

***GATE CITY TOWN COUNCIL MEETING &
PUBLIC HEARING***

***MAY 13, 2008
156 E. JACKSON ST.
6:00 PM***

PRESENT: Mayor Jenkins
Vice-Mayor Tipton
Council Hurt
Council Cassell
Council Perry
Council Herron

ABSENT: None

I. PUBLIC HEARING CALL TO ORDER

Mayor Jenkins opened the Public Hearing regarding water policy amendments at 6:00 P.M.

II. PUBLIC COMMENT

Mayor Jenkins asked if anyone had any questions or comments.

A. Debbie Kindle

Mrs. Kindle stated that she had two concerns with the water policy. She pointed out that page 13 of the water policy addressed delinquent water accounts and renter/property owners. She understood the water policy to hold property owners accountable for delinquent accounts from renters. Mrs. Kindle said that there is no way a property owner can protect himself from being responsible for a renter's bill. Mike Carrico addressed the issue by explaining that the word "property" is being confused. The water policy does not consider "property" to include the actual land property but as the personal property of the delinquent tax. There is no obligation between the landowner and the tenant.

Mrs. Kindle also asked the Council about the wording concerning deposits from renters and property owners. She asked if deposits were required from both the renter and the property owner when a service began. Council Perry said the policy needs to be re-worded to relieve confusion.

Mayor Jenkins adjourned the Public Hearing at 6:20 P.M.

III. COUNCIL MEETING CALL TO ORDER

Mayor Jenkins called the Town Council Meeting to order at 6:29 P.M.

IV. ROLL CALL

PRESENT: Mayor Jenkins
Vice-Mayor Tipton
Council Hurt
Council Cassell
Council Herron
Council Perry

V. INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation: Rev. John Sheppard
Pledge of Allegiance: Chuck Newton, Sergeant at Arms

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

- A. Mayor Jenkins acknowledged Loretta Cruby and the Water Plant as the recipients of the Gold Award in Granular Filtration. The Gate City plant was one out of ten water plants in the state to receive the award. Mayor Jenkins thanked everyone for their hard work towards the successful operation of the plant.

VII. COMMUNICATIONS

- A. Robert Mullins did not attend the meeting.

*Mayor Jenkins closed the Communications session and opened the Reports session.

VIII. REPORTS

A. Manager

Town Manager Steve Templeton told the Council that the Town's budget preparation is moving along significantly. Mr. Templeton spoke with Rufus Hood about the issue of stray cats and dogs discussed at last month's council meeting. Mr. Hood assured Mr. Templeton that the County will take care of the problem because the Town does not offer the service. Mr. Templeton has talked to Stoney Falin about the issue of providing garbage service to residents using water outside of town limits. Mr. Falin feels like adding a pick up day and re-arranging the schedule will easily enable the garbage service to be available to residents outside town limits. Council Perry asked if garbage outside of town would cost the same as in-town service. Mayor Jenkins said that there would be an adjusted rate. Mr. Templeton has established May 31, 2008 as "Clean-Up, Fix-Up, Paint-Up Day." This day will include volunteer efforts from town residents and property owners in order to make improvements to the appearance of the town. Mr. Templeton said that the Town has started the process of billing companies who cause damage to town property. He gave the example of the fiber optics drilling accident that caused over \$800 of damage to the town.

B. Police Department

Jason Cox provided the Council with monthly, K-9, and other activities reports. Mayor Jenkins commended the police department on the acknowledgement received from the county concerning joint operations. Mr. Cox said the Gate City Police Department has a good relationship with the Sheriff's office. Chris Kilgore has received full certification in K-9 training.

C. Public Works

Mayor Jenkins said that Stoney and the Public Works crew have fixed five leaks on Moccasin Hills. The companies responsible for the damages to the water lines have been fined. Stoney has been busy making repairs to the town-owned AEP building. Mayor Jenkins said that they will look at the budget to see if there is money available to purchase a smaller pick-up truck or meter reader in order to save gas.

D. Water Plant

Loretta Cruby thanked everyone for the help they have given in the past year.

