



**GATE CITY TOWN COUNCIL MEETING MINUTES**

**May 11, 2010**

**156 E. JACKSON ST.**

**6:00 PM**

**I. COUNCIL MEETING CALL TO ORDER**

Mayor Jenkins called the meeting to order at 6:00 PM.

**II. ROLL CALL – Deputy Town Clerk Judy Guinn**

PRESENT: Mayor, Mark Jenkins  
Vice-Mayor, Rita Tipton  
Council Member, Cindy Coates  
Council Member, Ashley Jenkins  
Council Member, Frances Perry

ABSENT: Council Member, Tommy Herron

Others Present: Town Attorney, Mike Carrico; Town Manager, Steve Templeton; Andy Miles; Chuck Newton; Arletha Newton; Roger A. Brooks; Charlie Broadwater; Carl Muncey; Daris Hartsock; Jon McConnell; Wallace W. Ross Jr.; Roger Cassell

**III. INVOCATION**

The invocation was given by Father Rollie Hautz.

**IV. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Sergeant of Arms Chuck Newton.

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

Mike Carrico passed out a copy of a resignation to all Council members and to the Council members – elect.

Mayor Jenkins asked that a motion to add a resignation to new business be made.

Motion to add a resignation to the agenda under new business.

Motion by: Council Member Coates 2<sup>nd</sup> by: Council Member Jenkins

|       |        |      |
|-------|--------|------|
| VOTE: | Yeas,  | 4    |
|       | Nays,  | None |
|       | Absent | 1    |

Mayor Jenkins extended congratulations to the water treatment plant for their Silver Award for Excellence in Granular Media Filter Performance from the Virginia Department of Health. It is a very important award and will be framed and hung.

Mayor Jenkins extended his congratulations to the new council members elected.

## **VI. COMMUNICATIONS**

None.

## **VII. REPORTS**

### **A. Council Reports –**

Mayor Jenkins thanked Council Member Ashley Jenkins for picking out and getting flower baskets ordered for the Town. He thanked the town crew for extra work in getting baskets hung and watering them and stated that we should be getting volunteer efforts to help water the plants. Council Member Perry stated that she received emails thanking us for putting them up and that they looked very nice. The plants were done by the Scott County Career and Technical Center and they did a good job.

### **B. Codification Committee/Property Maintenance –**

Vice Mayor Tipton stated that they were in the midst of hiring for the position.

### **C. Economic Development Committee –**

Council Member Coates stated that they met May 3 and that they are working on enterprise zone and with county officials. They are making plans for outdoor music shelter at Grogan Park and the next step is to work with Andy Miles.

### **D. Engineer's Status Report –**

Andy Miles from Vaughn & Melton gave the report. He referred to the copy in Council packet. Concerning the work at Clearwell, the manufacturer sent the manhole and that everything is in ground and should be done within next week. Concerning next item, there are bids on the construction for Water St. improvements. The results are attached. There were five bidders that ranged from 370,000 to 603,000. Vaughn & Melton will go through all bids and check for math errors and see that everything is in order. Once they have a detailed tabulation of all bids, they will then bring their recommendation back to the Town. It looks like it is right at Budget. Joy Rumley will call tomorrow and once the two drain easements are signed, hopefully within the next couple weeks, we should have a contractor. He then asked if there were any questions.

Mayor Jenkins thanked him for all he had done.

### **E. Façade Committee –**

Council Member Coates stated that they met last night (May 10). Rob Jones sent an email and stated that there were no new applications since last month. He was following up with Broadwater Trading and that Broadwater Drug and Chuck Bridwell had asked for an application but that he was not able to get in touch with either of them. Rob Jones sent a letter to VHDC as to whether the town attorney would be able to participate in the program. Rob was asked to follow up with Attorney Greg Baker.

**F. Historical Committee –**

Council Member Perry reported that they have mailed letters and that there was notice of the meeting in paper – May 18 5:30 PM meeting.

