



**GATE CITY TOWN COUNCIL MEETING AGENDA
SEPTEMBER 13, 2011
156 E. JACKSON ST.
6:00 PM**

PUBLIC HEARING: APPROVE AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GATE CITY, VIRGINIA, REQUIRING DOGS TO BE KEPT ON THE OWNER'S OR CUSTODIAN'S PROPERTY OR UNDER IMMEDIATE CONTROL BY KEEPING THE DOG ON A LEASH OR OTHERWISE RESTRAINED AND PROHIBITING DOGS FROM RUNNING AT LARGE AND IMPOSING PENALTIES FOR VIOLATION THEREOF.

I. Mayor, Mark Jenkins called Public Hearing to order at 6:03 P.M.

II. ROLL CALL Town Clerk, Kathy Riley
Present: Mayor, Mark Jenkins
 Vice Mayor, Tommy Herron
 Council Member, Roger Cassell
 Council Member, Randy Lane
 Council Member, Frances Perry
 Council Member, Wallace W. Ross, Jr.

Absent: Town Manager, Steve Templeton

Others present: Town Attorney, Michele Brooks, Debbie Kindle

III. NEW BUSINESS

HEARING: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GATE CITY, VIRGINIA, REQUIRING DOGS TO BE KEPT ON THE OWNER'S OR CUSTODIAN'S PROPERTY OR UNDER IMMEDIATE CONTROL BY KEEPING THE DOG ON A LEASH OR OTHERWISE RESTRAINED AND PROHIBITING DOGS FROM RUNNING AT LARGE AND IMPOSING PENALTIES FOR VIOLATION THEREOF

IV PUBLIC COMMENT - None

Close Public Comment at 6:05 P.M.

V. Public Hearing closes at 6:05 P.M.

Mayor - Mark Jenkins

Town Clerk – Kathy Riley

I. COUNCIL MEETING CALL TO ORDER 6:05 P.M. Mayor Jenkins

II. ROLL CALL – Town Clerk Kathy Riley

PRESENT: Mayor, Mark Jenkins
Vice-Mayor, Tommy Herron
Council Member, Roger Cassell
Council Member, Wallace W. Ross Jr.
Council Member, Frances Perry
Council Member, Randy Lane
ABSENT: Town Manager, Steve Templeton

III. INVOCATION Benny Reed

IV. PLEDGE OF ALLEGIANCE Mayor, Mark Jenkins

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

Steve Templeton, Town Manager, resignation effective September 14, 2011.

Mayor Jenkins – We have a resignation from Town Manager, Steve Templeton. He has asked that we accept his resignation dated for tomorrow. We do appreciate that Steve has evaluated and made a decision what his future holds and hoping the best of health. He probably does not need a job like this to hinder anything going on in his life. But he did make the evaluation and has offered his resignation. We will have to either accept or deny the resignation later on in the meeting. We will need an addendum to the agenda to put under new business to entertain the resignation of Town Manager, Steve Templeton.

Motion made to add the resignation of Town Manager, Steve Templeton, under new business.

Motion by: Council Member, R. Cassell 2nd by: Vice Mayor, T. Herron

VOTE: Yeas, 5
Nays, 0
Absent, 0

VI. APPROVAL OF AGENDA

Motion made to approve the agenda.

Motion by: Council Member, F. Perry 2nd by: Council Member, R. Lane

VOTE: Yeas, 5
Nays, 0
Absent, 0

VII. COMMUNICATIONS - None

VIII. APPROVAL OF MINUTES

Motion for approval of Town Council Public Hearing – Dog Ordinance minutes from August 9, 2011

Motion by: Council Member, R. Cassell 2nd by: Vice Mayor, T. Herron

VOTE: Yeas, 4
Nays, 0
Absent, 0
Abstain, 1 – Frances Perry – Not present.

Motion for approval of Town Council meeting minutes from August 9, 2011

Motion by: Vice Mayor, T. Herron 2nd by: Council Member, R. Lane

VOTE: Yeas, 4

Nays, 0

Absent, 0

Abstain, 1 – Frances Perry – Not present.

