

**TOWN COUNCIL MEETING MINUTES  
SEPTEMBER 11, 2007  
TOWN HALL, 156 EAST JACKSON STREET  
6:00 PM**

**I. CALL TO ORDER**

Mayor Mark Jenkins called the meeting to order at 6:00 PM.

**II. ROLL CALL**

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

ABSENT: None

**III. INVOCATION AND PLEDGE OF ALLEGIANCE**

Invocation: Ken Pierce  
Pledge of Allegiance: Chuck Newton

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

**V. PUBLIC COMMENT**

**A. Debbie Kindle (263 Highland St.)**

The Council received a communication from Debbie Kindle regarding several issues. She said she had a conversation with Lynne Moore last week. She stated that she was unaware that her garbage can was 45 gallons. She said she called Rubbermaid and was informed that the 32-45 gallon cans were designed for the average household. She explained that she weighed her trash cans and one weighed 30 pounds and the other weighed 17. She felt there should have been more study done in relation to the garbage ordinance before it was enforced. She wanted to know if she was allowed to talk about what is on the agenda. She expressed concern over the cost of mailed pamphlets and the cost of Beautification

Day. She considered certain expenditures made by Lynne Moore to be wasted spending. She said the local hardware stores do not carry 40 gallon cans. She blamed Wal-Mart for the financial downfall of Gate City. She expressed concern about the garbage pick-up last week. She suggested amending the garbage ordinance.

Mike Carrico said the old garbage policy stated that garbage cans could not exceed 32 gallons. He said he walked around and inspected cans. He also said the existing ordinance should be examined and would be discussed later in the meeting.

Debbie Kindle said there should have been notes put on cans that did not follow the ordinance correctly. She said Lynne Moore compared Gate City to Duffield and Norton.

Mike Carrico said Weber City has a contract with a trash provider that allows 55 gallon cans.

Mayor Jenkins said Debbie Kindle had brought up some very valid points about the garbage policy. He explained that several of the reasons for the enforcement of the ordinance were because: an employee had been poked by a needle and was tested for hepatitis, there were numerous back injuries, some injuries from broken glass, and rocks were being put in garbage cans. He said garbage pick-up is a balancing act where the town needs to provide service, but in a safe manner to employees.

Debbie Kindle suggested that employees refrain from picking up cans that are too heavy, and that the heavy/commercial cans should be lifted by a machine.

Mayor Jenkins said the weight and size of garbage cans differ drastically. He said the matter of heavy cans should be addressed on an individual basis. He said reasonable and workable guidelines need to be established.

Debbie Kindle said her garbage request was not put on the agenda.

Mike Carrico told her she had every right to speak during public comment.

Mayor Jenkins explained that the town is trying to get information out to the public. He also explained that Beautification Day weighed heavily toward the town securing grants.

**B. Beverly Robinette**

The Council received a communication from Beverly Robinette, who said her trash cans are being damaged and strewn down the street by city employees. She said she will not buy new garbage cans.

Mike Carrico said the city will pick up trash bags that are not in a can.

**C. Carl Newman (Cedar Ave.)**

The Council received a communication from Carl Newman regarding the no-parking signs that face Carl & Tina Cornett's residence. He said that the Cornetts are being wrongly treated. He explained that the signs were meant to embarrass the Cornetts and accuse them of parking there.

Mayor Jenkins said the signs were put up in a haphazard manner and are facing the wrong way.

Roger Cassell asked if the signs had been put up recently. He said some of the signs appeared to be fading.

Carl Newman said 3 of the signs in front of the Cornett's house are newer and face the Cornett's house, not the motorists who pass by.

Roger Cassell agreed about the 3 new signs and asked if the neighbors agreed that the signs should come down.

Carl Newman said he was positive that no one would object to the removal of the signs, with the exception of the Cox's.

Mayor Jenkins said the street committee is going to recommend sign removal later in the meeting. He also commented that the signs are unsightly to the neighbors.

#### **D. Robert Barker**

The Council received a communication from Robert Barker regarding several different issues. First, he mentioned the abandoned buildings in town and how some owners have been brought into compliance, while others have not. He requested that two buildings and an apartment owned by Tommy Quillen be added to the notification list to be taken care of in the future.

Secondly, Robert Barker talked about the sewer located off of the Woodland subdivision. He said the town is reimbursing the Quillen Heights subdivision for the system that was installed, but that the residents of Hunter's Crossing have not received any reimbursement yet.