E. Sewer Plant

None

F. Planning Commission

The Planning Commission and Economic Development met together, and Vice-Mayor Tipton gave a combined report. The Planning Commission and Economic Development agreed to purchase two 5 ft. x10 ft. signs at approximately \$3200 per sign. These signs will be welcome signs at the town entrances. \$5000 will come from the Economic Development budget, and \$600 will come from the Planning Commission. Council Tipton also discussed possibilities of potential music venues for the town. In order to keep from interfering with other musical activities such as the Carter Fold and concerts in Kingsport, the commission suggests keeping away from Friday, Saturday, and Sunday nights. Council Tipton asked that if anyone has any suggestions about enhancing musical venues in town they should contact a member of the Planning Commission. There is discussion to begin applying for historical state preservation. At a special called meeting on May 12, 2008 the Planning Commission discussed applying for state historical preservation. A representative from the Department of Historical Resources, Michael Pulice, is coming to Gate City to review the properties this month. The Town can apply for funds involving a survey of buildings, cemeteries, bridges, etc. for identification as a historic district. There are approximately 200-400 buildings in town that need to be surveyed, but not all will necessarily be in a proposed district. If all this doesn't work out by June 10th deadline the Town can apply to do a survey of an arbitrary number of 100-200 buildings with recommendations of historic district boundaries and then do any further survey necessary in the nomination in the next year or two. Mr. Pulice's visit will determine which district to begin with. Council Tipton asked the Council to vote to begin this project stating that some financial decisions will be required. Mayor Jenkins thanked Council Tipton for all the work she has done towards this project, and he added the vote to approve this project to the agenda under new business.

G. Street Committee

Council Perry said she has had several people complain to her about the condition of the road between Chris' Department Store and the old computer building. Council Tipton said that street is number one on the list for repair. Steve Templeton said there is \$21,000 incumbent in the street budget. Stoney Falin said it would be possible to pave straight across the street. Council Perry said it would be good to get the street fixed before the Clinch Mountain Music Fest. She asked if there had to be sidewalks on both sides of the street. If not, she suggested having a sidewalk on only one side in order to decrease the narrowness of the street. Stoney Falin will look at the sidewalk to determine the best solution for fixing the problem. Mike Carrico asked if there were any funds left from the sidewalk development grant. Mayor Jenkins said the only funds left were those that had to be used for Park Street contiguous to the original project area.

H. Sanitation Authority

None

I. Economic Development Committee

None

J. Water Committee

None

K. Park Committee

Council Tipton stated that the Park Committee has made a lot of progress with the Park Extension project. They have secured \$10,750 for a rain garden. They have viewed pictures of new restroom facilities and it will be maintenance free with a green metal roof. They also discussed the pump station. The final decisions were made on what needs to go out for bids first in this first phase. They were the bathrooms, utility pole, parking, outdoor classroom, and the trail system. The Park Committee should be ready to go out for bids soon. Council Perry said that the Park Committee would need volunteer help when they start paving the walking trail. She also stated that she has talked with a School Board representative about submitting a request from the School Board for an outdoor classroom. Council Herron asked what the rain garden would do and Council Tipton said it will take care of excess rain water and will hold flowers and plants. Mayor Jenkins thanked Richard Hubbard for all of his help with the Civitan and through the Park Committee.

L. Council Reports

Council Perry discussed a number of issues. She asked Stoney Falin if the lot beside the filter plant belongs to the Town. Mr. Falin said the lot does belong to the Town, but people bring junk and dump it off there. Council Perry said there needs to be a sign warning people not to dump trash on the lot. Council Perry also mentioned the yard sale on Reed Hollow Road that occurs seven days a week. The issue needs to be addressed, and the operators need to be billed for a business license. Mike Carrico suggested sending a certified letter to the owner of the property. Mayor Jenkins suggested working on a yard sale ordinance. The issue of parked cars and trash in the lot of 205 Reed Hollow Road also needs to be addressed. Council Perry asked if the Board of Zoning Appeals and Planning Commission are full staffed. Mike Carrico said the BZA is not full staffed. Council Perry asked how they could have a hearing if they're not full staffed. Mike Carrico said they just have to have a quorum, and the Board of Zoning Appeals has not been full staffed for a while. Council Perry said those committees need to be looked at and brought up-to-date. Council Perry also stated that she is the Council representative on the SWVA Community Foundation Board of Directors. She has received communication from the Board to recruit volunteers to work at the Clinch Mountain Music Fest on June 14th in Downtown Gate City. If anyone is interested in volunteering, please contact Council Perry. Council Herron stated that the apartments on the left side of Jackson Street have bags of trash outside on Sundays. The trash ordinance needs to be enforced in order to improve the situation.

M. Treasurers Report

Jean Shell gave the council copies of the monthly treasurer's reports.

