noise ordinance, all of which are ways to get rid of the birds. He did a lot of research on how other towns have handled the problem. He recommended the best way to eliminate them is to get a permit from the USDA to kill some and hang the dead ones in the roosting place.

Mayor Perry closed the public comment session at 7:13 P.M. and opened the consent agenda session.

X. COMMUNICATIONS - None

XI. REPORTS

A. Engineer's Status Report – Andy Miles

Andy Miles of Vaugh & Melton – Stated that the only three things left open are the Jackson Street Sidewalk project, the HEEE project, and closing out the water line project (Phase I & II). The water line project money has all been sent and Brian Blankenship will be in next week to close out the inspection of the project.

Discussion of Moccasin Hills project – since there was problem in finding a site for the tank, that grant has been declined and we can reapply next time.

Discussion of Water Plant (HEEE) project – We can either go out to bid and see how the bids are or we can decline it and reapply.

Discussion of Jackson Street Sidewalk Project – Also needs go to bid authorization.

B. Treasurer's Report – None

C. Codification Committee/Property Maintenance – None

D. Police Department Report –

Chief Birchfield – Discussion of Ramey Ford invoice where prices was reduced to 0 on one of the patrol cars. Armed robbery at Patriot market was mentioned. Officers responded quickly, along with K-9 Nele and made arrest.

E. Council Reports

Council Member, W. Salyers – None

Council Member, A. Roberts – None

Council Member, W. W. Ross Jr. – Back Street issue was brought up again.

Council Member, R. Cassell – We need to add it to the agenda to change the workshop date.

Council Member, R. Richards - None

F. Economic Development Committee –

Vice Mayor A. Roberts – We are trying to get downtown merchants association up and active and they are going around to talk to merchants to get them involved. Scott County Tourism Director Pam Cox has been invited to the next meeting. We would also like to get some signage up on Route 23 to invite people to visit our downtown merchants.

G. Historical Committee – None

H. Manager-

Mayor/Acting Town Manager, F. Perry – Talked to Scott County Technical Center about handrails for lower side of Jackson Street. He never received the go-ahead to order the materials. The price he gave, \$430, did not include painting them, but the automotive department could do that and he did not know that cost. He would order parts and have within 10 days after having the go-ahead. The funds were already appropriated for this in Special Funds and Council Member W. W. Ross Jr. was to follow up on them. When this did not happen, Mayor Perry did so.

Motion made to add appropriation of money for Jackson St. handrails to Unfinished Business.

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

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

Mayor/Acting Town Manager, F. Perry – Concerning the complaints about the Police Department, she visited the garages in town, talked to the owners personally, and asked why none of them participated by making a bid to do the Police Department automotive work. They reported that they had no complaints and that they were not interested and had no manpower to turn this work over as fast as it was needed. If there are more complaints, the citizen should bring it to us in writing, because it is not coming from the garages.

Mayor/Acting Town Manager, F. Perry – Concerning the complaint about the Chief driving a Town car, Mark Jenkins said that he did give the Chief permission to drive to and from work with a Town car. A survey of other towns shows that they allow their officers to do this. The previous discussion on gas was not complete.

Mayor/Acting Town Manager, F. Perry – Lenowisco did award the Town of Gate City \$60,000.

I. Park Committee –

Vice Mayor, A. Roberts – Committee met but Ray Kilgore was not present with contractor information. Park is in need of more money for maintenance and there has been vandalism.

Chief K. Birchfield – County will put up camera as soon as they can. Their camera is more covert, but has to be put up when the teenagers are not around. It is being patrolled, but they will not do anything when there is a car there.

J. Planning Commission –

Town Attorney M. Brooks – The commission is waiting on VDOT after revisions were made and sent to Richmond on the King Ford site. They discussed capital improvements and the hand rails.

K. Property Maintenance –

There was discussion on the Casey Compton building on the corner of Cleveland and Jackson Street and the old Chapman Building. **Town Attorney, M. Brooks** explained that it was expensive to tear them down. There could be a lien against the property for the costs and whenever it is sold, we get the money. She explained that she and **Property Maintenance Manager, Kathy Riley** had gone over the open cases and they are being updated.