Third, Robert Barker said a previous Council had passed a resolution to take over the maintenance of Estil Cemetery. He asked if the town had resolved to take over the maintenance of the cemetery. He said there was some funding available, but he would like a permanent way to preserve the cemetery. He proposed to pay an annual fee to the town. He said he would like to work with Mike Carrico toward a resolution.

Mike Carrico asked if the cemetery could be preserved as a national historic site.

Robert Barker said some of the grave records were destroyed in a fire. Some money comes in from Confederate veterans. He said the graves would need to be identified.

Lynne Moore said the National Historic District would be coming at the end of the month and will determine if the cemetery is historic. She said a grant will be applied for to allow for funding for certain things in that district. She said there will be a survey to find out what is historic and what is not.

#### **E. Ron Kindle**

The Council received a communication from Ron Kindle who asked if the rumor was true that a second employee working for the town is from Michigan. He asked if the second employee was a friend or relative of Lynne Moore.

Mayor Jenkins replied that there was no appointment, relationship or prior knowledge between Lynne Moore and Jessica Kaarlela. He said the Council did question the matter beforehand.

**F. Richard Hubbard**

The Council received a communication from Richard Hubbard regarding several issues. He said the park has gained over the past couple of months. He said there is improved communication between the town and its citizens. He said the town website is now a tool for the communication of meeting minutes. He credited Lynne Moore for the new improvements to the town. He said the perception of Gate City has improved. He said recent news of Gate City has been positive and complimentary. He said the volunteer work and other work being done has been on UTUBE. He congratulated the Council.

**G. Thelma Anderson**

The Council received a communication from Thelma Anderson regarding the water bills. She said she was not on the agenda and was supposed to be.

Mayor Jenkins apologized to Thelma Anderson for not being on the agenda. He asked her to voice her concern.

Thelma Anderson asked why the town mailed old water bills to rental property owners for tenants that have lived there in the past. She said she has several rental properties.

Mike Carrico said tenants are liable for accounts set up in the tenants name and landowners are liable for accounts set up in their name for a tenant.

Thelma Anderson asked about a particular bill that was for her deceased husband Joe Anderson, who had died in 2004.

Mike Carrico said she was not legally responsible for any bill that is not in her name.

Thelma Anderson said she did allow tenants to live in her residence(s) for free, but did not have the water or electricity in her name. She expressed concern about several bills that came to her house and she only has water in her name for her own residence.

Mayor Jenkins explained that the town currently has over \$60,000 in delinquent water bills. He said the old computer system (before 2006) was replaced and the new system could not transfer all the previous accounts.

**H. Wallace W. Ross Jr.**

The Council received a communication from Wallace W. Ross Jr. regarding the cemeteries in Scott County. He asked what criteria were necessary in order for a cemetery to be labeled historic.

Lynne Moore said she was working with Mr. Pulice from the National Historic District. She said the first step to get anything on the National Registry is to make a historic district. She said that at the end of the month a grant will be applied for to have a survey done. She explained that this will allow getting certain properties in the historic district.

Mayor Jenkins said the town is going to focus on cemeteries in Gate City first.

Lynne Moore suggested that Wallace W. Ross Jr. come to her for project updates. She said the process will take approximately six months.

Mayor Jenkins said there will be a public hearing involving community input.

Wallace W. Ross Jr. also wanted to know the status of Cleveland St. being opened up.

Mayor Jenkins said the map shows Cleveland St. running right through the Church parking lot.

Wallace W. Ross Jr. said Cleveland St. runs to the base of the property. He said the road still poses a problem to emergency services traffic and causes congestion with any activity.

Mike Carrico said the map shows Flanary Dr. going around and into Cleveland St. where Cleveland St. stops. He said the old maps show Cleveland stopping where Chestnut St. goes across. He said the map in the basement of Jeff Addington's office should be used for reference.

Vice Mayor Tipton asked Ross Jr. if he wanted the road opened up at the back of the property and who the property belongs to where the gate exists.

Roger Cassell, Mike Carrico and Ross Jr. discussed and compared town maps with internet maps. Mike Carrico asked Wallace W. Ross Jr. to come by, study the map together and go up and look at the road being discussed.

Wallace W. Ross Jr. mentioned a property that was supposed to be cut twice a year.

Mike Carrico said someone should be paying taxes on the property unless it is owned by the county.

