

GATE CITY TOWN COUNCIL MEETING MINUTES

May 12, 2009

156 E. JACKSON ST.

6:00 PM

I. COUNCIL MEETING CALL TO ORDER

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

II. ROLL CALL

PRESENT: Mayor Jenkins
Vice-Mayor Tipton
Council Perry
Council Jenkins
Council Coates
Council Herron arrived at 6:03 p.m.

III. INVOCATION

Rev. Paul Argoe

IV. PLEDGE OF ALLEGIANCE

Chuck Newton, Sergeant at Arms prior to reciting the Pledge of Allegiance mentioned the upcoming Memorial Day Holiday and asked everyone to remember our service men and women who have served our country in the past and for those who are currently serving on foreign soil.

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

None

VI. CLOSED SESSION

Mayor Jenkins opened the closed session at 6:05 p.m.

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

Motion: Council Herron	2 nd : Council Tipton
VOTE:	Yeas, 5
	Nays, None

VII. RETURN FROM CLOSE SESSION

6:40 p.m. council returned from closed session

Motion to return from closed session.

Motion: Council Coates 2nd: Council Tipton

VOTE: Yeas, 5
Nays, None

6:45p.m. Council Coates dismissed from regular session

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, 5
Nays, None

Motions from closed Session: None

VIII. COMMUNICATIONS

Mayor Jenkins talked about the Relay for Life Children’s Walk Fund Raiser. Mayor Jenkins has spoken with the committee briefly the event is in June. Council Perry asked if the Town had monies budgeted for such events. Mayor Jenkins said there will be more details to follow.

IX. REPORTS

- A. **Codifications Committee** – No Report
- B. **Council Reports** –No Report
- C. **Economic Development Committee** – Town Manager, Steve Templeton reported in Council Coates absence. The EDARC met jointly with the planning commission to review the changes to the Comprehensive Plan.
- D. **Engineer’s Status Report** – Town Manager, Steve Templeton and Town Engineer, Andy Miles met with Rural Development. The meeting was very encouraging.

- E. Façade Committee** – Town Manager, Steve Templeton reported in Council Coates absence. The committee met with Rob Jones to discuss grant applications for town businesses.
- F. Historical Committee** – Council Perry said the committee met with Mike Pulice and he will schedule the date for the next meeting to determine how to get information to interested parties.
- G. Manager- Town Manager Steve Templeton reported:**
- Water Department** – The new laptop which was needed by the Water Department has been received and the new software loaded 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 manipulates the water volumes in our tanks via telemetry, rather than manually. A number of leaks have been repaired and the crews have brought our water accountability to **16.9%** this month.
- Grants** –Town Engineer, Andy Miles and Town Manager, Steve Templeton met with officials from Rural Development (Eddie Smith and Robert Hilt), and Andy Miles presented his plans for sewer I & I improvements and I gave them a clear understanding of our needs. While they were unable to tell us anything definitive, they left the impression that we have a very good proposal and stand an excellent chance of approval under the Stimulus package.
- Zoning** issues – There have been approximately six requests for zoning permits during the past month, varying from small carports to swimming pools to complete remodeling of the interior. All have been in compliance and permits issued.
- Sewer** – Town Manager, Steve Templeton attended the April meeting of the Scott County Public Service Authority. At that meeting Dan Danko again promised that our Waste Water Treatment Plant would be demolished by May 31st of this year. As of Wednesday, May 6, 2009 the majority of the tanks have been demolished and fill dirt added.
- Town Manager, Steve Templeton received a letter from Mr. Danko requesting that the demolition plans be amended to allow the drying beds and the small laboratory building left intact for their use. Council Herron asked that issue be presented at the Sanitation Authority meeting.
- Town Engineer, Andy Miles, Mayor Jenkins, Vice-Mayor Tipton and Town Manager, Steve Templeton met on April 9 with officials of DEQ to discuss the Town’s plans to remedy/mitigate future water discharge problems should they occur. They indicated that they are satisfied with the town’s plans.
- Gate City Entrance Signage** – Town Manager, Steve Templeton received the approved application from VDOT allowing a temporary and partial lane closure of Kane Street at U.S. 23 in order to install our southeastern Gate City branding sign. Installation of the signs will begin in the morning Wednesday, May 13, 2009 there will be assistance from our public works department to dig the footers.
- New Software, Hardware and Wiring** –Jeff Feamster from Mountaineer spent four days here in the office installing the accounting portion of the Accufund software. He still must load the budget and other data to complete the process. Last week’s checks were printed by the Accufund system.
- Town Manager, Steve Templeton received a notification from VML that the Virginia Supreme Court had struck down many noise ordinances due to language addressing “unreasonably loud noise” or similar language. VML strongly suggested that any localities using similar language cease using the statutes. Town Manager, Steve Templeton relayed this information to the Planning and EDARC committees to begin researching other area ordinances which will use objective measures, such as decibel standards.
- H. Park Committee** – Council Tipton reported that he committee met at the park at 12:00 noon, May 6th to discuss the Grogan Park Extensions. The Contractor said the 2nd phase would begin May 26th. The committee walked the ball fields to observe the drainage situation and improvements to the walking trail. Discussed the possibility of a bridge.
- I. Planning Commission** – Council Tipton said they met and voted to appoint David Flanary to fill the vacancy on the board.

