



***GATE CITY TOWN COUNCIL MEETING MINUTES
MAY 14, 2013
156 E. JACKSON ST.
6:30 PM***

PUBLIC HEARING:

**ORDINANCE REGARDING REIMBURSEMENT FOR METHAMPHETAMINE
LAB CLEAN UP COSTS**

I. Mayor, Frances Perry called Public Hearing to order at 6:30 P.M.

II. ROLL CALL Town Clerk, Kathy Riley

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 Manager, Greg Jones, Town Attorney, Michele Brooks

III. NEW BUSINESS

**ORDINANCE REGARDING REIMBURSEMENT FOR METHAMPHETAMINE
LAB CLEAN UP COSTS**

IV. PUBLIC COMMENT –

Benny Reed – States he is 100% for it.

Council Member, R. Richards – Questions who is responsible, lessee or property owner, lessor.

Town Attorney, M. Brooks – Replies property owner. County as the same ordinance and this is to cover us.

Close Public Comment at 6:32 P.M.

V. Public Hearing closes at 6:32 P.M.

Mayor Frances Perry

Town Clerk, Kathy Riley

COUNCIL MEETING

I. COUNCIL MEETING CALLED TO ORDER AT 6:32 P.M. BY: Mayor - Frances Perry

II. ROLL CALL – Town Clerk - Kathy Riley

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: Jerry Venable, Benny Reed, Garrison L. McDavid, Debbie Kindle

III. INVOCATION – Reverend Tommy Holzclaw

IV. PLEDGE OF ALLEGIANCE Benny Reed

V. APPROVAL OF AGENDA

Motion made to approve the agenda.

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

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.

Mayor Perry – Introduces Greg Jones, new Town Manager and shows the Gold Performance Award that was presented to the Water Department.

VII. APPROVAL OF MINUTES

Mayor Perry - Are there any corrections, as presented, to the minutes for:

- **Council Meeting of April 9, 2013** – Approved as presented.
- **2013-2014 Budget Workshop Meeting of April 29, 2013** – Approved as presented.

VIII. APPROVAL OF PAYMENTS

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

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

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

IX. PUBLIC COMMENT

Jerry Venable – Discussed:

- Complimented the performance of the Police Officers and Police Chief
- Police academy in Weber City

Benny Reed – 167 Poplar Street – Discussed:

- Appreciated Public Comment to the beginning of the meeting
- Singling out Police Department regarding the budget
- Delinquent taxes
- Look at the budget hard before taking away from Police Chief or any other employee
- His understanding the Mr. Birchfield was told he could drive the car when he was hired as Police Chief. If taken away, your word is no good. Just saying if because he does not know for sure. Need to think about any take-aways if you have good employees.
- Take in consideration of what he has discussed.
- The Police Department being helpful.
- Lamented the good job the Police Department was doing and he supported the Chief being allowed to drive a town owned vehicle to and from his home and work.
-

Debbie Kindle – Discussed:

- Driving police cars home with reasons why it should continue, i.e. putting a price tag on a blue light, put a gun on their side, risk their life, salary does not justify them being able to afford the expense of having two cars, if they have a wife, and cost of living and supports them keeping the cars 24/7. Deserves the gas and car with them 24/7 and thanks them for the good job they do.
- Her support of the Chief driving a town owned vehicle to and from his home and work and complimented the Police Department on the good job they are doing.

Mayor Perry closed the public comment session at 6:46 P.M. and opened the consent agenda session.

X. COMMUNICATIONS - None

XI. REPORTS

A. Engineer's Status Report –

Council discussed the sidewalk project, drawing and location.

B. Treasurer's Report –

Vice Mayor, A. Roberts – Questioned the report with what is coming in and going out.

Town Manager, G. Jones – Responded he was reviewing the report with the way it is drafted up and will make changes to read and understand it better.

Council Member, R. Cassell – Informed Council hopes to have the budget done in 2-3 days.

C. Codification Committee/Property Maintenance – Report provided in packet.

D. Police Department Report –

Chief Birchfield – Discussed the vulture situation with different remedies for removal.

