

TOWN COUNCIL MINUTES



Gate City Town Council Minutes
September 3, 2019
156 E Jackson Street
6:30 PM

I. COUNCIL MEETING CALLED TO ORDER AT 6:44 P.M. BY: Mayor - Frances Perry

II. ROLL CALL – Town Clerk – Lydia Lane

	PRESENT:	ABSENT:
Mayor, Frances Perry	X	
Vice Mayor, Robin Richards	X	
Council Member, Allan “Cotton” Roberts	X	
Council Member, Roger Cassell	X	
Council Member, Wallace W. Ross, Jr.	X	
Council Member, Ron Kindle		X
Town Manager, Greg Jones	X	
Town Attorney, Michele Brooks	X	

Others present: Jason Snapp, Mattern & Craig; Marley Brooks; Kevin Barnette; Jessee McMurray, Law Offices of Jessee McMurray and Commonwealth Title Services; Edwin Cox, James River Advisors; Elizabeth Bricquet; Bruce McMillian; Chief Terry Sivert

III. INVOCATION – Reverend Kevin Barnette

IV. PLEDGE OF ALLEGIANCE - Chief Terry Sivert

V. APPROVAL OF AGENDA

Motion made to approve the agenda.

Motion by: Allan “Cotton” Roberts

2nd by: Roger Cassell

VOTE: Aye, 4
Nay,
Absent, 1
Abstain

Motion Carried.

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

Town Manager Greg Jones presented business owners, Edwin Cox; James River Advisors and Jessee McMurray; The Law Offices of Jessee McMurray and Commonwealth Title Services with awards recognizing their efforts to beautify the Town and create business here.

VII. APPROVAL OF MINUTES

- **Approval of August 13, 2019 Town Council Minutes**

Motion made to approve minutes as presented.

Motion by: Allan “Cotton” Roberts

2nd by: Roger Cassell

VOTE: Aye: 3
Nay: 1
Absent: 1

Abstain: **Motion Carried.**

VIII. APPROVAL OF PAYMENTS

Motion made for approval for payment of bills for August 2019 as presented.

Motion by: Allan "Cotton" Roberts

2nd by: Vice-Mayor Robin Richards

VOTE: Aye: 4

Nay:

Absent: 1

Abstain: **Motion Carried.**

IX. PUBLIC COMMENT (Will be limited to 3 minutes per speaker.)

Bruce McMillian- Mr. McMillian stated that there are a lot of properties that are being allowed to run down. Mr. McMillian stated that he is ashamed to invite people to come to his home due to the rundown of the properties around him. Mr. McMillian asked if the Town Council is getting the results that they want from their property laws on Highland Street? Town Manager Greg Jones stated that these are not the results that he wants. Mr. McMillian suggested that the laws be changed to try to improve the way the town looks. Mr. McMillian stated that the law should be that the Town should own that property after a certain amount of time. Mr. McMillian stated that because you are not getting the results that you need, laws need to be changed. Council Member Roger Cassell stated that it is not all Town laws, a lot of it is in state control. Council Member Wallace W. Ross, Jr. stated that he appreciates Mr. McMillian voicing his concerns and stating that there may be a better process than what the Town is currently doing. Mr. McMillian stated that if the laws don't change, the same results will continue to be seen. Town Manager Greg Jones stated that the Town has hired an outside firm to sell judicial sales for delinquent taxes. Town Manager Greg Jones stated that if taxes haven't been paid for three years, that property can be sold for judicial sale and all properties with property maintenance issues and delinquent taxes have been moved to the top of the list. Mr. McMillian stated that he appreciated Town Manager Jones' efforts to clean up Carter's place. Town Attorney Michele Brooks stated that the Council is only allowed to do what the Code of Virginia allows them to do. Town Attorney Michele Brooks stated that the Council is delegated power through the general assembly. Council Member Allan "Cotton" Roberts stated that the ordinance has been changed that if someone is negligent in their property maintenance and they are habitual, the fine has been doubled. Council Member Roberts told Mr. McMillian about the town wide rehabilitation project that the Town is undertaking. Mr. McMillian stated that he appreciated the Council's time.

