



**Town Council Meeting Minutes - Public Hearing
6-Aug-09
156 E. Jackson Street**

I. CALL TO ORDER - PUBLIC HEARING ON PROPOSED FOUR ORDINANCES

Mayor Mark Jenkins called the Public Hearing on the Noise ordinance to order at 6:06 pm.

No comments from the public. Noise ordinance closed at 6:07 pm.

The Sidewalk ordinance was called to order at 6:07 pm. Council Member, Frances Perry questions if the Class 4 misdemeanors are defined on what the fine would be under the misdemeanor. She says that if we are going to enforce it then shouldn't we let them know what the punishment would be. Richard Hubbard states that the Gate City code of ordinances classifies what the specifics are.

The Sidewalk ordinance was closed at 6:11 pm.

The Transient Lodging ordinance was opened at 6:11 pm. Council Member, Frances Perry questioned to make sure we have the right to designate where the funds will go. Council Member, Cindy Coates questioned what the time limit and consequences is to have taxes submitted back to the town. She requested a penalty to be set in place before it is adopted. Officer, Michael Delano states that concerning the Transient Lodging, that the ordinance says 'not more than 90 consecutive days' and asks are they going to be given any permits. Virginia law states anything that exceeds 30 days would require a Virginia registration, unless they are a full time student. He questions if a temporary permit would be allowed in the town.

The Transient Lodging ordinance was closed at 6:24 PM

The Mixed beverage tax opened at 6:24 PM

Town Attorney, Mike Carrico stated that he had talked to the town manager regarding this. He said that the tax should be the same as taxing meal taxes. Mayor Mark Jenkins said he will not argue one way or another but does want to see tax revenues coming in. Council Member, Frances Perry states she thinks we would do better on tax by the drink. Town attorney, Mike Carrico thinks the town should have an additional license in addition to the business license to charge tax.

Mayor Mark Jenkins wants to add under new business the discussion on the Noise and Sidewalk ordinances. No other comments were spoken.

He closed the public hearing at 6:32 PM.

II. CALL TO ORDER

Mayor Mark Jenkins called the meeting to order at 6:34 P.M.

III. Roll Call

Deputy Town Clerk Rhonda Stacey conducted roll call. The following persons were present:

Council: Cindy Coates

Council: Tommy Herron

Council: Frances Perry

Vice Mayor: Rita Tipton

Absent: Ashley Jenkins

IV. Invocation

Frances Perry

V. Pledge of Allegiance

Mark Jenkins

VI. Proclamations, Congratulatory Resolutions, Awards, Appointments, Resignations, and Confirmations, Administration of Oaths and Introduction of Guest

Council Members accepted the resignation of Kendra McDavid.

Motion by: Council Member, Frances Perry

Seconded by:

Vice Mayor, Rita Tipton

Vote:	Ayes:	4
	Nays:	0
	Absent:	1

VII. Communications

None

VIII. Reports

Codification Committee: Council Member, Frances Perry states there is nothing to report at this time.

Council Reports: No Report

Economic Development Committee:

Council Member, Cindy Coates said the meeting had been postponed. Town Manager, Steve Templeton stated that the solar lighting has been received and will be installed.

Engineer's Status Report:

Andy Miles wasn't able to attend the meeting. He wanted to report that the Burnt Cabin Grant application had been submitted on time.

Façade Committee:

Council Member, Cindy Coates stated that she had met with Rob Jones and they are reviewing the design drawings. They had spoken with Tommy Quillen about the cost of the rehabilitation of the apartments and believe it has been decided that it will not be cost efficient. Council Member, Frances Perry said she has had several people question her on what the status was. She suggested that we send out flyers to individuals who have applied for the funds. Rob Jones is in charge of contacting the people that have applied for the funds. Council Member, Cindy Coates encouraged the public to come to the meetings.