L. Public Works –

There was a discussion over trash in the Town parking lot after the Flea Market on Friday. **Town Attorney, M. Brooks** mentioned that there needs to be an agreement between the Fire Department and the Town for the flea market.

M. Sanitation Authority – None

M. Street Commission –

Council Member, W. W. Ross, Jr. – Yellow marking on streets needs to be painted. We need more cigarette cans. On Cleveland and Manville Road, when it rains, trash piles up and the storm drains stop up and the water runs over the side.

Council Member, R. Cassell – VDOT gave their okay to put up no parking signs or parallel parking spots on Kane Street in front of Williams Electric. Must meet with Stoney and see what we need to do there.

N. Safety Committee –

Council Member, W. W. Ross, Jr. – Need the list of emergency numbers completed for the Safety Manual.

O. Water Plant –

There was discussion on the Water Plant report of financial needs coming up. Some could possibly be worked into grant coming up.

XII. CLOSED SESSION

Motion made for Council to enter into closed session to discuss legal and personnel issues before Unfinished Business.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, R. Cassell
VOTE: Yeas, 5
Nays, 0
Absent, 0
Abstain, 0

Mayor Perry opened the closed session at 8 P.M.

XIII. RETURN FROM CLOSED SESSION

Council returned from closed session at 10:04 P.M.

Motion made for Council to return from closed session.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member W. W. Ross, Jr.
VOTE: Yeas, 5
Nays, 0
Absent, 0
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,	0
	Abstain,	0

XIV. MOTIONS FROM CLOSED SESSION:

Motion made to make an offer to Greg Jones to fill position of Town Manager at \$45,000 per year with a start date to be determined.

Motion by: Council Member, R. Richards 2nd by: Council Member, W. Salyers

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

XV. UNFINISHED BUSINESS

- **Decision on Purchase of I-Pads** – tabled until further notice
- **Decision on E. Jackson Street Sidewalk Project**

Andy Miles – explained the project and that all that was needed is a letter from the Town allowing it to go out to bid.

Motion made to put E. Jackson Street Sidewalk Project out to bid

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

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

- **Decision on Hydraulic Energy Efficient Enhancement Project (HEEE)**

Motion made to put HEEE Project out to bid

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

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

Andy Miles – Will advise Health Department and will put out to bid.

- **Decision on Resolution of Member Contributions for Towns and Other Political Subdivisions**

Motion made to adopt resolution of Member Contributions for Towns and Other Political Subdivisions

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

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

- **Decision regarding Chief taking town vehicle home and/or all Police Department taking vehicles home with exception of officer who is assigned the Police dog.** – table to Budget Workshop

Motion made to notify Vocational School to proceed with hand rails as priced.

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

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

Motion made to amend New Business to add discussion of changing budget meeting scheduled on April 22.

Motion by: Council Member, R. Richards 2nd by: Council Member R. Cassell

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

XVI. NEW BUSINESS

- **Decision to advertise for a Public Hearing for an Ordinance regarding reimbursement for methamphetamine lab cleanup costs**

Motion made to advertise for Public Hearing for an Ordinance regarding reimbursement for methamphetamine lab cleanup costs to be held at next meeting (May).

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

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

- **Decision for approval to have Grillin’ at the Gate to be held on September 14, 2013**

Motion made to approve Grillin’ at Gate on September 14, 2013.

Motion by: Council Member, W. Salyers 2nd by: Council Member, R. Richards

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

- **Decision for approval for Beer Garden at Grillin’ at the Gate with Scott County Humane Society being the sponsor.**

Motion made to approve Beer Garden at Grillin’ at Gate.

Motion by: Council Member, R. Cassell 2nd by: Council Member, W. W. Ross, Jr.

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

- **Decision to approve Hope House to sponsor a 5K Run to be held same day as Grillin at the Gate on September 14, 2013.**

Motion made to approve Hope House to sponsor 5K Run on same day as Grillin’ at the Gate.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. Salyers

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

- **Decision to approve the Town sponsoring the Bill Collie Memorial Bike Challenge to be held on Saturday, June 8, 2013**

Motion made to approve town sponsoring Bill Collie Memorial Bike Challenge

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. Salyers

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

- **Decision to approve the Town sponsoring a 5K run for Bailey Dockery to be held on Saturday, June 15, 2013.**

Motion made to approve 5k for Bailey Dockery with Town sponsorship in conjunction with Rotary.

