



***GATE CITY TOWN COUNCIL MINUTES
JANUARY 13, 2015
156 E. JACKSON ST.
6:30 PM***

I. COUNCIL MEETING CALLED TO ORDER AT 6:30 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
Town Manager, Greg Jones
Town Attorney, Michele Brooks

Others present: Linda Hall, Kenny Stallard

III. INVOCATION Reverend Don Muncie

IV. PLEDGE OF ALLEGIANCE – Gate City Officer, Wendy Chambers

V. APPROVAL OF AGENDA

Motion made to approve the agenda.

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

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.

- **Appointment of Vickie Roberts to the BZA Committee for a period of one year beginning January 1, 2015 and ending on December 31, 2015 (Approved by Planning Commission).**

Motion made, as a member of the Planning Commission, to appoint Vickie Roberts to the Board of Zoning Appeals.

Motion by: Council Member, R. Cassell 2nd by: Council Member, W.W. Ross, Jr.

VOTE : Yeas, 4
Nays, 0
Absent, 0
Abstain, 1-A. Roberts

Town Manager, G. Jones, introduced Wendy Chambers to Council as the new Part-time Officer and informed Council she currently serves as the school Resource Officer for Scott County Sheriff's department.

Town Manager, G. Jones, informed Council of a letter received on December 30, 2014 from town residents on behalf of complimenting one of our employees, Kathy Riley. He read the letter, for Council, which complimented her for her hard work and friendly demeanor.

VII. APPROVAL OF MINUTES

- **Public Hearing on December 9, 2014 regarding closing of the undeveloped portion of Campbell Street as presented?**

Motion made to approve those minutes.

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

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

- **Public Hearing on December 9, 2014 regarding Special Use and Exception Permit request for 248 W. Jackson Street as presented?**

Motion made to approve those minutes.

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

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

- **Public Hearing on December 9, 2014 regarding leasing of the old Police Department to the Scott County Historic Society as presented?**

Motion made to approve those minutes.

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

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

- **Public Hearing on December 9, 2014 regarding amendment to the Zoning Ordinance, Chapter 24, Section 10.7.1 as presented?**

Motion made to approve those minutes.

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

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

- **Council Meeting on December 9, 2014 as presented?**

Motion made to approve those minutes.

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

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

- **Public Hearing on January 6, 2015 regarding Floodplain Ordinance.**

Motion made to approve those minutes.

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

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

- **Special Called Meeting on January 6, 2015 regarding adoption of Floodplain Ordinance.**

Motion made to approve those minutes.

Motion by: Council Member, R. Cassell 2nd by: Council Member, W.W. Ross, Jr.

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

VIII. APPROVAL OF PAYMENTS

Motion made for approval for payment of bills for December, 2014.

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

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

IX. PUBLIC COMMENT – None

Mayor Perry closed the public comment session at 6:40 P.M. and opened the consent agenda session.

X. COMMUNICATIONS – Already done.

XI. REPORTS

A. Engineer's Status Report - None

B. Treasurer's Report – Council Member, W.W. Ross, Jr., questioned item on page 12, 0805267441 regarding minor equipment if that was the amount for new equipment at the water plant. Town Manager, G. Jones, informed him of the changes of taking it from another location, where it did not work, and put it at the water plant where it does work. So we moved the funds from the Park expenditure back to the water plant expenditure.

C. Codification Committee/Property Maintenance – Town Attorney, M. Brooks, informed Council of up-coming hearings before the next Council meeting. Mayor Perry asked if it will be the same date and would like to be notified of the date of the hearing. Council Member, R. Cassell, questioned the demolition status of the Chapman Store and asked if we were still pursuing that. Town Manager, G. Jones, stated it was in the Capital Improvement Fund and it was the first one to be taken down. He stated it needs to be addressed will be discussed with the budget and capital improvement which is in the agenda too. Town Attorney, M. Brooks, informed Council of the pending destruction order for three years.

D. Police Department Report – None

E. Council Reports – Vice Mayor, A. Roberts, discussed real estate that was being sold at the county office building and his concern if property sells, does the Town receive any money. Town Attorney, M. Brooks, provided an explanation the statutory lien and TACS contract. He discussed majority of work orders are about water and sewer and states there needs to be a way to divide their time for those departments. Town Manager, G. Jones, explained that is the reason why the insurance is being paid solely by the water fund for the offset and explained other issues with work at the water treatment plant and other items we wanted to get done under capital improvements and hopes to address that next year. He asked if the Sanitation Fund was tied into the water fund or separate, doesn't see the numbers. Town Manager, G. Jones, stated it is separate with a separate report for the Sanitation Authority. Council Member, W. W. Ross, Jr., had no comments. Council Member, R. Richards, questioned dogs running loose and not following the lease law. Town Manager, G. Jones, provided process regarding stray dogs with no collar or tags falls to the county by calling 911 for a report. Town Attorney, M. Brooks, stated if it is a known dog to contact Town Officer they can contact the resident and also charge them for violation of the leash law. She questioned status of property located at 946 W. Jackson Street. K. Riley, Town Clerk, informed her it was a property that will be processed by Town Attorney for court. Council Member, R. Cassell, stated residents in apartments above business are stacking their trash on sidewalks versus behind the building. Vice Mayor, A. Roberts, stated it goes back to the property owners to advise tenants where trash should be placed for pick up. Town Attorney, M. Brooks, suggested a letter and if not, to amend the Litter Ordinance.