Mayor Perry closed the public comment session at 7:04 P.M. and opened the consent agenda session.

X. COMMUNICATIONS- NONE

XI. REPORTS (All reports given will be included with your packet. Any questions about the reports will need to be discussed with the department head PRIOR to the meeting.)

A. Engineer's Status Report- Jason Snapp delivered the Engineer's Status Report.

DEQ Sewer I&I Rehab Job: Mr. Snapp stated that he has spoken with Jeff Madden from marine resources commission who told Mr. Snapp that the permit was in the mail. Mr. Snapp stated that the permit has been received and once it is signed by Town Manager Greg Jones and sent back, it will put that permit into effect. Mr. Snapp stated that the Corp of Engineers would have their review done in ten days and the permit should be received seven days after that. Mr. Snapp stated that this would finish up everything that is needed to advertise with the exception of the loan permit from VRA. Mr. Snapp stated that Bill Spencer with DEQ is going to ask for an extension on the loan commitment but is 50/50 on whether it will be granted or not. Mr. Snapp stated that if it is granted, it

would have to be extended through the first of the year in order for the project to be advertised in the fall because the loan would have to close before that commitment date is up. Town Manager Greg Jones asked if another audit will need to take place? Mr. Snapp stated yes and that if Mr. Spencer can talk them into extending that, there is a possibility that it can go ahead and be advertised, but if not it will be spring before it can be advertised.

Water Treatment Plant Upgrades: Mr. Snapp stated that two grounding rings were put in and one is on back order. Mr. Snapp stated that there would be a punch list to go through and the contractor will have to come back and fix that before any final payment is made and the project is closed out. Mr. Snapp stated that as soon as the grounding ring is put in, Town Manager Greg Jones, Mr. Snapp, the contractor and the inspector will go through the punch list.

Asset Management Plan: Mr. Snapp stated that this plan just needs to be turned into VDH for approval and he hopes to do this next week.

H/C Ramp HSIP Project: Mr. Snapp stated that he will follow up with Reggie on this. Mr. Snapp stated that they do have the final plans and have approved it for advertisement. Mr. Snapp stated as soon as this is received back from them it will be advertised as soon as possible.

Downtown Striping Plans: Mr. Snapp stated that he has been attempting to coordinate with VDOT to determine who will stripe the on-street parking. Mr. Snapp stated that typically they will stripe anything that has been existing. Mr. Snapp stated that there will be a revision to the striping to include the handicap ramp.

Council Member Wallace W. Ross, Jr. asked what is the progress on the street parking design? Mr. Snapp stated that where the bumps were added at the pedestrian crossings, the striping will not be able to be changed. Mr. Snapp stated that the handicap parking will change with the new ramps. Council Member Wallace W. Ross, Jr. stated that it is difficult for the school bus to turn onto Manville Road due to the location of the handicap parking. Mr. Snapp stated that the only solution would be to not allow individuals to park so closely to the intersection in order to increase sight distance.

- B. Manager's Report** – Town Manager Greg Jones deferred regular reports until next month due to the change in meeting date. Town Manager Greg Jones delivered an update on the water leak survey which took place since the last council meeting. Town Manager Greg Jones stated that last council meeting, the council approved for Rye Engineering to come in on an emergency procurement to do a survey of the town. Town Manager Greg Jones stated that as a result of this survey, eight leaks have been discovered. Town Manager Greg Jones explained the significant leak that was found behind the lifesaving crew. Vice Mayor Robin Richards asked if Rye is teaching the town crew how they know where the leaks are and have we learned from this experience? Town Manager Greg Jones stated that the leak detection equipment that we have is not picking up the sounds that the leaks are making, however, the equipment that Rye has did. Town Manager Jones stated that Rye Engineering is recommending that the town invest in new leak detection equipment and they will provide training with that equipment purchase. Vice Mayor Robin Richards asked if Rye is still in the town? Town Manager Greg Jones stated that they are not because we are trying to catch up with them on leaks that they have identified so far, then once all those leaks are repaired, pressure will be put everywhere else in the system and will most likely break free. Town Manager Greg Jones stated that Rye is available to come back as we repair leaks if we can't find the issue. Council Member Roger Cassell asked if Town Manager Greg Jones is absolutely sure that the PSA meter is correct? Town Manager Greg Jones stated yes, he is positive. Town Manager Greg Jones stated that the meter that we have is reading in hundreds, but the billing is in thousands. Town Manager Jones stated that on the onset, it looks like

