

**GATE CITY TOWN COUNCIL MEETING &  
PUBLIC HEARING  
MARCH 11, 2008  
156 E. JACKSON ST.  
6:00 PM**

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

ABSENT: None

Mayor Jenkins opened the Public Hearing at 6:00 P.M. and announced that there would be an announcement from Kalena Porter.

Kalena Porter discussed the draft for the CDBG funding. She explained that the proposed amount of funding exceeds the limit outlined in the draft. She discussed financial figures. She said the increase in private contributions this year is the biggest improvement from last year's application. She offered copies of the draft and asked if there were any questions. She mentioned that she had some questions for the Council. Mayor Jenkins suggested that Ms. Porter could ask those questions during the Communications session.

As there was no public comment, Mayor Jenkins adjourned the Public Hearing at 6:05 P.M.

**I. CALL TO ORDER**

Mayor Jenkins called the Town Council Meeting to order at 6:05 P.M.

**II. ROLL CALL**

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

ABSENT: None

**III. INVOCATION AND PLEDGE OF ALLEGIANCE**

Invocation: Paul Argoe  
Pledge of Allegiance: Chuck Newton, Sergeant at Arms

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

None.

\*Mayor Jenkins altered the agenda to allow Kalena Porter to present her information first.

V. COMMUNICATIONS
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**A. Kalena Porter**

The Council received a communication from Kalena Porter regarding the CDBG grant. She discussed the financial changes from last year to this year and the increase in private investment. She gave a breakdown of the funding allotted for administration, façade improvement, legal expenses, a workshop, advertising, an acquisition, streetscape improvement and housing rehabilitation. She explained that she wanted the Council to be aware of the draft amounts. She suggested taking funds from sidewalk improvements or from building acquisition. Ms. Porter gave a breakdown of sidewalk improvement funding. She said the draft is due March 26<sup>th</sup>, 2008. She asked for approval for a resolution to allow Lenowisco to apply for grant funding. She explained her fear of the numbers fluctuating. She said the basic idea and wording of the resolution is accurate. She said the only item that might change would be the numerical figures. She recommended that the Council allow Mayor Jenkins to sign off on submitting the resolution. Council Cassell asked about the acquisition of the old co-op building. Ms. Porter said the building could be a good music venue facility. Council Cassell suggested checking with haz-mat. Mike Carrico explained the need to check with haz-mat regarding chemicals that may have been used at the old co-op building. Ms. Porter suggested lowering the price for the building acquisition. The Council discussed options surrounding the acquisition. Ms. Porter further explained funding options. She and Council Tipton discussed a section of the resolution. Council Perry asked about low-income housing. Ms. Porter said she thought the item refers to low-income housing. Mike Carrico and Ms. Porter discussed the wording of financial amounts in the resolution. Council Perry suggested deducting funds from the building acquisition.

MOTION: Motion by Council Perry, Seconded by Council Herron  
To accept the amended resolution with no financial amounts???

VOTE:           Yeas,           5  
                  Nays,           None  
                  Absent,       None

Ms. Porter thanked the Council and expressed her admiration of the CDBG project.

**B. Bob Smith – Dynamic Effects Fireworks Company**

The Council received a communication from Bob Smith regarding the Dynamic Effects Fireworks Company. Council Cassell explained why Mr. Smith had been contacted and suggested granting Mr. Smith permission to use the stadium. Mr. Smith introduced himself and handed out booklets with basic background information of his company. He discussed some of the pros and cons of the Town putting on a fireworks show. He explained what his company would be responsible for and explained that the Town would be included on the insurance policy. He described the schoolyard as a unique situation where the spectators could sit in the stands and view the show safely. He said he would acquire a permit from VDOT and that he understands the budget restraints. He explained some of the aspects of the show he puts on for Rogersville, TN. He recommended Gate City put on a show costing between \$4000-\$5000. He said he would file for all of the permits and contact all of the appropriate agencies. He said his technicians are certified and he is licensed. He said all of the fireworks are fired electronically. He said the Town would get a better show on July 5<sup>th</sup> as opposed to July 4<sup>th</sup>. He said no lawsuits or injuries would occur and asked the Council if they had any questions.