F. Economic Development Committee – Vice Mayor, A. Roberts, discussed the Crooked Road and Clinch Mountain Music events, went over items from the January Planning Retreat, questioned where the tax money is going, heard of complaints regarding what is being done with tax dollars and suggested allocate percentage of monies from the meals and business license tax to Economic Development to help stimulate businesses here and encourage new businesses to come in. Council Member, R. Cassell, asked if he was calling the events like Grillin' at the Gate, Kicking Back at King Alley as part of Economic Development. Vice Mayor, A. Roberts, stated it is, it is part of the stimulus, it brings people into Gate City. Mayor and Council Member, R. Cassell, stated it is really the Events Committees and not Economic Development. Vice Mayor,

A. Roberts, stated it is not, but then it is providing example of bringing in 2,500 people and they spend money it is stimulus. Mayor Perry stated they have to have somewhere to spend, which is Economic Development. Council Member, R. Cassell, stated he felt Economic Development is to promote a business and try to get business in here and events is just actually just paying for the events. Vice Mayor, A. Roberts, stated it has to work hand in hand, if you have no activity, you won't have an economy, you need events to generate activity. He asked if Mayor Perry saw his point of taking money from the Meals and Business License tax, and keeps the business tier going. Mayor Perry stated we need to keep trash pick- up going, keep the water going and agreed we need them both but the problem won't be solved tonight and his suggestion need to go to the Budget Committee to look at for next fiscal year to see if it is feasible. Mayor Perry stated we need to concentrate on getting sponsors for these events. They are not supported by any place in General Funds. Council Member, R. Cassell, stated to do what you want to do may be better to do separate line items under events and separate under Economic Development. Town Manager, G. Jones, stated he feels he is trying to suggest it is more of a public relations type of thing. Most people, who have homes, do not know anything about Economic Development. Trying to explain what it is to the whole broad of Gate City is easier then explaining separate allocations. Council Member, W. W. Ross, Jr., stated the non use of newspapers to inform public of plans for the town. Mayor Perry stated the Council meetings are once a month and the public are welcome to come to them. Council Member, R. Cassell, questioned if there is a limit for the number of members for Economic Development stating he has a gentleman who is interested in getting involved with the town. Mayor Perry stated ad-hoc committees are by Mayor appointment.

G. Historical Committee - None

H. Manager – Town Manager, G. Jones, went over his report as presented in the Council packet.

I. Park Committee – Did not meet.

J. Planning Commission – Nothing to discuss, other than need for members. Council Member, W.W. Ross, Jr., questioned progress at King Ford property. Council Member, R. Cassell, stated Town Manager is to provide a site plan. Council Member, W.W. Ross, Jr., questioned the actual lot line of the William's property and possibility of getting it surveyed. Vice Mayor, A. Roberts, stated we have a VDOT drawing and it would not be cost effective for a survey. Town Attorney, M. Brooks, explained items that VDOT can provide permission to place on property and discussed securing items.

K. Public Works – Town Manager, G. Jones, discussed the water loss percentage figure which is probably from the last month water leak and the plant is running around 14 hours a day. Council Member, R. Richards, questioned Public Works cleaning up fallen walls and who owns the walls. Council Member, R. Cassell, stated it is a VDOT road.

L. Sanitation Authority – Council Member, R. Cassell, informed Council a response regarding the FOIA request was received. Vice Mayor, A. Roberts, questioned about the Board losing a member.

M. Street Commission – Council Member, W.W. Ross, Jr., discussed street lights out on the streets and sidewalk at Kane Street and having Job Corp finish the work. Town Manager, G. Jones, stated it is a VDOT right-of-way and the Town needs to be careful of liability issues. Council Member, W. W. Ross, Jr., discussed items previously presented and not taken care of, i.e.

handrails, Kane Street sidewalk, Chestnut Street, along with other items. Town Manager, G. Jones, stated some VDOT projects addressed sooner due to it being a threat to property and life. Council Member, W.W. Ross, Jr., discussed paving done in some areas and not in other areas. Town Manager, G. Jones, explained VDOT new regulatory process has increased immensely and due to changes to environmental reviews required before obtaining permits increased time frame before work can be done.

N. Safety Committee - None

O. Water Plant – Council Member, W.W. Ross, Jr., questioned new equipment at the water plant, if it has been placed in a different location. He understands the equipment is not working at the plant as well as it should. Town Manager, G. Jones, stated is has not be informed of that and will check on that.