that for every hundred gallons that is coming through the meter we are being billed for a thousand gallons, but what they are doing is in their billing system, they are moving that digit back which still makes it right.

C. **Council Reports** (Any new business from Committees that needs to come before the Council.)

Council Member Allan “Cotton” Roberts – Council Member Allan “Cotton” Roberts stated that he and Town Manager Greg Jones attended the Senator Warner conference at Crooked River Barn last Thursday. Council Member Roberts stated that he and Town Manager Greg Jones have contacted one of Senator Warner’s staff members from Abingdon to give him the proposal for the Gate City Theatre and he was excited about it and stated that Senator Warner would be excited about it too. Council Member Roberts stated that he asked for a letter of support and assistance with grant money funding from Senator Warner.

Council Member Wallace W. Ross, Jr. - Council Member Wallace W. Ross, Jr. stated the council voted for Council Member Ron Kindle and himself to go to the VML but they have not received their confirmation on their reservations. Town Manager Greg Jones stated that he had sent those months ago, but would be happy to resend them.

Vice Mayor Robin Richards- Vice Mayor Robin Richards stated that it is exciting at night to come through Gate City and see all of the activity including families walking, individuals walking their dogs, jogging, CrossFit, etc. Vice Mayor Robin Richards stated that she believes the culture is changing to be a more fit culture and she hopes that we pursue the sidewalk project and see if we can better help citizens walk from the Quarry Pond end of town into town. Town Manager Greg Jones stated that the outdoor recreation market has so much potential in Southwest, VA. Town Manager Greg Jones explained the upcoming Jeep Run in partnership with Spearhead Trails.

Council Member Roger Cassell – Nothing to Report

Mayor Frances Perry- Mayor Frances Perry stated that she is promoting the Gate City Theatre project.

- D. **Sanitation Authority** Council Member Roger Cassell stated that the Sanitation Authority met with the PSA and Larry Sturgill did an excellent presentation on his audit. Council Member Roger Cassell stated that the Sanitation Authority laid out what they wanted from the PSA and there will be another meeting Friday morning. Town Attorney Michele Brooks stated that the PSA has asked for a proposal from the Sanitation Authority asking what they want. Town Attorney Michele Brooks stated that she believes this is moving in a positive direction.

XII. UNFINISHED BUSINESS

- **No Unfinished Business**

XIII. NEW BUSINESS

- **Commonwealth Attorney Proposal - TAKE NO ACTION**
- **Section 16.4 Weapons; discharging firearms ordinance amendment**

Council Member Wallace W. Ross, Jr. asked if the ordinance was already passed and it was left out, if it was already adopted, why do we have to redo it? Council Member Roger Cassell

stated that Town Attorney Michele Brooks brought in the new Municode and council voted to adopt what was in that book and this ordinance was not in that book. Mayor Frances Perry stated that the only difference is that it was not recorded in that book and this vote will reenact it. Town Attorney Michele Brooks stated that this will readopt that ordinance that was inadvertently left out of it. Town Attorney Michele Brooks stated that in her opinion, this ordinance is no longer in effect because when Municode was adopted anything that was not included in the book was no longer an ordinance. Vice Mayor Robin Richards asked who do individuals come in and see for the special permit and what would be the process to obtain this permit? Town Attorney Michele Brooks stated that there would be reasonable restrictions, there would be parameters, and it would only be for what council agrees it is for, anything outside of that, would be unlawful discharge. Vice Mayor Robin Richards asked if it would have to be voted on in council? Town Attorney Michele Brooks stated that is correct.