Council Member, W. Salyers – Asked question that goes back to treasurer report of how do we lose handcuffs. **Chief** replied they were taken off the prisoner, sanitized them in sink at Sheriff's Dept, got busy with his prisoner and when he came back they were gone. Somebody just picked them up.

Council Member, R. Richards – Had questions that tied into budget as well:

- Vests, i.e. molded to fit and cannot be used by another, reusable if officer leaves, how many in storage, can they be resold to other departments – **Chief** responded yes, molded to fit, can be reused if officer close in size, thinks there are two in storage, would check for sure and vests are stored until expiration date and cannot be resold. Chief informed Council of a Virginia company manufacturing vests and their pricing.
- Are reserve officers suited and how many reserves we have – **Chief** responded yes, three auxiliary officers.
- Do we still have camera on loan – **Chief** responded yes, it is checked regularly, with several suspects and the investigation still on-going.
- **Council Member, R. Cassell** – Questioned status of citizen complaint of barking dogs and if old blazer is being used and can it be sold. - **Chief** responded matter referred to officers on both shifts, sound meter is back, will follow up with a citation and the old blazer is not being used and has to research which department it is assigned to.

Vice Mayor, A. Roberts – Questioned if the automobiles have been placed on-line yet, description of cars need to be more presentable and how did they get into such bad shape so quickly and if Govdeals is the only place to sell surplus vehicles - **Chief** responded pictures have been taken, but Judy needs more, we swapped out the good tires for an in-service vehicle.

Council Member, R. Cassell explained advantage of using Govdeals.

Council Member, W. W. Ross, Jr. – Questioned bad condition of vehicles with only 80,000 miles and the Conference in Virginia Beach - **Chief** responded no previous maintenance program and it was a good class and necessary to be eligible for the Selective Service Grant.

E. Council Reports –

Vice Mayor, A. Roberts – Asked about designating portion of Jackson Street as a historical street to get traffic speed posted to 15 MPH, status on selling Town owned property, parking in front of Williams heating on Kane Street with no designated walk area and need to change time on website regarding Council Meeting to 6:30 p.m.

Council Member, R. Cassell – Since Jackson Street is a VDOT road, would have to go through them. **Town Manager, G. Jones** will get with VDOT regarding historic street and painted walk way on Kane Street.

Council other areas in need of sidewalks and painted walk areas to be a project for the Planning Commission.

Motion made to amend the agenda to place approval to advertise for a Public Hearing to sell Town owned property under new business.

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

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

Council Member, W.W. Ross, Jr. – Asked about Back Street, repaving of parking lot, and how much money received from Flea Market.

Town Manager, G. Jones – Informed Council of his meeting scheduled with the State and Stoney.

Council Member, R. Cassell – Informed Council repaving of parking lot would cost \$120,000-\$130,000 and explained how the Flea Market transpired.

Mayor Perry – Asked if there is a written agreement. **Council Member, W. Salyers** stated we need to have something in writing.

Council Member, W. Salyers – No reports

Council Member, R. Richards – Discussed the parking lot being used by kids for basketball and likes it is being left open.

Vice Mayor, A. Roberts – Asks if there is adequate lighting. **Council Member, R. Richards** responded no.

Town Manager, G. Jones – Will look into ways to improve lighting.

Council Member, R. Cassell – No reports.

F. Economic Development Committee –

Vice Mayor, A. Roberts – Discussed:

- Attendance of meeting with Mayor Perry suggested assignment of a Chairman and Secretary
- Bringing Town Manager up-to-date of last two meetings
- Pam Cox will check on getting brown historic signs for east and west side of town.

Mayor Perry informed Council of a merchant had expressed to her the thought of some of them talking among themselves about joining together to purchase a sign for advertising their businesses on by-pass 23.

G. Historical Committee – No comments.

H. Manager-

Town Manager, G. Jones – Discussed:

- The close out of paperwork for the Phase 1 & 2 water projects with last payment to VRA has been made
- Will have more at next Council Meeting

I. Park Committee –

Council discussed blue prints, legal aspects, contractor doing turn-key versus local resources, handicap provision with decision to continue talks with regards to the splash pad project.