IX. APPROVAL OF PAYMENTS

Motion for approval for payment of bills for August, 2011

Motion by: Council Member, F. Perry 2nd by: Vice Mayor, T. Herron

VOTE: Yeas, 5

Nays, 0

Absent, 0

Abstain, 0

X. REPORTS

A. Engineer's Status Report –

Andy Miles – The biggest concern with the water projects because they are tied to the audits being completed. I received an email from the new auditor who forwarded it to Chris and the Health Department and what I gathered from that email is they have gathered a lot of information with still some information needed from the previous auditors. They are waiting on information from the other auditing firm. Once received, they will be able to complete the audits. That is all the information I have received, unless the town received something from Richmond.

Mayor Jenkins – No, I plan to talk to Mr. Pellei tomorrow.

Andy Miles – That is all he knows, it is kind of out our hands as far as moving on that aspect of it. After you have your conversation with Mr. Pellei in Richmond, he should be able to indicate if any additional steps or if everything is going okay. Right now it's riding on the financial side of it. On the Water Street project, Stoney has started work on the storm water pond behind Bank of America and should be finished up with that during this week. We did receive the easement documents for the Sidewalk project from the Town Attorney. They are okay with VDOT, just the matter of the town getting those executed. Construction plans has been submitted to VDOT for final approval with it taking the Federal Highway Administration about four weeks. It does involve federal money and am hopeful by next Council Meeting the Town will be able to advertise for construction bids.

Vice Mayor, T. Herron – How far does that go up?

Andy Miles – Roughly, it is east of the Baptist Church to the top of the hill, approximately 600 feet. Hopefully, by next Council it will go to bid letter from VDOT.

Town Attorney, M. Brooks – Has the homeowners been approached about the easement?

Mayor Jenkins – I'm going to take it to them, now that it has all be drawn up and ready.

Town Attorney, M. Brooks – Yes, the documents have been approved. I sent them to Andy.

Andy Miles – They have been approved, just the matter of getting them secured. Once secured, then I will need a right-of-way certificate. I can prepare it, just somebody from Town needs to execute it then it goes to VDOT to certify there are no violations. The Fluoridation at the water plant, the plans specs has been approved and the grant funds have been requested for draw down to be done by August 31st. Installation date is on or before October 31st. The water pump station controls had some issues with the older pump stations and tanks. The Estil Heights and Smith Elliott monitoring system has been installed and in operation since August 15th. Stoney and Loretta were there for installation and training, along with all operators received training on it. If any of you want to see it, I can show you how it operates and explains what the system can do. I have been authorized for a read only access to monitor tank levels and download reports. It is totally wireless and it is good for five years. All costs include airtime, labor and any warranty issues. It's a pretty reliable system. All data is stored on a secured server in Atlanta. On Public Safety, actually the Police Chief and I have met a

while back regarding any grants available to look at a new Public Safety facility. He and I and a couple other gentlemen will be meeting to see what the needs are, what programs may be out there, what kind of money is out there and what kind of information is needed for the different programs. The last item is the Industrial Revitalization Fund that I mentioned at the last meeting. It's a grant ward the state of Virginia announced up to a \$600,000 grant. It's a one on one match. There has been discussion to work with a couple other entities for redoing the theater and tie the Performing Arts Center and some of the other community efforts. I have been monitoring emails between the Town, County and Lenowisco, the general agreement is the Town owns the property and would be the lead applicant and other funds already secured like tobacco money would all be tied together as a group effort. I have an appointment to talk with Chris Starnes to talk about an ARC application for \$500,000 and to go into that. I have the base part of the application ready to go but I do need an authorization to apply. Just a local government authorizing the application for resolution and you just name the project property. Currently, there is no out of pocket expense. Are there any questions?

Mayor Jenkins – We'll need to pass a resolution tonight, won't we?

Andy Miles – Yes, if possible, the sooner the better.

