

**GATE CITY TOWN COUNCIL MEETING &
PUBLIC HEARING
JUNE 10, 2008
156 E. JACKSON ST.
6:00 PM**

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

ABSENT: Council Cassell

I. PUBLIC HEARING CALL TO ORDER

Mayor Jenkins opened the Public Hearing regarding rezoning property Lane 146A8 9 1,2,3,4 Sections I, J, K owned by Ronnie and Walter from residential to commercial at 6:00 p.m.

II. PUBLIC COMMENT

A. Ginny Baty

Mrs. Baty, 165 Hemlock Drive, lives on the property adjoining the Lane property being discussed. She told the council that she is opposed to re-zoning. Mrs. Baty passed photographs around to the council showing her property and the use of the adjoining property for commercial use throughout the years.

B. Thomas Baty

Mr. Baty, 165 Hemlock Drive, said that it would be unfair to grant this re-zoning classification because the property owner has not complied to zoning standards for an appreciable amount of time. Mr. Baty stated that the property owners should have been in compliance with R1 zoning before they are granted a re-zoning request. He told the council that he feels like he is owed a couple of years of peace and quiet.

C. Ronnie Lane:

Mr. Lane, an owner of the property being discussed, stated that the property is already surrounded on three sides by commercial property. He said that as the town continues to grow they need to look into the future and continue to develop. He explained the issue addressed by Mrs. Baty concerning people parking in the lot. He told the council that he never received compensation for the use of that lot. Mr. Lane said that he wished the Baty's would have brought the issue before himself or his father before bringing it before the council. As of that time Mr. Lane had no definite plans for the future use of the property.

Mayor Jenkins moved the vote to New Business and adjourned the public hearing at 6:26 p.m.

III. COUNCIL MEETING CALL TO ORDER

Mayor Jenkins called the Town Council Meeting to order at 6:27 P.M.

IV. ROLL CALL

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

ABSENT: Council Cassell

V. INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation: Father Rollie Hautz

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

- A. Mayor Jenkins thanked Stoney, Public Works, and the Fire Department for their hard work during the major water leak over the weekend. He explained how the broken water line buckled pavement and flooded Kane Street. He also thanked Brian Maulk, James Lawson, and Michael Delano.

Mayor Jenkins thanked everyone who volunteered to clean up the town in preparation for the Clinch Mountain Music Fest.

Mayor Jenkins thanked Carl Hurt for all his service while being a part of the council. Mr. Hurt said he enjoyed working with the Mayor and the Council, and he wished them all well. He also thanked Steve Templeton for his work as Town Manager.

VII. COMMUNICATIONS

- A. Robert Mullins

Mr. Mullins stated that he is working on ordinances for property maintenance codes proposed a few years ago. There has been a major change for a particular ordinance. He told the council that this is strictly just an update to do needed enforcements in order to relieve some legal work that has to be done upon completion of work by individuals in violation of the code. All codes are under national publication but are overwritten by state law. Mike Carrico said that new laws will take effect July 1st and everything has to be re-adopted.

Adoption of revisions and amendments of property maintenance codes and traffic code changes that we have under 9.1.

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

VIII. REPORTS

- A. **Manager**

Mr. Templeton said he has been working on the budget and has a first working draft. No tax increase has been requested. Mr. Templeton discussed the status of the auditing contract and stated that Cindy Fields' job is to prepare the documents for the final audit. The problem with completing the audit is a result of the Bright System. Mr. Templeton said that there will be no new water or sewer rates. He has asked Dan Danko to be at the Sanitation Authority meeting in order to further discuss the issue. Mr. Templeton thanked Stoney and his crew for cleaning up. He said they found out that the doors at the Town Hall leak terribly, and that issue will be addressed next year in capital improvements. He said the Town is working to improve revenue in the form of back taxes, business licenses, etc.

- B. **Police Department**

The Council received copies of the monthly report and the K-9 report. Chris Kilgore has had two successful K-9 stops.

- C. **Public Works**

The Public Works crew is repaving King Avenue. They had to work in 95 degree weather, and Mr. Templeton said he is looking to buy a paving machine in the next budget year. Stoney Falin thanked Mayor Jenkins for staying with the Public Works crew and helping during the water leak.

- D. **Water Plant**

- E. **Sewer Plant**

None

- F. **Planning Commission**

Vice-Mayor Rita Tipton discussed the boundary adjustment from 2004. She stated that the Council needs to figure out how to get the full adjustment that Weber City is attempting to accomplish. Council Tipton said that it would not be feasible to get the historic preservation grant application in for this year. She discussed the performing arts center and its comprehensive plan. As of last month there was approximately \$2 million in pledges towards the center.

G. Street Committee

Council Perry asked about a 50/50 match for local governments that Mr. Parsons from VDOT previously discussed.

H. Sanitation Authority

None.

I. Economic Development Committee

The Town of Gate City signs at each entrance of town should be installed before the Clinch Mountain Music Fest on Saturday.

J. Water Committee

None.

K. Park Committee

Everything for the park grant needs to be approved by DEQ. As soon as the information gets back to the committee it can all go out for bid.

L. Council Reports

Council Perry said that she has contacted a School Board representative about a donation for the outdoor classroom at the park. They were not able to make a decision but suggested that a member of the Town Council and Mr. Stapleton attend the next school board meeting to present the idea to all board members. Council Perry volunteered to attend the meeting. Council Perry also said she spoke on behalf of the Town at the Board of Supervisors meeting. She asked them to table the boundary adjustment vote until the Town of Gate City could apply. Council Perry said that the Southwest Virginia Community Foundation, sponsor of the Clinch Mountain Music Fest, needs to be included in the agenda.