Wallace W. Ross Jr. also mentioned the delinquent water bills. He asked why he had to pay a hook-up fee and Red Hill had concessions for hooking onto the water system. He asked why Mr. Adkins got a 3-year concession for Adkins subdivision. He asked if the Red Hill and Manville Rd. projects will pay for themselves.

Mike Carrico said the Red Hill and Manville road projects were already in process before he came and those customers pay a higher billing rate. He said the town did not spend money as far as hook-ups for individual houses in Adkins subdivision because there was a master meter at the base of Red Hill Rd. for Adkins subdivision. He said the system was always separate until the town took over the system that Mr. Adkins put in.

Mayor Jenkins said the study stated the projects would pay for themselves.

Wallace W. Ross Jr. asked why the water bill rates went up.

Mayor Jenkins explained that the closer you are to capacity, the lower the operating cost is per gallon of use.

Wallace W. Ross Jr. also asked about a budget expenditure increase for Quillen Heights/Moccasin Hills/Cardinal Lane/Hunters Crossing from \$6500 to \$7500.

Mayor Jenkins said the general fund was used to cover approximately several thousand dollars per month of water expenses and that exact figures could be produced. He explained that the old computer billing system and poor accounting could be at fault for the \$68,000 in delinquent water bills.

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

VII. CONSENT AGENDA

APPROVAL OF CONSENT AGENDA

MOTION: Motion by Herron, Seconded by Tipton:

To approve the consent agenda including amended minutes:

- A. Approval of Town Council meeting minutes of August 20, 2007.
- B. Approval of bill payments for August 2007 in the amount of \$130,601.73.
- C. Approval of surplus auction on Saturday, September 22, 2007 at 10 o'clock am.

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

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

VII. UNFINISHED BUSINESS

- A. Resolution to reschedule public hearing for Ordinance #18.6(a) and 18.6(b) regarding peddlers for October meeting.

MOTION: Motion by Cassell, Seconded by Herron

VOTE: Yeas, 5  
Nays, None  
Absent, None

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

VIII. NEW BUSINESS

**A. Resolution to amend the garbage policy**

MOTION: Motion by Herron, Seconded by Cassell

To amend Article 9.4, approved solid waste containers. Except as otherwise provided in this ordinance, each person, firm corporation occupant, household or owner shall place all solid waste in an approved container. The basic solid waste container shall be of not more than 68 gallons, not less than 10 gallon capacity and constructed of either metal or plastic and shall have a close fitting lid with a minimum of one handle on the container and the lid. The maximum weight allowed for container and contents shall not exceed 50 pounds.

VOTE: Yeas, 5  
Nays, None  
Absent, None

TOWN OF GATE CITY  
ORDINANCE NO. 1950

THE TOWN OF GATE CITY ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 9, GARBAGE, ASHES AND REFUGE, OF THE CODE OF THE TOWN OF GATE CITY

TO AMEND ARTICLE 9.4,(a), APPROVED SOLID WASTE CONTAINERS, TO CHANGE THE MAXIMUM GALLONS AND WEIGHT FOR SOLID WASTE CONTAINERS AND CONTENTS.

ARTICLE 9.4, APPROVED SOLID WASTE CONTAINERS:

- a. Except as otherwise provided in this ordinance, each person, firm corporation occupant, household or owner shall place all solid waste in an approved container. The basic solid waste container shall be of not more than 68 gallons, not less than 10 gallon capacity and constructed of either metal or

plastic and shall have a close fitting lid with a minimum of one handle on the container and the lid. The maximum weight allowed for container and contents shall not exceed 50 pounds.

ORDAINED this 11<sup>th</sup> day of September, 2007. Effective upon publication.

---

Mark V. Jenkins, Mayor

---

Jessica Kaarlela, Town Clerk

I, Jessica Kaarlela, Town Clerk of the Town of Gate City, do hereby certify that the foregoing ordinance was passed by the Council of the Town of Gate City, Virginia at a regular meeting held September 11, 2007 and that a summary was published September 18<sup>th</sup>, 2007.

---

Jessica Kaarlela, Town Clerk

### **B: Delinquent Water Accounts**

The Council discussed the matter of delinquent accounts. It was decided to inspect the user agreements. No motion was made.

### **C. Resolution to approve Law Enforcement Mutual Aid Agreement**

MOTION: Motion by Herron, Seconded by Tipton  
To approve the Law Enforcement Mutual Aid Agreement between Scott County and Weber City.