Council Member, R. Cassell – Is there any grant for water plant maintenance? Under the former administration we had a contract but it expired. We met this gentleman at the VML Conference last year and he was more than willing to work out payments. We're doing no tank maintenance, whatsoever.

Andy Miles – To go after just maintenance money there is no state or federal money for maintenance. A way to get around that is if you do initial improvements and include that in a maintenance program. That would potentially qualify. Just to say we need money for maintenance...but if you actually do work up front and get on a schedule. From that aspect, there would be something. There are 2-3 different programs out there, but the Health Department gets you right back with the audit situation. Rural Development is a possibility, but yes there is some money.

Council Member, R. Cassell – I'm assuming this guy will be at the conference, but we need to work something out. Nothing has been done.

Andy Miles – I can get a list of problems that are there and get a health assessment with Health Department concurrence. That would help. Then you can go after money. I can get a list of programs together of what this would be eligible for and it wouldn't hurt to get a planning document on paper to identify the tanks and their current condition with general costs.

Council Member, W. W. Ross, Jr. – When applying for a grant for development of the whole town are we in a position to apply for more money to upgrade the whole system? We have a lot of old water systems, it's bad. We need an upgrade or new system.

Andy Miles – Two ways to approach that. Currently, you have four active projects with the Health Department but are impacted by the audit being completed. Next time the Health Department applications come up is in the spring. One suggestion is get the tank situation and other projects needing done, go back to the Health Department in spring and hopefully the two other projects are under construction and your audits are in. The other is there are other programs and agencies. The more tasks you can put on a single project, the better off you are. Money and competition is getting tighter.

Council Member, R. Cassell – Food for thought on this Public Safety facility, the AEP lease downstairs is up in two years. I know it's a long time to live with what's over there, but I've always been opposed in letting that go because that's \$14,000 the Town will have to come up with. But if they don't renew that lease, we couldn't build a building for what you do downstairs. They could each have an office and there are two bays. Rumor is AEP will not renew the lease. I talked to the supervisor and said if the lease is what's keeping them from moving out, we could probably let you out because we're in need of a public safety facility at the same time.

Andy Miles – I'll take that as one of the discussion items. This is just a work in progress. Not sure which avenue to go as far as pursuing money. Not certain as to what kind of funding is available.

Council Member, R. Cassell – There was a possibility we wanted to do a Town Hall upgrade, you can sell that as Public Safety and Town Hall improvement.

Andy Miles – That is actually one of our items, so we are not trying to go with just Police Department, but are there other needs that we can combine with other uses. Buzz word now is multi use facilities.

Motion made to add for a resolution to allow Andy to apply for the Industrial Revitalization Funds to support the Gate City Theater Renovation under new business.

Motion by: Council Member, R. Cassell 2nd by: Council Member, F. Perry

VOTE: Yeas, 5

Nays, 0

Absent, 0

B. Treasurer's Report –

Mayor Jenkins – Chris provided a copy of his report. Are there any questions? There are no questions on the Treasurer Report, I'll move onto Codification.

C. Codification Committee/Property Maintenance –

Mayor Jenkins – Amy has provided a copy. Year to date invoices have been paid for the clean up by the Town for \$1640.43. There are 16 properties currently listed for court action. Some of the properties that were on the list have made improvements. I am assuming if they comply before court date they will be dropped off.

Town Attorney, M. Brooks – Yes.

Mayor Jenkins – Amy is continuing to work on this and is doing a pretty good job keeping everything going.

Council Member, W. W. Ross, Jr. – We are approaching the deadline, what is the deadline for property that may be added?

Mayor Jenkins – Now, what Wallace?

Council Member, W. W. Ross, Jr. – On the page for Property Maintenance, go to the property that maybe added to the court list what is the deadline there?

Mayor Jenkins – They are listed for each property on what the deadline is on column 6 of the sheet that follows. What that is the date listed here, they received their letter and their time has expired for them to clean or respond to it. If they have not responded or not complied with the clean up, they will be added for a court date.