Historical Committee: No Report

Manager:

Town Manager, Steve Templeton stated that the block for the restroom at Grogan Park is now being laid. It had been delayed due to a mistake by the masons. He is waiting on an approval by the architect now. Public works crew are still working on the Foot Bridge. VDOT did deliver the steel and it is now 9ft. long and the crews can get their equipment across. Business licenses ran ahead of what was projected in the budget. It took a while to get the Brights system repaired due to a thunderstorm, but it is now up and running. There were two streets paved, which were Water Street and Willow Street. The Manville Road project is in progress and there were about 118 houses who have signed up for water. Council member, Tommy Herron questioned who had approved this project. Town Manager Steve Templeton stated that the PSA had made request in February 2009 and it was part of the original plan but been held up due to funding. Town Attorney, Mike Carrico stated that this needs to be discussed in closed session due to legal issues.

Park Committee:

Vice Mayor, Rita Tipton stated that it was voted to put a shed over the handicap sleeves at the park and that we need to order poly pave when we can.

Planning:

Vice Mayor, Rita Tipton mentioned that there was an agency wanting to relocate in Gate City. Ms. Tipton stated the planning commission recommends that the town makes Park Street a one-way street west bound to Horton Street. Mayor, Mark Jenkins stated that we need to re-advertise for a Public Hearing on this matter, for it has exceeded the 90 day limit since it was previously advertised. He stated to place the public hearing on the agenda for the next meeting.

Police Department:

Acting Chief of Police, Michael Delano spoke about the breakdown of the percentages of per call by department on his report. Council Member, Tommy Herron questioned if the police department was still radaring Park Street. Officer, Michael Delano thinks that Park Street should be a one-way street also due to safety reasons and that mirrors should be placed to help. Officer Delano states that the pay for the police department is slightly lower than other departments. He requests that we look at the current budget to see if we can implement his suggestion of increasing pay and just make the officers salary and cut out overtime completely. He states that right now the department is not giving the town a full 24 hour coverage and feels like the town deserves full coverage. He speaks of a schedule that he thinks would work for the department. Council Member, Cindy Coates requested to see an example of a schedule to show the council. Town Attorney, Mike Carrico said to make sure that Court time is factored in . Officer, Michael Delano says that it would save the town approximately \$10,000 dollars a year by doing this. Town Manager, Steve Templeton requested for Officer, Michael Delano to have a draft of the schedules for review by the next meeting.

	Summons	Arrests	Reports
Templeton	12	1	3
Taylor	18	1	3
Kilgore	9	4	4
Delano	11	2	4

Property Maintenance:

Vice Mayor, Rita Tipton stated that there was going to be a meeting with Robert Mullins at the Town Hall on August 13, 2009 at 11:00.

Public Works:

Town Manager, Steve Templeton stated that the crews have finished painting the lift stations. He mentioned they have been working on the bridge at the park; moving rock and that the pump at the sewer station had failed and they had spent time pulling it out. Council Member, Frances Perry said she thinks they are doing a good job keeping the town mowed.

Junk	15420
Card Board Pick UP	11520
Brush Pick up	34820
Trash Pick Up	189180
Total Work orders	156

Sanitation Authority:

Council Member, Cindy Coates stated that the meeting would be on the next Wednesday and as of right now there is nothing to report.

Street Committee:

Council Member, Frances Perry said that there was a request from a resident on McConnell St. stating that the road had bad places. She stated that the town manager and herself had both driven that street and it did have bad places but in their opinion there were other roads in worse shape. They think that patching should be sufficient right now.

Treasurer:

Town Manager, Steve Templeton said that the Treasurer, Chris Edwards wasn't able to get a good report this month because of where the Brights System was down, but he does intend on having a report generated from the Brights System for next month.

Water Committee:

No Report

Water Plant:

Loretta Cruby stated that the accountability was up a little bit. She mentioned that the leaks on Water Street had been fixed and had attached the waste water flow in her report and has talked to April about the violation. She stated that the wash valves had been fixed and it saved the town \$800 dollars thanks to Stoney and Sammy. Town Manager, Steve Templeton said that himself, Andy and Loretta had met with VDH to discuss the water violation. He had also talked to Jeff Brickey and told him to now fill fire trucks from the ends of the lines only.