VOTE: Yeas, 5  
Nays, None  
Absent, None

\*Mayor Jenkins closed the New Business session and opened the Reports session

IX. REPORTS
-------------

### **A. Manager**

Lynne Moore said that she had met with all the committees this month. She said the public works department is short 1 full-time position and 1 part-time position, but the part-time position did not need to be filled at this time.

She said the Economic Development Committee confirmed that the future performing art center needs the deed from the town attorney to be signed over to them in order to receive grants.

She said she spoke to the Planning Commission about the subdivision ordinance. They are waiting for Mike to respond. The survey that was done was not recommended. Readjustments need to be made to boundary adjustments.

She said the Planning Commission talked about the auction house and the special landings permit. The recommendation will be ready at the next Council meeting.

She said the Park Committee is working on the Grogan Park Extension. A recommendation to hire will be ready at the next Council meeting.

She said she spoke with Art Meade about the Council retreat for September 22<sup>nd</sup> or 29<sup>th</sup> of 2007. The meeting would be an open forum for the Council and posted as a public meeting that anyone can go to.

MOTION: Motion by Rita Tipton, Seconded by Perry  
To approve the open forum workshop meeting with Art Meade on September 29<sup>th</sup>, 2007.

VOTE: Yeas, 5  
Nays, None  
Absent, None

## **B. Police Department**

Jason Cox said everyone should have a copy of the police/K-9 report.

Mayor Jenkins said some people have complained of motorists speeding and running red lights. He said speeding tickets are being issued and other complaints and concerns are being addressed. He also mentioned 2 tires that were discarded on Water St. behind El Potrillo. He said the new tire registry is in effect and newer tires should be identifiable by purchaser. He thanked Jason Cox and the police department.

## **C. Public Works**

No new reports.

Mayor Jenkins thanked Stoney Falin for the extra trash pick-ups on Friday.

Mike Carrico asked about the RFP for the dump truck. Mayor Jenkins said the RFP was started but not ready to advertise yet.

Stoney asked for clarification on the garbage policy amendment for can size.

Roger Cassell said Lynne would develop stickers for heavy can and address those cans on an individual basis.

**D. Water Treatment Plant**

Brian said the water treatment plant was dealing with some concerns and violations. They are trying to fix some problems with valves and the computer.

Mayor Jenkins said a trip was made to Abingdon a week ago Friday to address backflow prevention plan issues.

Brian said the level in the creek was getting lower and lower.

**E. Sewer Treatment Plant**

No new reports.

**F. Planning Commission**

Lynne Moore said the committee had to get with Mike regarding the subdivision ordinance.

**G. Street Committee**

MOTION: Motion by Tipton, Seconded by Cassell  
To remove the no-parking signs on the corner of Short St. and Cedar St.

VOTE: Yeas, 5  
Nays, None  
Absent, None

**H. Sanitation Authority**

No new reports.

**I. Economic Redevelopment Committee**

Rita Tipton said the committee is working to get ideas in order to put together a business packet.

**J. Park Committee**

Lynne Moore said the closing of bids will be 9-12-2007 and there will be a recommendation for hiring at the next Council meeting.

(Mike Carrico recommended a closed session)

**K. Council Reports**

Rita Tipton congratulated the Fire Department on the \$67,300 grant.

Roger Cassell said they were able to obtain 25 new sets of turn-out gear, a commercial fire service washer and a personal escape system.

Mayor Jenkins mentioned an analysis that was being run on a resident's water faucet. He said the samples were retained and labeled and the occurrence was an isolated occurrence.

MOTION: Motion by Tipton, Seconded by Perry  
To go into closed session to discuss personnel issues.

VOTE: Yeas, 5  
Nays, None  
Absent, None

\*Mayor Jenkins closed the Reports session and opened the Closed Meeting.

## 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 Hurt, Seconded by Tipton  
To return the meeting to open session.

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

MOTION: Motion by Herron, Seconded by Perry  
To make Rhonda Stacey a full-time Administrative Assistant and Jessica Kaarlela a permanent part-time Town Clerk.

VOTE: Yeas, 5

Nays, None  
Absent, None

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

VOTE: Yeas, 5  
Nays, None  
Absent, None

Mayor Jenkins adjourned the meeting at ????PM.

---

Mayor

---

Town Clerk