**G. Manager-**

Town Manager Templeton reported that the water department had only one significant leak in last month and that the accountability is the best that it has been since I have been here at 26%. The crews have done a good job identifying major sources of water leaks, repairing those, and conserving the water. Concerning the cross connection at water plant, today they did preliminary landscaping and it is 90% complete. The Town has received money (the first check) for VA Debt set off for \$1328.00. As for Grogan Park, we have had rain and flood and the gravel has been displaced. When it is dries completely, we will respread gravel. A 1917 model cannon has been given to the Town on permanent loan by American Legion Posts out of Gate City and Kingsport and is being refurbished at Scott County Career and Technical School and will be put on display at the park as a memorial to the troops. We do not know if it will be ready by June 14. As for Business Licenses, we have started receiving them, even though they are not due until July 1. We have already received over \$31,700. Almost all of the property taxes have been collected. He is now ready per state law, as of the end of this period, to put the names in the newspaper. On our budget, the county has not adopted appraisals and until they actually adopt it, we do not know amount of new tax base. We are thinking about proposing budget basically the same as last year. We may not know that before the new fiscal year. I have talked to BosticTucker and they said they were waiting on information from our office and Cindy Fields to close out 2007-2008. Cindy Fields emailed and said she would be here tomorrow and get with Chris Edwards. They would then have enough information to close that out. For the Police Department, C. J. Whitt is our new graduate of academy and 120 hours is required with another officer by state law. We will put him out in a car by himself after that. We have received our two new cars, purchased with our grant from Rural Development. They are being striped and equipped now and will be placed into service in another week or ten days.

**H. Park Committee –**

Council Member Tipton reported that they met last week and discussed a few things. We need a cable and two posts at entrance to new park to keep people from pulling up on trail with vehicles. There is a drainage problem. We also need a sign made stating that it is called the Gate City Civitan Walking Trail at Grogan Park. We plan to have a dedication on June 14, Flag Day, in the evening to dedicate the new cannon and the new part of the park. We will get a new flag for park. Town Manager Templeton reported that the cannon might not be ready but they are working hard to get it ready. There is some under-carriage rust.

**I. Planning Commission –**

Council Member Tipton reported that they have a new application for planning committee.

**J. Police Department Report –**

Town Manager Templeton reported that there was a Police Department Summary in packet of the activity. He stated that crimes were down, DUIs were up. There was an incident of children removed on W. Jackson. There was one arrest of attempted suicide. One officer attended the DUI conference and is certified now. The part-time administrator attended the Police Pak, which is the software system that we have on all our police reports in North Carolina. The reports will be done over there. In two weeks finished. They have interviewed for police chief. There are several more to consider. May need a special called meeting or do it in the June meeting to hire individuals.

Mayor Jenkins questioned the drop in summons.

**K. Public Works –**

Town Manager Templeton reported that in addition to their normal workload; they have spent one half of the month picking up brush from storm. They have worked hard past month trying to keep right of ways mowed. There is a lot to do to catch up because of the brush.

Mayor Jenkins extended his thanks to the Public Works Crew.

**L. Sanitation Authority –**

Council Member Coates reported that they will meet tomorrow night and that there was no April meeting.

**M. Street Commission –**

Council Member Perry reported the miscellaneous information report that staff conducted covered street commission report. She and Mayor Jenkins extended thanks to Judy Guinn and Chris Edwards for their hard work.

**N. Treasurer Report –**

Town Manager Templeton reported that from the printout of last month's revenue expense summary per line item, they could see that the bottom line is that we are within 1 percentage point of our expenses and revenue for the year. Page 15 shows expenses 73.8% budget. Page 2 shows revenue 72.5% within about a percent and ½ of each other. We had some money in capital improvement which was a little of a cushion and we will look at that. But as far as many changes, we cannot see making anything considerable until we have information from the county on the base line for the property taxes. We are spending right at what we are taking in.

**O. Water Committee –**

None

**P. Water Plant –**

Town Manager Templeton reported that accountability is at 26% which is as low as ever and it has been as high as 65%. The Soil and Water Conservation came and asked if they could use a few of those. As you can see in the Miscellaneous Information, our blue barrels were given to students to decorate and are used as a water collector. They had two small leaks and one fairly substantial leak.

Mayor Jenkins asked if there were any other reports.

Council Member Jenkins had an application for BZA committee and she passed it to Mayor Jenkins.