Motion by: Council Member, W. Salyers 2nd by: Vice Mayor, A. Roberts

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

- **Decision to advertise for seasonal workers for Public Works**

Motion made to advertise for seasonal workers for Public Works

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. Salyers

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

- **Building Board of Zoning Applications**

Motion made to appoint Otis Rhoten for the Building Board of Zoning Appeals.

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

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

Motion made to appoint Regina Stone for the Building Board of Zoning Appeals.

Motion by: Council Member, R. Richards 2nd by: Council Member, R. Cassell

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

Mayor F. Perry – Building Board of Zoning Appeals is now complete.

Motion made to move the Budget Workshop to April 29 at 5:30 pm and to advertise.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. Salyers

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

XVII. PUBLIC COMMENT – NEW BUSINESS - None

Mayor Perry closed the public comment session for new business at 10:32 P.M. and opened the consent agenda session.

XVIII. ADJOURN

Motion made to adjourn.

Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W. Salyers

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

*Mayor Perry adjourned the meeting at 10:32 P.M., until the next regularly scheduled Council Meeting on May 14, 2013, at 6:30 P.M.

Frances Perry – Mayor

Judy Guinn – Deputy Town Clerk

Member Contributions by Salary Reduction for Counties, Cities, Towns, and Other Political Subdivisions

(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))

Resolution

WHEREAS, the Town of Gate City employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the Town of Gate City employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the Town of Gate City may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2013, to each such employee in service on June 30, 2013, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the percentage increase of the member contribution paid by such pursuant to this resolution (For example, if the member contribution paid by the employee increases from two to three percent pursuant to this resolution, the employee must receive a one percent increase in creditable compensation.)

BE IT THEREFORE RESOLVED, that the Town Of Gate City does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2013:

PLAN 1	Percent	PLAN 2	Percent
Employer Paid Member Contribution	0%	Employer Paid Member Contribution	0%
Employee Paid Member Contribution	5%	Employee Paid Member Contribution	5%
Total	5%	Total	5%

(Note: Each column must add up to 5 percent.); and

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by the Town of Gate City in lieu of member contributions; and

BE IT FURTHER RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

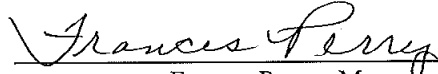
BE IT FURTHER RESOLVED, that member contributions made by the Town of Gate City under the pick-up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick-up arrangement; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick-up contributions made by the Town of Gate City directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the Town of Gate City shall be reduced by the amount of member contributions picked up by the Town of Gate City on behalf of such employee pursuant to the foregoing resolutions; and

BE IT FURTHER RESOLVED, that in accordance with the Appropriation Act, no salary increases that were provided solely to offset the cost of required member contributions to the Virginia Retirement System under § 51.1-144 of the Code of Virginia will be used to certify that the salary increases required by the Appropriations Act have been provided.

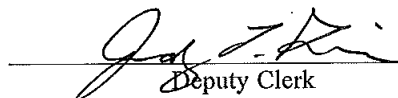
NOW, THEREFORE, the officers are hereby authorized and directed in the name of the Town of Gate City to carry out the provisions of this resolution, and said officers are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Town of Gate City for this purpose.



Frances Perry - Mayor

CERTIFICATE

I, Judy Guinn, Deputy Clerk, of the Town of Gate City, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Town of Gate City held at Gate City, Virginia at 6:30 p.m. o'clock on April 9, 2013. Given under my hand and seal of the Town of Gate City this 9th day of April, 2013.



Deputy Clerk

PROCLAMATION

Mayors Day of Recognition for National Service

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

WHEREAS AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for the jobs of the 21st century and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers, and,

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and,

WHEREAS, AmeriCorp members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavor; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with mayors across the country to support the Mayors Day of Recognition for National Service on April 9, 2013.

THEREFORE, BE IT RESOLVED that I, Frances Perry, Mayor of Gate City, Virginia, do hereby proclaim April 9 2013, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our town, to thank those who serve; and to find ways to give back to their communities.

GIVEN UNDER MY HAND THIS 9TH DAY OF APRIL, 2013.


MAYOR, TOWN OF GATE CITY