- J. Police Department Report** – Officer Delano reported 294 total calls this number is down from previous months. Officer Delano reported on the Speed Spy system on Park Street. The Department had it for three days. There were a total of 1,142 cars checked: 85% of vehicles traveling were 31mph, 50% of vehicles traveling were 26 mph and the highest speed was 43 mph. The department also had a list of upcoming department and community events.
- K. Property Maintenance Committee** – Report stated the status of all structures with code violations. Council Heron asked about the condemn signs for 3 structures and when they should be posted. A meeting with Robert Mullins was scheduled for May 14, 2009 to discuss this issue and the compliance of 3 structures with notice expiration.
- L. Public Works** – 27 Meter Turn Ons, 30 Meter Turn offs, 1 Meter Replacement, 82 Rereads/Check for leaks, 8 Miss Utility Tickets, 12,560 lbs. of Card Board Pick up, 39,580 lbs. of Brush Pick Up, 151,910 lbs. of Trash Pick Up, 165 Total Work Orders. The Public Works department has hired two temporary summer employees to help with mowing for right-of-way visibility.
- M. Sanitation Authority** – No Report meeting scheduled Wednesday, May 13, 2009 @ 6:00 p.m.
- N. Street Commission** – No Report
- O. Treasurer Report** – The Treasurer is having some health issues. The report includes everything except the month to date budget report.
- P. Water Committee** – No Report
- Q. Water Plant** – Lorretta Cruby thanked Kenny Reynolds with for his assistance in finding leaks this past month it helped considerably with accountability. Lorretta Cruby also stated that the Computer Training on the new software for the laptop would begin Wednesday, May 13, 2009.

Mayor Jenkins closed the Reports session and opened the Public Comment session.

X. PUBLIC COMMENT

- A.** Mr. Rush with People Incorporated of Virginia spoke to the Council regarding the Clinch Manor Apartments. Mr. Rush spoke about rehabilitating the 42 unit senior housing complex to earthfare standards. Mr. Rush requested that the Town of Gate City support their efforts so that their organization could gain tax credits in order to compete with independent developers. The request included 5 letters that would be on Town letterhead and signed by Town Manager, Steve Templeton. Mr. Rush said People Inc. will make a 15 year commitment with first right of refusal for the next 15 years. The project would not begin until the year 2010. The renovation would consist of new energy efficient appliances, new hardwood floors in each unit as well as new windows and new roofs. Tenants would be housed in a vacant hospitality unit until repairs to their unit were complete.
- B.** Wallace Ross addressed the council and said he was still waiting to get an appointment with Town Manager, Steve Templeton or Mayor Jenkins. He still wants to talk about the street right-of-way at the church. Mr. Ross said the town did a quick fix on Back street and should have done a better job. Mr. Ross asked why the Gate City sign couldn't be used. Council Perry asked him what he meant, the sign is being used. The sign was designed by the high school and the placement is on National Guard property. Mr. Ross asked if the town voted on the sign. The sign was a gift and the town voted to accept it. Mr. Ross asked who made the decision to allocate monies and delegate which jobs get done first. Town Manager, Steve Templeton asked if he was referring to daily work orders. Town Attorney, Mike Carrico asked if he was referring to paving jobs. Mr. Ross said again that the town dug a ditch on Back street and left the work undone. Mr. Ross said he would like a survey and wants to know why it can't be done. Town Attorney,

Mike Carrico said that Mr. Steve White did a survey. Town Attorney, Mike Carrico offered to give Mr. Ross the phone number to contact Mr. White. Town Attorney, Mike Carrico said the survey does not change the right-of-way. Mr. Ross said he would like to come to a compromise. Mayor Jenkins asked Mr. Ross to call Town Manager, Steve Templeton in the morning to set-up a meeting.