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

IX. PUBLIC COMMENT

A. Kim Jenkins

Kim Jenkins inquired about a potential project for “Clean-Up, Fix-Up, Paint-Up Day.” She asked if she would be able to paint the building beside of hers on Jackson Street. The council decided the property owner would have to be contacted before anything could be done to the building. Council Perry volunteered to contact the property owner.

X. CONSENT AGENDA

APPROVAL OF CONSENT AGENDA

MOTION: Motion by Perry, Seconded by Tipton
To approve the Consent Agenda.

VOTE: Yeas, 4
Nays, None
Abstain, Council Herron

- A. Approval of Special Called Town Council meeting minutes of March 31, 2008.
- B. Approval of Town Council meeting minutes of April 8, 2008
- C. Approval of bill payments for April 2008 in the amount of **\$101,236.91**

*Mayor Jenkins closed the Consent Agenda and opened the Unfinished Business session.

XI. UNFINISHED BUSINESS

A. New People’s Bank

A representative from New People’s Bank requested a water bill adjustment for the property at 104 Moccasin Hills Drive. The bank gained possession of the property on August 28, 2007. A leak was found in the garage in January, and it is not clear how long the leak had been there. Council Perry informed the public of the Town’s requirement to the state concerning water loss. Mike Carrico stated that the policy says to take the two previous months and average them with the high bill in order to determine the amount owed for the property.

MOTION: Motion by Cassell, Seconded by Perry
To approve the adjustment of New People’s Bank water bill in accordance to previous policy on adjustments

VOTE: Yeas, 4
Nays, None
Abstain, Council Herron

B. Ray Kilgore- water bill adjustment

Mr. Kilgore had two consecutive high water bills in the amounts of \$807.20 and \$1074.60. He received an adjustment on his bill of \$807.20, and he has asked for an adjustment on his second high bill. Mr. Templeton talked to Mr. Kilgore, and he also spoke with the Billing Clerk and Cindy Coates. Mr. Kilgore was notified that he had the leak, and he was advised to wait for the adjustment because the problem was found in the middle of the billing cycle. Council Perry said that a statement needs to be prepared stating that the customer has been advised of their leak. Only one adjustment is allowed within a 12 month period, and Mayor Jenkins determined that no more adjustments can be made for Mr. Kilgore’s property at this time.

C. Status of old theatre building

Mr. Templeton met with Mr. McCarty and a representative from his engineering firm. They had to get AEP to move power service in order to bring large cranes in so the outside integrity of the building could be preserved. The power has been moved and insurance companies are discussing whether or not they will provide liability insurance. AEP has agreed that they will drop a power line for one day, so Mr. McCarty and the engineering firm are trying to figure out how much work can be done in that day. They are exploring options for getting holes knocked into the building. They have assured Mr. Templeton that if the outside appearance is a major issue with the Town they will work to take care of the outside, but they do not want to invest a lot of money on the outside of the building until they get the inside secured. The Council needs to meet with Robert Mullins in order to determine if there is a deadline for this project, and get a report of the status of the project.

D. Progress of making Park Street a one-way street

Council Herron asked about the previously discussed issue of making Park Street a one-way street. Council Tipton said that the old building on the street used to have trucks coming in leaving it impossible for the road to only go one way. Because the trucks no longer use Park Street, the problem of making it a one-way street is no longer an issue. Park Street is a state street until it reaches the ball park, and the state will have to grant permission for the road to be changed. Council Tipton said that a public hearing will have to be held to see if the change is possible. Mr. Templeton will find out from the state whether or not Park Street can be made into a one-way street, and then the Council will hold a Public Hearing accordingly.

E. Purchase of new police vehicles from Rural Development Grant

The issue of purchasing new police vehicles was previously addressed. Everything has been done except for securing all the funds. The vehicles are ordered and will be ready sometime in July or August.

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

XII. NEW BUSINESS

A. Business license issues

Mr. Carrico will send certified letter to Mustard Seed Café about non-payment of last year’s business license and a few months neglected meals tax payments. Chief Cox will deliver letters to Git R Done because they do not receive mail. Mr. Carrico stated that any restaurant in the Town makes money from the meals tax. The Mustard Seed Café is making money from the meals tax but not sending it in to the Town. Because the meals tax operates on an honor system a new system needs to be implemented holding businesses accountable for these issues. Mr. Carrico suggested that Mr. Templeton send a letter as Town Manager and Mr. Carrico will also send one as Town Attorney.

B. Boundary adjustments

Rhonda Stacey found properties that have recently been annexed that are not being billed. Mayor Jenkins said the properties need to be identified and billed. The Town needs to coordinate through the County to make sure properties should be billed.