- **Motion made that Section 16.4 Weapons; discharging firearms ordinance amendment be adopted and recorded as it was approved in 2016.**

Motion by: Allan “Cotton” Roberts

2nd by: Roger Cassell

VOTE: Aye: 4

Nay:

Absent: 1

Abstain: **Motion Carried.**

- **Jackson Street Parking Plan – TAKE NO ACTION**

- **Purchase Snowplow**

Town Manager Greg Jones stated that the town needs a new snowplow and the Myers 8.0 8 ft snowplow is the requested snowplow. Town Manager Greg Jones stated that the mounting that the truck currently has will mount the new plow. Town Manager Greg Jones stated that B&H sales has included a mount in their quote, but if the mounting is not needed, they will take \$500 off which will make it \$5,396.00. Town Manager Greg Jones stated that Lawrence Equipment has quoted the snowplow at \$5,452.66 without the mounting. Town Manager Greg Jones stated that he is requesting the snowplow be purchased from B&H sales and that there is not another authorized dealer within 175 miles. Council Member Roger Cassell stated that Lawrence Equipment quoted a rubber deflector kit and B&H didn't. Council Member Cassell asked if this is something that the town crew will need? Town Manager Greg Jones stated that it is included. Council Member Wallace W. Ross, Jr. asked how old was the old snowplow? Town Manager Greg Jones stated that it was 12 years old. Town Manager Greg Jones stated that the next equipment purchase will be a truck bed because the truck bed has been completely eaten out by the salt. Vice Mayor Robin Richards asked if this is our fault or just the way that it happens? Town Manager Greg Jones stated it is just the way it happens; there is nothing you can really do to prevent it.

Motion made to purchase the Myers LP 8.0 snowplow from B&H sales for \$5,396.00.

Motion by: Allan “Cotton” Roberts

2nd by: Roger Cassell
VOTE: Aye: 4
Nay:
Absent: 1
Abstain:

Motion Carried.

- **VML Risk Management Grant**

Town Manager Greg Jones stated that the town has been approved \$2,000 on a risk management grant from VML. Town Manager Greg Jones stated that he submitted a proposal to upgrade and replace the security system at the water plant. Town Manager Greg Jones stated that the estimated cost for this is approximately \$3,100, but with the grant it would only be approximately \$1,100. Town Manager Greg Jones stated that if Council is in agreement with this pricing, the grant will be able to move forward.

Motion made to adopt the VML Risk Management Grant to purchase video cameras for the water treatment plant.

Motion by: Allan "Cotton" Roberts
2nd by: Wallace W. Ross, Jr.
VOTE: Aye:4
Nay:
Absent: 1
Abstain:

Motion Carried.

XIV. PUBLIC COMMENT – NEW BUSINESS - NONE

XV. CLOSED SESSION - NONE

**Motion made for Council to enter into closed session to discuss 1.)
2.)
3.)**

Motion by:
2nd by:
VOTE: Aye:
Nay:
Absent:
Abstain:

Mayor Perry opened the closed session at _____ P.M.

XVI. RETURN FROM CLOSED SESSION

Motion made for Council to return from closed session.

Motion by:
2nd by:
VOTE: Aye:
Nay:
Absent:
Abstain:

Council returned from closed session at _____ P.M.

CERTIFICATION OF CLOSED MEETING – Read by: Town Attorney Michele Brooks

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.

ROLL CALL VOTE: Aye:
Nay:
Absent:
Abstain:

XVII. MOTIONS FROM CLOSED SESSION:

XVIII. ADJOURN

Motion made to adjourn.

Motion by: Allan “Cotton” Roberts

2nd by: Roger Cassell

VOTE: Aye: 4
Nay:
Absent: 1
Abstain:

Motion Carried.

*Mayor Perry adjourned the meeting at 7:41 P.M., until the next scheduled Council Meeting on October 15, 2019.

Frances Perry – Mayor

Lydia Lane - Town Clerk