Mayor Jenkins closed the Reports session and opened the Public Comment session at 6:32 PM.

**VIII. PUBLIC COMMENT**

A. **Roger Cassell** – He thanked everyone for the packet so that he would know what is going on. He stated that in reading packet, he saw something that upset him – beating a dead horse over

the Fire Department water again. Even though not active, he spent 25 years working with the Fire Department, and my Dad and brother. He saw 1100 on budget for water and it went as high as 1900. He stated that he was chief for 8 yrs and treasurer for 5 years for the Fire Department. He challenged any of them to go down there and look at their equipment and look at Kingsport's. What you are getting for \$25,000 is comparable to what is in Kingsport. Once the Fire Department was chartered under town and had to ask for everything they got and it was holding them back. Then they chartered themselves to fund raise everything they wanted. That is why they could buy what they wanted without going through an act of congress. Keep in mind, this is a service that the municipality offers, as well as Police and Fire. Any municipality supplies fire and rescue. Otherwise you would have to contract or do an adjoining municipality. Weber City was willing to do it, but it was with a price tag. You could not pay one salary for \$25,000 or hire one contractor. For 30 years Bob Bishop fought same battle. You cannot go out when it is 10 below zero to fill truck from a hydrant. It will take trucks back in winter and fill trucks back at the stadium. The equipment has to be washed every time it goes out on call. A personal car wash is a small amount of the bill. If you take \$2,000 a month back away from them, that is still a lot of money. Jeff Brickey is having gall bladder surgery tomorrow and I am in his place. Everything down there is paid for by bingo. The last truck the Town bought was in 1979. The Town has got by dirt cheap for the last few years. The \$25,000 Town gives pays regular bills. The County pays insurance. And that leaves little to buy equipment. Another organization got this started. Little League is not a service and town would survive without it. They can wash car because those guys get nothing. It was a luxury they got. Would you rather they be there to wash car or at home when call comes in. At least they are there and you have a crew. I talked to Jamie Lawson and they would cut out washing cars to keep the water bill paid. There was some misconception about the charter. I will be sitting there in the next few months, but if you could come up with something without doing that.

**Mayor Jenkins** stated that what we are addressing is the point that - is this legal. There was another situation that made this question come up. Because of these loans, are we required to charge every user a certain amount. It is not about the car washing as far as I know. It is just - - can we legally do that. There are other avenues that we could take to pay this for them. We could increase their budget.

**Attorney Carrico** stated that he had contacted State Attorney two-three weeks ago about town ordinance.

**Mayor Jenkins** stated that is the only thing we are worried about. We are willing to address a way to pay for the water.

**Roger Cassell**— They are non-profit, but they are still a general service. I don't know if I have a copy, but there is a letter that you signed for a FEMA contract stating that the Town provided a service.

**Mayor Jenkins** stated that we have to figure out a legal avenue to do this. People are going to complain about something. I don't think we have had any solid complaints about people washing cars or anything else.

**Roger Cassell** – I was reading previous comments. I have a life-time membership and invested many years there and I am still a tax-paying citizen.

**Mayor Jenkins** stated that even a discount on insurance rates are a big service from the Fire Department. It is a big service to the Town. And as far as I know everybody up here is an advocate of the Fire Department. We appreciate them. It is just a matter of making sure we do what is right.

**Roger Cassell** stated that Kingsport is a 3 and Gate City is a 5. I guarantee that is they re-rate it they will be a 4 at least.

**Town Manager Templeton** stated that if the Attorney General ruled that we cannot pay the water bill, we could give them the average monthly usage and give them enough to cover it and put it in budget.

**Roger Cassell** stated that at one time it was a line item. Because I got that thrown up to me that we had that in the budget.

**Town Manager Templeton** stated that Jeff Brickey came by and said he would try to be here but could not. He stated that he was in 100% agreement as having been a certified fire-fighter at one time.

**Council Member Tipton** reminded everyone that they were on the agenda for the request of ladder truck assistance.

**Roger Cassell** stated that Jamie Lawson is on duty.

**Town Manager Templeton** stated that they had a balloon payment of around \$26,000 due in July and they were asking for additional help on that. They have \$90,000 in savings which is for emergency use.