J. Planning Commission –

Council Member, R. Cassell – Discussed the King-Ford Lease and the street that was paved in Davidson subdivision.

Town Attorney, M. Brooks – Informed Council the lease is in Richmond, should be back within 30 days, will need to go back to the Planning Commission for their approval and then to Council for final approval

K. Public Works – Report provided in packet.

M. Sanitation Authority –

Council Member, R. Cassell – Discussed Andy was to look into a grant for the sewer interceptor line with possibility of PSA tying into our lines. The amount of rain is costing us.

Town Manager, G. Jones – Informed Council an Engineer Report needs to be submitted for the grant.

L. Street Commission –

Council Member, W.W. Ross, Jr. – Asked about status of handrails at Bank of America and cutting of grass in right of ways and can VDOT do more.

Mayor Perry – Responded the Vocational School has placed the handrails to be first on the list for the fall semester and the Public Works crew is cutting grass as quick as possible, but once they get done with one end of town, the other ends needs to be cut.

Council Member, R. Richards – Responded VDOT is under budget cuts too and will only cut twice a year.

Council discussed obtaining community service workers and availability of inmate labor.

Vice Mayor, A. Roberts – Asked if any paving as been done. **Council Member, R. Cassell** responded with paving status.

M. Safety Committee –

Council Member, W.W. Ross, Jr. – Asked Council received copy of the emergency contact list, safety handbook to each department and about a 911 Emergency Co-ordination plan.

Council Member, R. Richards – Suggested possibility of emergency alert the same as school test alert. Mayor Perry responded it would have to be done for all localities.

Council Member, R. Cassell – Discussed the 911 Director speaking to him about moving the fire whistle to the 911 building, but would do a sound test.

N. Water Plant – Report provided in packet.

O. Events Committee

Vice Mayor, A. Roberts – Discussed allocating \$5,000 towards Grillin’ at the Gate with possibility of money from sponsors, vendor applications are available, the Collie Memorial Race has been postponed to a later date, Bailey Dockery 5K and Hope House 5K are still on.
Council Member, R. Cassell – Asked the location of the Town selling drinks to be closer to the vendors. Mayor Perry stated the need to contact the Health Department for the proper way to contain the drinks.

Mayor Perry – Informed Council of the Town of Gate City will be celebrating its 125th Anniversary. **Council Member, R. Cassell** suggested incorporating the anniversary on the t-shirts.

Council Member, W. W. Ross, Jr. – Suggested having the Mountain men in attendance.

XII. UNFINISHED BUSINESS

- **Discuss budget effects of Chief and/or all Police Department taking vehicles home with exception of officer who is assigned the Police Dog.**

Council Member, R. Cassell – Discussed:

- Citizen’s willingness to pay \$6,000 in fuel costs per year.
- Taking out \$30,000 from budget for a new 4x4 vehicle.
- Wearing out the 4x4 with Chief driving 74 miles round trip to Elizabethton.
- Chief to drive the Impala to and from home.

Mayor Perry – Stated the Chief said he would drive whatever Council directs him to drive. Chief provides Council the Impala gets 12-13 mpg and Explorer gets around 17-18 mpg.

Council Member, W. Salyers – Discussed:

- His research showed we are not the only Town this is involving, it includes big cities with limits of officers only allowed to drive 15 miles out of city limits, with some cities allowing just 3-5 miles.
- The need for the presence of the police vehicles in our town not in town presence if in Johnson City/Elizabethton.
- News release from Richmond stopped all cars going 15 miles out of their city limits, with another city 3-5 miles.
- Need to put a policy in place, have it in writing.
- The Town is in a budget crunch and this needs to be looked at.

Town Manager, G. Jones – Discussed:

- Budget problems
- Response times and public safety
- Need to put it on paper

Council Member, R. Richards – Discussed:

- Placing a moratorium on mileage. Other Police Departments are doing it and are surviving.