The Council discussed the option of hiring a professional fireworks company. Council Cassell suggested new budgeting options for next year and making the fireworks display

a yearly event with musical entertainment. Mike Carrico said the biggest issue with a fireworks event is the liability. Mr. Smith explained that his company is locally owned and operated. He said he is readily available to discuss questions, information and options. Council Cassell asked about a deadline for scheduling a show. Mr. Smith said he would need notice before April 1<sup>st</sup> for a July 4<sup>th</sup> show and a notice by the middle of May for a July 5<sup>th</sup> show. He thanked the Council for their time.

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

<b>VI. REPORTS</b>
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**A. Manager**

Cindy Coates was not present at the meeting. Mayor Jenkins summarized the Manager's Report. He mentioned that Ms. Coates has been spending a lot of time on the CDBG and working with the auditors.

**B. Police Department**

Jason Cox said the first page of the report was the monthly report and the following pages contained k-9 activity information for January and February. He asked the Council if they had any questions. Mayor Jenkins asked about spot checks at the schools. Mr. Cox said there have been 3 or 4 spot checks with the k-9 unit and one search resulted in a minor find. Council Cassell asked if Weber City had a k-9 unit. Mr. Cox said yes. Mayor Jenkins asked about the overtime report. Mr. Cox said the overtime report is not part of his report. Council Herron asked about the possibility of grants for surveillance cameras and other similar items. Mr. Cox said there is potential for the Town to apply for that type of grant. Mr. Cox said he could contact Tim regarding grant availability. Mayor Jenkins suggested that Mr. Cox contact Rufus Hood. Mayor Jenkins thanked Mr. Cox.

**C. Public Works**

Mayor Jenkins asked Stoney Falin about the month of February. Mr. Falin said the month was an average month. Mayor Jenkins asked about the opening of Grogan Park. Mr. Falin said the park is now open. Mayor Jenkins thanked Mr. Falin.

**D. Water Plant**

Mayor Jenkins addressed Loretta Cruby regarding improved accountability for the month. Ms. Cruby said the accountability has improved. Mayor Jenkins commented on the reports still being good.

**E. Sewer Plant**

None

**F. Planning Commission**

Council Tipton explained how the Planning Commission and the Economic Development Committee had met this month. She said the committees discussed signs, ordinances, VDOT and possible sign placements. Mayor Jenkins said he spoke with James Parsons, but has not received a response yet. Council Tipton said the Planning Commission and the EDC discussed installing tree boxes and someone is working on the funding aspect of the project. She mentioned a comprehensive plan that both committees can be a part of. She said the committees also discussed a technology zone. She said she is positive about both committees working together.

**G. Street Committee**

None

**H. Sanitation Authority**

None

**I. Economic Development Committee**

None

**J. Water Committee**

Council Cassell explained how the Water Committee spent another 3 hours working on the water policy. He said Rhonda has the draft completed. He said Mike Carrico needs to examine the draft and then a Public Hearing is in order. He said the policy should set clear guidelines for current and future employees. Mayor Jenkins thanked Council Cassell and Council Perry for their time and effort regarding the water policy. Mayor Jenkins asked if the Water Committee was ready to hold a Public Hearing. Council Perry said the committee would be ready after Mike Carrico examines the draft. Mike Carrico said he could review the policy before the next meeting.