P. Events Committee – Vice Mayor, A. Roberts, informed Council of new business in town, Roberts & Jones. He discussed activity at Daugherty Brother property and Marcum Pharmacy is still in negotiations with owner, McDonald's is progressing with opening in near future.

John Kilgore, President of the Crooked Road Committee, discussed the Crooked Road, Carter Fold, where the money for Carter Fold comes from, 60 towns on Crooked Road, community events with churches and schools, and Virginia Tobacco Commission is the leading sponsor, along with other sponsors.

XII. UNFINISHED BUSINESS

- **VDOT response to Council's offer of \$1,000 towards their request for railroad crossing upgrade on Horton Street.** – Town Manager, G. Jones, stated he has received information from VDOT that it will take six months to write up the agreement. It was decided to take this item off the agenda until a later date.

XIII. NEW BUSINESS

- **Approval to advertise for a Public Hearing to amend Gate City Ordinance, Chapter 4, Section 4.5**
Motion made to advertise for a Public Hearing to amend Gate City Ordinance, Chapter 4, Section 4.5.
Motion by: Vice Mayor, A. Roberts 2nd by: Council Member, W.W. Ross, Jr.
VOTE: Yeas, 5
Nays, 0
Absent, 0
Abstain, 0
- **Approval to advertise for a Public Hearing to repeal Gate City Tourism Zone Ordinance, Chapter 29, Section 29.2** – Town Manager, G. Jones, explained the reasons to repeal the ordinance citing current ordinance has many unanswered questions and the need to address issues that need to be focused on.
Motion made to advertise for a Public Hearing to repeal Gate City Tourism Zone Ordinance, Chapter 29, Section 29.2.

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

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

Town Attorney, M. Brooks, asked to back up regarding the Public Hearing for the Ordinance on Chapter 4 and asked that it would be for all of Chapter 4, instead of just Section 4.5. It may not reference the code in other sections but it needs to be for all of Chapter 4 instead of just that one section.

Motion made to amend prior motion regarding to advertise for Public Hearing to be to amend all of Gate City Ordinance, Chapter 4.

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

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

- **Approval to advertise for a Public Hearing to amend Gate City Animals and Fowl Ordinance, Chapter 3, Section 3.1**

Motion made to advertise for a Public Hearing to amend Gate City Animals and Fowl Ordinance, Chapter 3, Section 3.1.

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

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

- **Police Department 2002 Chevy Impala** – Town Manager, G. Jones, asked if Council would have problem if it was sold and provided current condition of a blown head gasket. Vice Mayor, A. Roberts, asked if he would go on GovDeals.

Motion made to advertise the police department 2002 Chevy Impala on GovDeals.com.

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

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

- **Benevolence for Scott County Historic Society** – Town Manager, G. Jones, stated this was discussed earlier. He stated they are willing to take care of the lease for the old police department but we cannot just take care of the water, sewer and refuse. We are looking at doing a benevolence for about \$1,000.00 a year that should cover for a minimum water bill the same way we do with the Fire Department. Scott County Board of Supervisors has already agreed to pay them \$2,000.00 towards the electric bill. Council Member, R. Cassell, asked if that needs to be done when it is tied into revising the budget. Town Manager, G. Jones, stated

it goes hand in hand and needs approval to start on that. Town Attorney, M. Brooks, asked for a mailing address of the Society. Ms. Hall stated once in will use the physical address of the building for receipt of mail.

Motion made to provide benevolence to Scott County Historic Society of \$1,000.00 a years towards the water bill.

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

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

Linda Hall expressed her thanks to Town Council.

- **Legislative Reception/Richmond VA-January 22, 2015** – Town Manager, G. Jones, informed Council of the date for the reception in Richmond, it is good for networking, reserving three rooms, with him, Cotton Roberts and Wallace W. Ross, Jr. to attend.
- **Approval to advertise for a Public Hearing regarding FY 2015 Budget/CIP revision** – Town Manager, G. Jones, explained the reasons for the revision to be worked out with the Budget Committee. Vice Mayor, A. Roberts, asked about the rental of the downstairs. Town Manager, G. Jones, responded he wanted to wait to see what the electric bill would be.

Motion made to advertise for a Public Hearing regarding FY 2015 Budget/CIP revision.

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

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

IV. PUBLIC COMMENT – NEW BUSINESS - None

Mayor Perry closed the public comment session for new business at 8:06 P.M. and opened the consent agenda session.

XV. CLOSED SESSION

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

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

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

Mayor Perry opened the closed session at 8:07 P.M.

XVI. RETURN FROM CLOSED SESSION

Council returned from closed session at 9:00 P.M.

Motion made for Council to return from closed session.

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

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

CERTIFICATION OF CLOSED MEETING – Read by: Town Attorney, M. 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.

VOTE: Yeas, 6
Nays, 0
Absent, 0
Abstain, 0

XVII. MOTIONS FROM CLOSED SESSION: None

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 9:01 P.M., until the next regularly scheduled Council Meeting on February 10, 2015, at 6:30 p.m.

Frances Perry – Mayor

Kathy Riley – Town Clerk