Council Member, W. Salyers – Questioned if being 40 miles away, the Chief’s ability to get into town in 39-45 minutes.

Chief Birchfield – Responded it took him only 27 minutes to get to Gate City for the robbery.

Council Member, W. Salyers – Asked his location. **Mayor Perry** responded Elizabethton.

Council Member, W. Salyers – Expressed concern of a safety issue if he got here in 27 minutes.

Council Member, R. Cassell – Asked if you can legally run the blue lights and siren until you reach the state of Virginia. **Chief Birchfield** – Responded cannot in state of Tennessee.

Council Member, W. Salyers – Responded if he can’t isn’t it a liability issue for the Town

Mayor Perry – Suggested we table this to the next meeting until Manager Jones has an opportunity to look at this.

Council Member, W. Salyers – Stated the budget and the other issue we just brought needs to be looked at.

Council Member, W.W. Ross, Jr. – Stated he understands each comment but questioned savings in any car we take.

Town Manager, G. Jones – Responded our expenditures are higher than revenue coming in. Need to bring that back down to match the monies coming in.

Motion made to request the Chief to leave the four wheel drive and drive the Impala to home and back. Once he gets here he can drive the Explorer to save the four wheel drive until we can afford to buy one.

Motion by: Council Member, R. Cassell

Council Member, R. Richards asked if clarification can be made of that motion before we vote on it.

Mayor Perry – Stated you have to amend it before you can ...clarification would be that the Chief would drive the Impala to work and back.

Council Member, R. Richards asked before it is put in the minutes is that dependent on budget decision after Mr. Jones does his figuring and we get back together.

Mayor Perry – That just means until a final decision is made that he is driving the Impala instead of the Explorer.

Council Member, R. Richards stated we need to make it until further decision is made.

Council Member, R. Cassell – Stated money aside until we can afford another four wheel drive.

Mayor Perry – The motion is the Chief drives the Impala instead of the Explorer.

Vice Mayor, A. Roberts – Stated he had a comment.

Mayor Perry – Stated we need a second before it be discussed any more. The motion is on the floor you need a second before it is discussed further.

2nd by: Vice Mayor, A. Roberts

Vice Mayor, A. Roberts – Stated understands where Robin is coming from, this may be one of the items we want to look at once Greg Jones looks at the budget. Something needs to be in writing versus verbal and he was elaborating on Council Member, R. Richard's point.

Mayor Perry – Stated to give Manager Jones time to look at the budget before a decision is made for them to drive it or not. A motion on the floor that instead of the Chief driving the Explorer he's to drive the Impala until further

Council Member, R. Cassell – Informs Mayor Perry that was not his motion. My motion is regardless of money situation that the Impala be driven to save the four wheel drive.

Vice Mayor, A. Roberts – Stated the key word Council Member, R. Richards said is interim.

Mayor Perry – Any motion made and decided on tonight is interim until another is made.

Council Member, R. Cassell – Stated his opinion for the interim is for Town Manager, G. Jones to stop it within a 15 mile radius. Thinks he's looking at the fuel costs and stopping it all together, I'm looking to save the vehicle. States if Town Manager says we need to stop it, we'll address it then. Mayor Perry stated he drives it in the interim. **Vice Mayor, A. Roberts** stated until the new budget year.

Council Member, W.W. Ross, Jr. – Asked what the mileage is when a vehicle is replaced. **Council Member, R. Cassell** explained past practice has not been the mileage but the condition.

Vice Mayor, A. Roberts – Questioned if the motion needs to be amended.

Council Member, R. Cassell – Stated I made it, I would need to amend it and asked what needs to be amended.

Motion made in the interim we would like the motion to be that we would advise to switch cars, in the interim, until budget is finalized for this coming year.

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

Mayor Perry – Stated a vote would need to be made on the amendment before a vote on the motion.

Mayor Perry – Stated the Motion was to let the Chief drive the Impala instead of the Explorer to and from home to work. **Council Member, R. Cassell** – Agreed and stated Vice Mayor, A. Roberts second that motion.