Council Member, W. W. Ross, Jr. – Does that include Town property?

Mayor Jenkins – No. We are addressing that. We had a survey confirmed on the property that you are probably addressing. The property that runs

Council Member, W. W. Ross, Jr. – I'm talking about several properties.

Mayor Jenkins – The main one we addressed is the remainder of Cleveland Street that has not been opened. Steve Whiten did bring the survey in. I need to go over it with the Public Works crew to make sure they stay on the Town property. It looks like the fence line is questionable.

Council member, W. W. Ross, Jr. – I have a survey verifying that back in the 80's, should be on record.

Mayor Jenkins – We had to make sure where the pins were anyway.

Council Member, W. W. Ross, Jr. – I could provide the survey.

Mayor Jenkins – I already got it. I had Steve bring it and he certified it.

Council Member, R. Cassell – Can we, because it will be a while before we get a grant, have Stoney get some white paint and roll it on the outside of the theater? The rest of the town is looking so much better.

Mayor Jenkins – We are getting ready to do some work on that, there are some funds available for some clean up. That was discussed last night we can actually use some grant funds to do that.

Council Member, W. W. Ross, Jr. – Question on that question that you brought up about that survey, Cleveland Street, does it have a 30' street or does it have 20' alley way or that survey shows Gravel Street is a 30' as Cleveland Street as 20 or 30. I don't know which one it is, do you:

Mayor Jenkins – The survey that Steve provided is a 20' R-O-W a 30' R-O-W for Gravel.

Council Member, W. W. Ross, Jr. – Okay, is that accurate?

Mayor Jenkins – That is what's on the plat.

Council Member, W. W. Ross, Jr. – I have a survey that says 30' so I

Mayor Jenkins – Gravel is a 30', Cleveland is a 20'

Council Member, W. W. Ross, Jr. – Cleveland go all the way around

Mayor Jenkins – Cleveland goes up runs to the corner of the church.

D. Council Reports –

Mayor Jenkins – Any Council reports? No Council reports.

E. Economic Development Committee –

Mayor Jenkins – They have suspended meetings because of some illnesses of members. I think they will start again next month.

F. Façade Committee –

Mayor Jenkins – Façade Committee met last night. Coming down to the end of the Façade Program and will apply for an extension. VHCD has recommended that we apply for an extension but I think we have expended the funds with what we have 4-5 properties to finish. I think we will be okay in meeting all the program criteria. As long as we have everything worked out and under contract before the end of next month. The project probably won't end until early next year, but we will have most of the buildings under contract or continue addressing those who aren't going to participate with the court action or other encouragement.

Council Member, R. Cassell – Do you think the funds will be used.

Mayor Jenkins – It looks like, with the exception of the upper story housing. We're having trouble getting the building inspector to come close in allowing that to happen. You have to put in a fire suppression system in which is \$60-80,000 right off the bat so that eats up a lot of the funding. We have one more applicant that may have a building suited for the need.

Council Member, R. Cassell – Have you approached this gentleman that owns, it's all part of the Dollar Store building, but I was talking to a building owner today. These windows, that is the first thing you see when you come up the hill are these old windows, they leave a light on every night. Would that qualify, window replacement since that is in the part of the

Mayor Jenkins – That would qualify, but that is Jim Belt Baker, isn't that?

Council Member, R. Cassell – Well there's a Mr. Harold that owns part of that.

Mayor Jenkins – We have approached the Bakers and they have not been interested. I'll look at the property.

Council Member, R. Cassell – Part of that is their storage room, I think. Phyllis knows how to get a hold of Mr. Harold. It sticks out like a sore thumb. If there is some money left, that is why I was asking.

Mayor Jenkins – Part of the money will be a perpetual loan will be coming back to the town to be reapplied to properties in the future.

Council Member, F. Perry – Jim Belk is coming home for 30-days can talk to him.

Council Member, R. Cassell – The town is shaping up, really looking good.