**K. Park Committee**

None

**L. Council Reports**

None

**M. Treasurers Report**

None

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

VII. PUBLIC COMMENT
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**A. Robert Barker**

The Council received a communication from Robert Barker regarding several issues. Mr. Barker discussed the Scott County Humane Society that was recently founded. He explained the spay/neuter program and said he is encouraged by the progress so far. He said he is working with Margaret Mitchell from the spay/neuter clinic in Bristol, VA. He said invitations will be distributed for an event in May at Thornberg(?) Farms located in the Hiltons involving a dinner and a silent auction. He also explained concern regarding the resolution and agrees with the Council's decision to acquire the old co-op building. He mentioned the need for a new restaurant location. Mr. Barker also discussed a residence on the corner of Fir St. and Cypress St. He said James Matherly, who is buying and restoring the residence, was unaware of a significant water leak. He said the leak has been repaired but had already affected two consecutive water bills. He explained that the situation was unusual and asked the Council to consider granting an adjustment on the second bill, as an adjustment had already been made on the first bill. He also discussed a leak at his own residence where Mayor Jenkins came out and cut the water off. He said

he did not want an adjustment on his own bill, but encouraged the Council to grant another adjustment to Mr. Matherly.

**B. Danny Head**

The Council received a communication from someone regarding a water bill from 2003. Mr. Head explained how his water bill reached a total of \$186. Mayor Jenkins asked if he had spoken with anyone in the office. Mr. Head said he was instructed to come to a Council meeting. Mayor Jenkins asked Jessica Kaarlela if she knew about a user agreement for Mr. Head. Ms. Kaarlela said she would have to look up his name on file. Mayor Jenkins kept the water bill and obtained Mr. Head's phone number.

**C. Wallace W. Ross Jr.**

The Council received a communication from Wallace W. Ross Jr. regarding several issues. Mr. Ross Jr. asked about the five-minute time limit on the public comment session of the meeting. Mayor Jenkins explained that the five-minute time limit was enacted due to meetings being excessive in length. Mr. Ross Jr. asked about qualifications to get hired by the Town. Mike Carrico explained the hiring policy for the Town, including the role of the Personnel Committee and the Town Manager. Council Perry an application is required. Mr. Ross Jr. asked about the progress on the street at Hales Chapel. Mayor Jenkins said the survey is ongoing on the property. Mike Carrico said an alleyway may exist across the fence on the Pendleton's property. He said Steve Whiten is still working on the survey.

**D. Ronald Reed**

The Council received a communication from Ronald Reed regarding a water bill. He said the account in question has been inactive since 1999 or 2000. He said the bill total is currently \$124.88 and he wants the bill resolved. Mayor Jenkins explained that some of the old water bills are valid and some are not. He said the bill will have to be researched before a decision can be made.

**E. Joe Maya Jr.**

The Council received a communication from Joe Maya Jr. regarding several issues. He commented that the five-minute time limit on public comment is an infringement on freedom of speech. He asked the Council if they were familiar with form 762 Virginia (Return of Tangible Personal Property, Machinery and Tools, And Merchants' Capital – For Local Taxation Only). He claimed that Rufus Hood had not heard of the form. He commented on the need to change the due date for taxes. He recited information from the form and commented that the requirements are petty and the Town is 'shooting itself in the foot'. He claimed that the form came from Gary Baker's office and listed taxable items. He suggested that the Town become involved in the issue. He claimed that no one had received this form except himself. Mike Carrico said he had also received the form. Mayor Jenkins ended Mr. Maya's comment and said that they would meet in private.

**F. Jason McCully**

The Council received a communication from Jason McCully regarding the efforts of the Town. He commended the Town for their progress and encouraged the Council to continue their work. He expressed admiration for the Gate City website and thanked the Council again.

**G. Beverly Robinette**

The Council received a communication from Beverly Robinette regarding several issues.

She explained that everyone has to pay taxes and that no one is better than anyone else. She commented about Mr. Maya Jr. in regard to taxes. She added that she believes the Town should be cleaned and improved before police cars are purchased.

\*Mayor Jenkins closed the Public Comment session and opened the Consent Agenda.