- C. Richard Hubbard announced an invitation to the Civitan meeting scheduled for Thursday, May 14, 2009, 11 a.m. – 2 p.m. at the Grogan Park.
- D. Request to sign the forms for People Incorporated of Virginia.
Motion to have Town Manager, Steve Templeton sign the forms for People Incorporated of Virginia
Motion: Rita Tipton 2nd: Council Jenkins

Council Coates returned to council meeting at 7:44 p.m.

Mayor Jenkins closed the public comment session at 7:45 p.m. and opened the consent agenda session.

XI. CONSENT AGENDA

Approval of Town Council meeting minutes from April 14, 2009

Motion: Council Jenkins 2nd: Council Perry
VOTE: Yeas, 4
 Nays, None
 Council Coated Abstained

Approval of bill payments for April 2009 in the amount of \$138,293.88

Motion: Council Jenkins 2nd: Council Perry
VOTE: Yeas, 4
 Nays, None
 Council Coated Abstained

XII. UNFINISHED BUSINESS

Motion to have the License Agreement with Bank of America signed.

Motion: Council Perry 2nd: Council Tipton
VOTE: Yeas, 5
 Nays, None

Motion to appoint Bob Blackstock to the 5 year term on the BZA

Motion: Council Coates 2nd: Council Herron
VOTE: Yeas, 5
 Nays, None

Council Perry asked Town Attorney, Mike Carrico to see that the members previously appointed are certified by the court.

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

XIII. NEW BUSINESS

- A. **Lodging Tax** - Mayor Jenkins said the county gets all the taxes collected unless the town adopts a separate tax. Mayor Jenkins said there should be public hearing to discuss the issue. Mayor Jenkins requested that the town set a separate tax for tourism events to generate more revenue for businesses. The planning commission will need to make a recommendation.

Motion: Council Tipton 2nd: Council Coates
VOTE: Yeas, 5
 Nays, None

B. Mixed Beverage Tax – Need to refer to the planning commission. To make a recommendation.

Motion: Council Coates 2nd: Council Jenkins

VOTE: Yeas, 5
 Nays, None

C. New Noise Ordinance – Need to refer to the planning commission. To make a recommendation to draft a new noise ordinance. Council Tipton said we need a public hearing on this issue prior to the next meeting.

Motion: Council Tipton 2nd: Council Coates

VOTE: Yeas, 5
 Nays, None

D. Sewer Interceptor Improvements Project – Council agreed to allocate the funds to assist with the project. Council also requested that the Sewer Authority discuss the issue.

Motion: Council Perry 2nd: Council Coates

VOTE: Yeas, 5
 Nays, None

E. Request from Shoemaker Elementary –

Motion to waive Grogan Park rental fees for all schools with request from a school official in advance.

Motion: Council Perry 2nd: Council Tipton

VOTE: Yeas, 5
 Nays, None

F. Stop light at the intersection of Jones St. and E. Jackson St. –

Council Perry said this intersection is a hazard. Council Tipton said we have made a request twice previously and the town was told that the number of cars and traffic flow did not warrant a stop light. Council said a more in-depth study was supposed to be performed. Town Manager, Steve Templeton said he would call to try find out results and more information.

G. Review of Tow Service Policy – Council Perry said that both tow services in the area have relocated outside the city limits and the service should be opened to other companies. Council Herron said the companies already designated have first refusal. Council Coates said we have a list of tow companies. Chief Cox said there is a dedicated section about the tow policy and he would review the existing policy. Mayor Jenkins asked if the current designated companies have business licenses.

XIV. CLOSED SESSION

Mayor Jenkins opened the closed session at 8:05 p.m.
Motion for Council entered into closed session to discuss legal and personnel issues.

Motion: Council Herron 2nd: Council Coates
VOTE: Yeas, 5
 Nays, None

XV. RETURN FROM CLOSED SESSION

10:00 p.m. council returned from closed session
Motion to return from closed session and enter back into regular session.

Motion: Council Perry 2nd: Council Tipton
VOTE: Yeas, 5
 Nays, None

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VOTE:	Yeas,	5
	Nays,	None

Motions from closed Session:

Motion to terminate employee #75 effective immediately.

Motion: Council Herron	2 nd : Council Tipton	
VOTE:	Yeas,	5
	Nays,	None

Motion to accept the resignation of employee #4 effective June 1, 2009.

Motion: Council Herron	2 nd : Council Tipton	
VOTE:	Yeas,	5
	Nays,	None

XVI. ADJOURN

Motion to adjourn the meeting until the next regular scheduled Council Meeting June 9, 2009.

Motion: Council Coates	2 nd : Council Tipton	
VOTE:	Yeas,	5
	Nays,	None
	Absent	Council Jenkins

*Mayor Jenkins adjourned the meeting at 10:15 p.m.

Mayor Mark Jenkins

Town Clerk Danni Campbell