Mayor Jenkins – We just need more.

G. Historical Committee –

Council Member, F. Perry – We don't have anything to report.

Council Member, W. W. Ross, Jr. – Council report, I have a question.

H. Council Reports - Reopened

Council Member, W. W. Ross, Jr. – You said that, but I never did get a true answer of Job Corp was wanting to come here this summer and try to do some work on sidewalks and refurbish that kind of thing. I never did get a yes or no from them to tell them yeah or nah and right now they were just up in the undecision making and I wanted to have that so I can at least let them no or at this time so in the future that we could cause they wanted to come and finish that sidewalk right on Jackson Street. So, I never did get an answer so you saying trying to improve that would have been an improvement because it wouldn't cost us any money for that development for them to come in and do that.

Mayor Jenkins – When you say it doesn't cost us any money, there are proved billings that yes it does cost us money.

Council Member, W. W. Ross, Jr. – Labor?

Mayor Jenkins – Labor, equipment rentals, various supplies but there lots of opportunities that I am sure the Job Corp would be welcomed to do. We have potential of scraping and painting.

Council Member, W. W. Ross, Jr. – When I mentioned the last time that St. Paul was receiving a whole bunch of money and they used Job Corp Development so I don't understand.

Mayor Jenkins – Well I have talked to St. Paul and got no confirmation that they use them extensively. But yes, they have got a lot of grant money.

Council Member, W. W. Ross, Jr. – Okay, who did you talk to?

Mayor Jenkins – I talked to some representatives from St. Paul. If you would like them to issue letters I will ask them to do so.

Council Member, W. W. Ross, Jr. – I just like to know who you talked to. I know the Vice-Mayor, was Raymond, so I didn't know that's who you had talked to or not.

Mayor Jenkins – I go through St. Paul very often.

Council Member, W. W. Ross, Jr. – Okay, thank you.

I. Manager –

Mayor Jenkins – Working on getting ARC and the Tobacco Commission grants, along with Industrial Revitalization funds. Have had several meetings with county and Lenowisco and have issued letters in support from both agencies. We discussed to let our resident engineer take the lead. The county will probably end up with the Tobacco Commission funds to apply specifically to the theater. Hopefully, it will turn into a good joint effort. They are talking to the school system about possible educational opportunities, to take place at the multi-purpose center is what it will end of being. We have the potential of a major private donor. I have talked to him several times. The ARC funds will go a long way with a dollar to dollar match with the Tobacco Commission funds. If we get a private donor it will basically take care of itself. The town won't be out anything but the \$7,000 of what we paid for the building and we will maintain ownership of that building. We have addressed a few property disputes and other things like that. But, it hasn't been that eventful of a month. Most of the disputes are civil matters, just establishing what the town can and can't do. I think we have issued 3-4 building permits.

J. Park Committee –

Council Member, F. Perry – We didn't meet. We didn't have a quorum.

K. Planning Commission –

Council Member, R. Cassell – Our meeting consisted of Juanita Wells, with VDOT. We went over the proposed lease of King Ford property. It was a very productive meeting. They were giving 60-90 days notice to back out if the road was going to be done. We asked for 90 days all the way across. They were proposing a year-long lease, it wasn't enough time to invest in anything, we asked for five years. Juanita suggested five years with a five year extension. They do want the cross over blocked off with nothing more than just a plastic post with Stoney mounting them. She was going to check on the historical signs because of the strict criteria of where they can be placed. We sold it as a safety issue it would be safer where they could pull off the road.

Town Attorney, M. Brooks – Her impression on that was it was probably they won't allow us to do because of the regulations.

Council Member, R. Cassell – The oil residue is encapsulated between layers, they felt with what we want to do, setting a post 6-8 inches would be okay. She was going to reword a lot of it and her and Michele was going to correspond. She stated they were more than willing to try and work out the hurdles to see that nothing else cleaned up. I mentioned other issues we had been looking at and if it was okay for Council and Street Committee to email her, and that I always corresponded with the Mayor before I sent anything and she was okay with that.