## VIII. CONSENT AGENDA

### APPROVAL OF CONSENT AGENDA

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

VOTE:           Yeas,           5  
                  Nays,           None  
                  Absent,       None

- A. Approval of Town Council meeting minutes of February 12, 2008.
- B. Approval of bill payments for February 2008 in the amount of \$159,342.62.

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

## IX. UNFINISHED BUSINESS

### A. Police Vehicles

Jason Cox addressed the Council regarding the packet he put together. He refreshed the Council of the grant proposal item. He said the total grant is not to exceed \$50,000. The Council discussed bid options with Mr. Cox. After deliberating purchasing options, the Council agreed that two of the bids have to be re-submitted.

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

## X. NEW BUSINESS

### A. Resolution to accept the CDBG Grant application

The Council accepted the amended resolution of the CDBG Grant application during the Communications session.

### B. Resolution to apply for VDH Construction Funding

The Council received a communication from Andy Miles regarding the regional impact of the water line replacement project. He explained that the project would end up with 3000 feet of pipe. He mentioned the older pipes being replaced. He explained that a pipe with a 12" diameter is the same price as a pipe with 8" diameter. He estimated the cost to be approximately \$400,000. He explained the items included in that amount and gave a cost breakdown. He said the grant includes a low-interest loan. He said the amount will be undetermined until the application is submitted. He said a resolution must be passed in order to apply for funds and that there is no obligation to accept the offer. Mayor Jenkins said the pipe in question supplies water to a large portion of Town. Mr. Miles said there are numerous reasons to apply. Mayor Jenkins suggested that the Council agree to apply for the grant.

MOTION: Motion by Hurt, Seconded by Tipton  
To approve the application for the VDH construction funding.

VOTE:           Yeas,           5  
                  Nays,           None  
                  Absent,         None

**C. American Legion**

MOTION:       Motion by Hurt, Seconded by Perry  
To elect to re-hire the American Legion to continue mowing the grass at Grogan Park.

VOTE:           Yeas,           5  
                  Nays,           None  
                  Absent,         None

**D. Hemlock St. to VDOT**

Mayor Jenkins explained the situation and the Council discussed the item.

MOTION:       Motion by Hurt, Seconded by Tipton  
To turn over the remainder of Hemlock Street to VDOT and apply the remaining mileage turnover to Moccasin Hills if approved by the state.

VOTE:           Yeas,           5  
                  Nays,           None  
                  Absent,         None

**E. Adjustment for James Matherly's water bill.**

MOTION:       **Motion by Perry, Seconded by Herron**  
**To adjust the second bill for James Matherly.**

VOTE:           Yeas,           5  
                  Nays,           None  
                  Absent,         None

\*Council Perry suggested that major changes will be written in the new water policy.

**F. Public Hearing for amended water policy.**

MOTION:       Motion by Tipton, Seconded by Perry  
To hold a Public Hearing for the amended water policy to immediately precede the regularly scheduled Town Council Meeting.

VOTE:           Yeas,           5  
                  Nays,           None  
                  Absent,         None

**G. To go into Closed Session.**

MOTION:       Motion by Hurt, Seconded by Herron  
To go into Closed Session to discuss personnel issues.

VOTE:           Yeas,           5  
                  Nays,           None  
                  Absent,         None

\*The Council entered a Closed Session.

MOTION: Motion by Hurt, Seconded by Tipton  
To return to regular session.

ROLL CALL VOTE:	Yeas,	Council Cassell Council Herron Council Hurt Council Perry 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 allow employee #70 the opportunity to resign, and if the employee refuses the resignation, their employment will be terminated.

VOTE:	Yeas,	5
	Nays,	None
	Absent,	None

XI. ADJOURN
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MOTION: Motion by Perry, Seconded by Herron  
To adjourn the meeting.

VOTE:	Yeas,	5
	Nays,	None
	Absent,	None

\*Mayor Jenkins adjourned the meeting at 10:00 PM.

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Mayor Mark Jenkins

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Town Clerk Jessica Kaarlela