IX. Public Comment

Mayor Jenkins opened the floor for public comment at 7:26 PM

Officer, Michael Delano comes forth as an employee not as a police officer and questioned council about any employee working the holidays prior to or about 2007 to 2008, if anyone new the status of the backpay. Town Manager, Steve Templeton said that the Treasurer was aware of the problem and he would talk to him about it again. Michael was told that it was being reviewed by Cindy Fields. Council Member, Cindy Coates questioned if Cindy Fields is working for the town other than audit purposes. She is there for audit purposes only. Town Attorney, Mike Carrico had questions about the awning and sidewalk ordinances, Section 28.5, and wanted to know about getting permits from the town. Council Member, Frances Perry mentions that Awnings are expensive and suggested to grandfather in what is already there. Richard Hubbard stated that we can modify the ordinance before it is voted on tonight. He says the specifications are better now for the

business owner than the existing ones. Council Member, Cindy Coates states that the intentions from Rob Jones is to make every thing more uniform on the sidewalks with all the money that is being spent. She says that the council needs to get this ordinance put in place.

Public Comment was closed at 7:49 PM

X. Closed Session

Motion made to enter into closed session.

Motion by: Vice Mayor, Rita Tipton

Seconded by: Council Member, Tommy Herron

Vote:	Yeas	4
	Nays	0
	Absent	1

XI. Entered Closed Session at 7:49 PM

XII. Return From Closed Session at 9:22 PM

Motion made to enter back into regular session

Motion by: Council Member, Cindy Coates

Seconded by: Council Member, Frances Perry

Vote:	Yeas	4
	Nays	0
	Absent	1

Certification of Closed Meeting read by Attorney Mike Carrico

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 provision 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 conformity with Virginia law;

Now, Therefore, Be it Resolved, that the Gate City Town Council Herby 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 the certification applies and (2) only such business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Gate City Town Council.

Yeas:	Council:	Cindy Coates	Nays:	Absent:	Council Member,
	Council:	Tommy Herron			Ashley Jenkins
	Council:	Frances Perry			
	Vice Mayor:	Rita Tipton			

XIII. Consent Agenda

Motion to advertise for the Codification and Property Maintenance Position.

Motion by: Council Member, Tommy Herron **Seconded by:** Vice Mayor, Rita Tipton

Vote:	Yeas	4
	Nays	0
	Absent	1

Motion to approve the consent agenda

Approval of payment of bills July 2009

Approval of Minutes July 14, 2009

Motion by: Council Member, Tommy Herron **Seconded by:** Vice Mayor, Rita Tipton

Vote:	Yeas	4
	Nays	0
	Absent	1

Approval of Minutes July 29, 2009

Council Member, Cindy Coates abstains from the July 29, 2009 minutes due to absence.

Motion by: Council Member, Tommy Herron **Seconded by:** Vice Mayor, Rita Tipton

Vote:	Yeas	3
	Nays	0
	Absent	1

XIV. Unfinished Business

Town Attorney, Mike Carrico stated in reference to the Hope House, the council would have to refer to the Attorney General for a decision.

XV. New Business

Council Member, Frances Perry said she wants to set a date for the Annual Employee Picnic. All Council members decided that September 11, 2009 at Grogan Park would be a good time to have it. Mayor Mark Jenkins had stated earlier in the meeting to discuss the Noise and Sidewalk ordinances under the new business.

Motion to adopt the Sidewalk Ordinance -

Added at the end of 28.5.2:

1. Existing awnings that may not meet the specifications as defined in 28.5 are exempted under the grandfather clause.

Changes to 28.3.2 e (4):

1. strike out the words: be considered null and void 10 days after such sale or termination, and a new encroachment agreement with the new property owner and/or lessee shall be required prior to the encroachment being permitted to continue.
2. and add at the end: transfer of title.

Motion by: Council Member, Cindy Coates **Seconded by:** Council Member, Tommy Herron

Vote:	Yeas	4
	Nays	0
	Absent	1

Motion to adopt the Noise Ordinance to become effective 8/7/09 at 12:01 AM

Motion by: Council Member, Frances Perry **Seconded by:** Vice Mayor, Rita Tipton

Vote:	Yeas	4
	Nays	0
	Absent	1

Motion to adjourn

Motion by: Council Member, Cindy Coates **Seconded by:** Council Member, Tommy Herron

Vote:	Yeas	4
	Nays	0
	Absent	1

Adjourned meeting until September 8, 2009 at 6:00 PM.

Mayor Mark Jenkins

Town Clerk Angel Parker