**Roger Cassell** stated that they have some CDs but you know how that is. He stated that he appreciated the time and looks forward to sitting on other side.

Mayor Jenkins closed the public comment session at 6:45 PM.

## **IX. CLOSED SESSION**

Mayor Jenkins opened the closed session at 6:45 PM.

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

Motion by: Council Member Coates                      2<sup>nd</sup> by: Council Member Tipton

|       |        |      |
|-------|--------|------|
| VOTE: | Yeas,  | 4    |
|       | Nays,  | None |
|       | Absent | 1    |

## **X. RETURN FROM CLOSED SESSION**

Council returned from closed session at 8:05 PM.

Motion to return from closed session.

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

|       |       |      |
|-------|-------|------|
| VOTE: | Yeas, | 4    |
|       | Nays, | None |
|       |       | 6    |

**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          1

**Motions from closed Session:**

None

**XI. APPROVAL OF PAYMENTS**

Motion for approval of payment of bills for May 2010.

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

VOTE:           Yeas,           4  
                      Nays,           None  
                      Absent          1

**XII. APPROVAL OF MINUTES**

Corrections were made to the April 1, 2010 minutes.

Motion for approval of Town Council meeting minutes from April 1, 2010, with changes as discussed.

Motion by: Council Member Coates 2<sup>nd</sup> by: Council Member Perry

VOTE:           Yeas,           4  
                      Nays,           None  
                      Absent          1

**XIII. UNFINISHED BUSINESS**

- Hope House – has Mike received decision from Attorney General

Tabled until next meeting.

- Fire Department – Do we continue to pay their water bill or turn this over to Fire Department?

Tabled until next meeting.

- Membership of board and commissions

No action at this time.

- Consent Agreements

George Howard and Mike Chapman – Town Manager Templeton recommended that we not extend it. We have not given an official date of extension on any of that.

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

#### **XIV. NEW BUSINESS**

- Clinch Mountain Music Fest – Town cleanup before June 12.

Mayor Jenkins suggested a Town cleanup date prior to the Music Fest. Saturday prior to Music Fest, June 5, was set as Town Clean-up Day. He suggested Town run ad in paper for volunteers – and elected officials. It should be put on website and Nixle.

- Jeff Brickey to speak for Fire Department concerning Ladder Truck funding.

Fire Department requested this be moved to next month.

- Grogan Park expansion dedication – Set date -  
(Flag Day, June 14 - Can it be tied in with the DAR/SAR/C.A.R. “Pause for the Pledge” celebration planned for 6:45 pm in Grogan Park?)

Motion to do Grogan Park expansion dedication on Flag Day, June 14 at 6:45 PM.

|            |                       |                     |                      |
|------------|-----------------------|---------------------|----------------------|
| Motion by: | Council Member Tipton | 2 <sup>nd</sup> by: | Council Member Perry |
| VOTE:      | Yeas,                 |                     | 4                    |
|            | Nays,                 |                     | None                 |
|            | Absent                |                     | 1                    |

- Resignation of Mike Carrico from Town Attorney position.

Motion to accept resignation of Mike Carrico Town Attorney effective July 1.

|            |                       |                     |                        |
|------------|-----------------------|---------------------|------------------------|
| Motion by: | Council Member Coates | 2 <sup>nd</sup> by: | Council Member Jenkins |
| VOTE:      | Yeas,                 |                     | 4                      |
|            | Nays,                 |                     | None                   |
|            | Absent                |                     | 1                      |

#### **XV. ADJOURN**

Motion to adjourn the meeting until the next regularly scheduled Council Meeting June 8, 2010 at 6:00 PM.

|            |                       |                     |                       |
|------------|-----------------------|---------------------|-----------------------|
| Motion by: | Council Member Tipton | 2 <sup>nd</sup> by: | Council Member Coates |
| VOTE:      | Yeas,                 |                     | 4                     |
|            | Nays,                 |                     | None                  |
|            | Absent                |                     | 1                     |



\*Mayor Jenkins adjourned the meeting at 8:17 PM

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Mayor Mark Jenkins

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Deputy Town Clerk Judy Guinn