C. Purchase of folding chairs for auditorium

Council Perry asked if the Council would consider purchasing folding chairs with padding for the Town Auditorium. She described the type of chairs and prices of chairs she has found. Council Perry said she will look into the matter. The Town needs to purchase folding chairs that can be moved to enhance floor space during special events. Mayor Jenkins said they will look into the budget and continue to find the best deal for the purchase of new chairs.

D. Scheduling of Joint Planning Commission and Council meeting before June meeting

With regards to the Ronnie Lane request to change his property from R-1 to C-1, the Council will hold a joint meeting with the Planning Commission immediately before the June council meeting.

MOTION: Motion by Tipton, Seconded by Cassell
To advertise a joint meeting of the Town Council and Planning Commission before the June meeting

VOTE: Yeas, 5
Nays, None
Absent, None

E. End of the year insurance pay-out checks

Mr. Templeton explained that employees who choose not to take the medical insurance have the ability to take a cash payment in lieu of the insurance plan. The policy does not address pro-rated payments. Mr. Templeton suggested some changes in the writing so the policy allows for pro-rated payouts. The Town Manager needs to re-address issues within the policy manual.

F. Hiring of new police officer

*Personnel issue was moved to Closed Session

G. Adoption of new Town logo

The Town Seal will remain in addition to the new branding logo. The logo will be displayed on stationery, business cards, etc.

H. EMS Resolution

MOTION: Motion by Cassell, Seconded by Hurt
To approve Proclamation of May 18-24, 2008 as Emergency Medical Services Week

VOTE: Yeas, 5
Nays, None
Absent, None

MOTION: Motion Cassell, Seconded by Herron
To approve proclamation of EMSC Day.

VOTE: Yeas, 5
Nays, None
Absent, None

I. Accountant contract addendum

Cindy Fields is the accountant who is helping to prepare the Town’s documents for the actual audit. Mr. Templeton received communication from Mrs. Fields concerning using her to help with the audit in additional ways. Mr. Templeton said the Council needs to look at her original contract. Mike Carrico said Mrs. Fields is essentially auditing the audit. Mr. Templeton said that Mrs. Fields considered the slow process of completing the audit to be a result of the Bright System and the high employee turnover rate. Council Cassell asked if the Town employees could be sent to training at Bright System instead of sending the auditor who only uses the system periodically. Mr. Templeton said he wants hard numbers telling how much money the Town really has. Mike Carrico stated that Mrs. Fields is employed to audit the audit so the person actually performing the audit should be the one to talk to. Mr. Carrico said it appears that Mrs. Fields is trying to fill an entirely different role than what her contract defines. Mrs. Fields had to be hired because it is a state mandate. Mr. Carrico said this involvement could potentially be a problem. The previous audit did not provide a hard close on the 2006-2007 budget. Mr. Carrico said his legal suggestion would be for the Town Manager to meet with the actual auditor to discuss the budget and Mrs. Fields role in this process. Mayor Jenkins said the contract will be examined to determine how to deal with the situation.

J. Approval of Grogan Park contract

MOTION: Motion by Tipton, Seconded by Perry
To approve Grogan Park Rain Garden contract

VOTE: Yeas, 5
Nays, None
Absent, None

K. Historic designation

MOTION: Motion by Herron, Seconded by Hurt
To pursue the Town of Gate City’s historic status

VOTE: Yeas, 5
Nays, None
Absent, None

L. Closed Session

MOTION: Motion by Herron, Seconded by Perry
To go into closed session to discuss personnel issues

VOTE: Yeas, 5
Nays, None
Absent, None

*The Council entered into a closed session.

MOTION: Motion by Tipton, Seconded by Hurt
To return from closed session

ROLL CALL VOTE: Yeas, Council Herron
Council Cassell
Council Perry
Council Hurt
Vice-Mayor Tipton
Nays, None
Absent, None

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.

MOTION: Motion by Perry, Seconded by Herron
To hire Matthew Willis Taylor at \$9.50/hour

VOTE: Yeas, 5
Nays, None
Absent, None

MOTION: Motion by Herron, Seconded by Tipton
To terminate employee #70

VOTE: Yeas, 3
Nays, 1
Abstain Council Hurt

XIII. ADJOURN

MOTION: Motion by Perry, Seconded by Tipton
To adjourn the meeting.

VOTE: Yeas, 5
Nays, None
Absent, None

*Mayor Jenkins adjourned the meeting at 9:32 PM.

Mayor Mark Jenkins

Town Clerk Audra Fritz