M. Treasurers Report

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

IX. PUBLIC COMMENT

A. Teddy and Ann Smith

Mr. and Mrs. Smith have not lived in Gate City for 14 years but are still getting a water bill from their previous residence at 321 W. Jackson. They paid their bill completely when they moved, and would like all charges to be removed. Mayor Jenkins said the issue will be addressed and taken care of.

B. Debbie Kindle

Mrs. Kindle requested the vote on the water policy be removed from the agenda.

X. CONSENT AGENDA

APPROVAL OF CONSENT AGENDA

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

VOTE: Yeas, 4
Nays, None
Absent, Council Cassell

- B. Approval of Town Council meeting minutes of May 13, 2008
- C. Approval of bill payments for May 2008 in the amount of **\$101,236.91**

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

XI. UNFINISHED BUSINESS

A. Water Policy Amendments

Mayor Jenkins removed the vote on the water policy amendments from the agenda.

B. Permanent Yard Sale on Reed Hollow Road

Mayor Jenkins said that there is no ordinance about yard sales in the Town Ordinance book. Council Perry stated that they need to look in the Planning Commission minutes in order to find an ordinance pertaining to yard sales because the current ordinance book is not up to date. It was suggested that the Council take action on this matter as a public nuisance. Mr. Templeton will contact the Commonwealth’s Attorney about the public nuisance issue.

C. Insurance Pay-out Policy

The personnel policy only approves the insurance pay-outs but does not discuss pro-rates, etc. The pay-outs are based on COBRA rates. In addition to the insurance pay-out issue there are other matters that need to be reviewed in the personnel manual. Mike Carrico suggested that the personnel manual be reviewed in entirety before the new year that begins in July.

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

XII. NEW BUSINESS

A. Boundary Adjustment:

Mayor Jenkins addressed the issue by saying that the Council will be working on resolving the matter. The Planning Commission will need to address the issue as well. Mr. Carrico said the Council needs to hold a public hearing prior to the budget hearing on June 26th to address the issue of the boundary adjustments.

B. Ron Baker property

Council Perry added this issue to the agenda. Mr. Carrico suggested that a letter be sent out to the property owner after next month’s adoption of the property ordinance.

C. Ron and Debbie Kindle:

Mrs. Kindle told the council that in May of 2005 she was charged with \$700 worth of back-billing. She and her husband met with Jason Stewart and Mayor Jenkins on July 22, 2005. Mrs. Kindle said that she and her husband were grandfathered in and were therefore not held responsible for their bill as a result of an agreement with the Town Manager and Mayor at the time. The Kindles did not have to pay their \$700 bill. Council Herron stated that Jason Stewart did not have permission to sign such a document to allow grandfathering on any town ordinance. Mayor Jenkins does not remember this particular agreement, but he stated that he does remember the issue concerning a covered up meter and a false accusation against the Kindles. Mrs. Kindle stated that everyone should be treated fairly and that she was fighting for what was agreed upon in the meeting in 2005. Mayor Jenkins said that the Town Manager can not change a policy. He said that if he had seen the letter in question he would have re-drafted it because it doesn’t make sense. He said that no one can be grandfathered in any issue dealing with Town policy. The issue will be discussed in closed session as a personnel matter. Mayor Jenkins stated that he and the Council are trying to treat every citizen fairly. The issue will also be looked at in accordance with the new water policy. Mrs. Kindle said that the problem is that she and her husband were discriminated against because no one else was charged with back-billing. Mr. Carrico said that the council will look into the issue and address it at next month’s meeting. Mr. Carrico agreed to contact Jason Stewart to get details about the issue.

D. Rezoning of Lane property 146A8 9 1,2,3,4 Sections I, J, K

MOTION: Motion by Herron, Seconded by Tipton
To grant re-zoning from R1 to C1

VOTE: Yeas, Council Herron
Nays, 2
Abstain, Council Hurt
Absent, Council Cassell

XIII. CLOSED SESSION

*The Council entered into a closed session.

MOTION: Motion by Hurt, Seconded by Tipton
To return from closed session

ROLL CALL VOTE: Yeas, Council Herron
Council Perry
Council Hurt
Vice-Mayor Tipton
Nays, None
Absent, Council Cassell

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 hire Sherry Pierson effective July 1st with a salary adopted at budget hearing

VOTE: Yeas, 4
Nays, None
Absent, Council Cassell

MOTION: Motion by Herron, Seconded by Tipton
To hold a public hearing on June 19th to approve the budget

VOTE: Yeas, 4
Nays, None
Absent, Council Cassell

MOTION: Motion by Herron, Seconded by Perry
To hold a special called meeting to discuss the boundary adjustment on June 26

VOTE: Yeas, 4
Nays, None
Absent, Council Cassell

MOTION: Motion by Perry, Seconded by Hurt
To include passing of a resolution presented to Board of Supervisors for a Gate City Town Council member to be on PSA Board

VOTE: Yeas, 4
Nays, None
Absent, Council Cassell

XIII. ADJOURN

MOTION: Motion by Hurt, Seconded by Hurt
To adjourn the meeting.

VOTE: Yeas, 4
Nays, None
Absent, Council Cassell

*Mayor Jenkins adjourned the meeting at 9:10 PM.

Mayor Mark Jenkins

Town Clerk Audra Fritz