Mayor Perry – Stated Council Member, R. Richard’s amendment is
Council Member, R. Richard – Restated motion.

Motion made to be amended to reflect that this decision is based, on the interim, until the budget for 2013-2014 is finalized and approved by Council.

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

VOTE: Yeas,	4
Nays,	1-W.W. Ross, Jr.
Absent,	0
Abstain,	0

Council Member, R. Cassell – Expressed his desire to add, again, it is nothing personal just trying to look out for the Town.

Chief Birchfield – Requested it start tomorrow so as not to switch out cars tonight.

XIII. NEW BUSINESS

- **Decision on the Ordinance regarding reimbursement for methamphetamine lab clean up costs**

Town Attorney, M. Brooks – Clarified the responsible party for the clean-up costs is the party who committed the crime, not the owner of the property who is innocent.

Motion made to adopt the Ordinance regarding reimbursement for methamphetamine lab clean up costs.

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

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

- **Discuss Form 990 from Fire Department**

Council discussed reasons for receipt of Form 990 and the need of a written policy requiring agencies to provide this information. **Town Attorney, M. Brooks** suggested adopting an Ordinance regarding this.

Motion made to request Form 990 or equivalent financial records from each organization that the Town contributes funds to including but not limited to the Fire Department and the Life Saving Crew.

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

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

- **Discuss Fire Department discontinuing water use to wash personal vehicles**

- **Council Member, R. Cassell, to provide ways for Fire Department to reduce water usage**

Council Member, R. Cassell – Suggested placing these two items together with Mayor Perry in agreement. Discussed:

- We have no control they cannot use water, but control is in the money.
- Send a letter informing them their benevolence fund has been cut due to budget restraints and provide suggestions on ways to save on their water usage, i.e. discontinue washing personal cars and filling the trucks through hydrants. Answered Vice Mayor, A. Roberts question regarding standard procedures in refilling fire trucks.

- **Approve to advertise for bids for refinancing of the Town Hall building**

Motion made to advertise for bids for refinancing of the Town Hall building.

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

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

- **Approve to advertise for a Public Hearing to sell Town owned property under new business**

Town Attorney, M. Brooks – Provided Council different options to sell Town property.

Council Member, W. Salyers – Informed Council when looking at possible sale price to go by an appraised value and not the tax assessed value.

Mayor Perry – Suggested getting appraisals done at a group rate.

Council made decision to table this item until next meeting

XIV. PUBLIC COMMENT – NEW BUSINESS - None

Mayor Perry closed the public comment session for new business at 8:32 P.M. and opened the consent agenda session.

XV. CLOSED SESSION - Council did not go into closed 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 8:32 P.M., until the next regularly scheduled Council Meeting on June 11, 2013, at 6:30 P.M.

Frances Perry – Mayor

Kathy Riley – Town Clerk

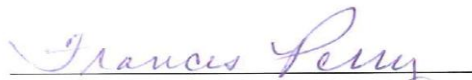
**AN ORDINANCE REGARDING
REIMBURSEMENT FOR METHAMPHETAMINE
LAB CLEANUP COSTS
(Ordinance 05-14-13)**

It is hereby ordained by the Council of the Town of Gate City pursuant to § 15.2-17 16.2 of the Code of Virginia, as amended, as follows:

WHEREAS, any person who is convicted of an offense for manufacture of methamphetamine pursuant to § 18.2-248 or § 18.2-248.03 of the Code of Virginia (1950), as amended, shall be liable at the time of sentencing or in a separate civil action to the county for the expense in cleaning up any methamphetamine lab related to the conviction. The amount charged shall not exceed the actual expenses associated with cleanup, removal, or repair of the affected property or the replacement cost of personal protective equipment used.

WHEREAS, this ordinance shall be in force and effect in the Town of Gate City on and after its date of adoption by the Council of the Town of Gate City.

WHEREAS, being adopted by the Council of the Town of Gate City the date of adoption of this Ordinance is May 14, 2013.



Frances Perry – Mayor

Attested:



Kathy Riley – Town Clerk