Town Attorney, M. Brooks – We are waiting on a modification of the lease and just to see and obviously the Planning Commission would approve it for you all to look at as a whole. But the Planning Commission is doing a great job trying to get this worked out.

Council Member, R. Cassell – It was a good meeting and should see something back.

Mayor Jenkins – Thank you and for establishing a good working relationship with VDOT, which is good.

Council Member, R. Cassell – First time I had ever met Juanita and I was really impressed.

L. Police Department Report –

Chief Birchfield - – Calls for service increased by 60 up to 465 calls. Our arrests increased by three, we had 10 arrests. Summons up by 24 we had 71 traffic citations. We had 21 crime reports for the month which was up by 6. We were down on accidents reports only having four accidents versus ten last month and we attribute that to working traffic enforcement. We started the marked tire enforcement and also the handicapped no parking zones and vehicles that have become a problem in the town that parked against the flow of traffic, heading the wrong way on the wrong side of the street. We have issued several citations in the past few days. Have had some complaints, but have been able to talk with the residents and tell them why and what's going on with it. Today I've made several trips up and down Jackson Street. I didn't see but one car the whole day parked that way as we were coming over here and we explained to her why you can't park that way. It looks like they are catching on.

- Officers continue to provide extra patrol on Sue Street and Elm Street due to complaints.
- Our department continues to work in a safe manner (no accidents, no sick days and no injuries) during the month.
- Officers continued with Radar Enforcement on Jackson and Kane Street in an effort to slow down traffic and monitoring both traffic lights.
- Officer Templeton still attending K9 School Training July 1 thru Sept 21 and reports both he and dog doing well.
- Officer Templeton attended the Canine Legal Update Seminar in Knoxville.
- Working on Vandalism at Grogan Park and has decreased with officers out there.
- Chief Birchfield and Nancy attended the Smart, Safe & Sober Workshop and received the DMV Grant of \$10,300.
- Chief Birchfield completed the Basic Law and Crowd Control seminar Aug 15 – 19.
- Patrol car out of commission due to a fire, VML has settled and we have received the money.1 failures.
- Swore in 3 auxiliary officers, which are here and I ask them to stand, Tracy Rhoten, Scott Fink and John Gillenwater towards the first of the month. All have experience and are creditable officers and may become a part of the department at some time. Proud to have them aboard.
- All our Officers and John Gillenwater (Auxiliary Officer) attended a class and received certification to carry a taser. Training was here last week. The Mayor was here and attended that class with us.
- Applied for a VML Grant in the amount of \$2K to purchase a new copier/fax/printer for office.

For September:

- The gentleman is coming in Friday to have our computers in the Police Department on network to be able to print from a network printer.
- Adam scheduled to complete K9 training.

I gave you a copy of the 911 Emergency Warning System and that will need to go through the Emergency Management Agency which is Jeff Brickey. There is grant money out there and available for it, but it has to be addressed through him.

Council Member, W. W. Ross, Jr. - So that is why it is taking so long to.

Chief Birchfield – They just got me that information. They checked on the grants and thought through 911 or through us, we could apply for it and do it, but I got with Rodney Baker today and he told me the information he received was it would have to go through EMA. It will need to be addressed through Mr. Brickey.

Council Member, W. W. Ross, Jr. – Okay, so that is that like an early warning system on weather.

Chief Birchfield – Yes, sir, what you asked me about.

Council Member, W. W. Ross, Jr. – So, like if we have an emergency like and some people know about it like the truck spilled out there on 23, but did they put out any kind of warnings, signal about that in anyone and that was a hazard material?

Chief Birchfield – I don't know if anything was put, the State Police worked that. We were there and assisted them with traffic. But that was handled by the State Police.

Council Member, R. Lane – There was an alert put out by Tennessee Agency.

Council Member, W. W. Ross, Jr. – That was on radio?

Chief Birchfield and Council Member, R. Lane – Both state, it was on radio and T.V.

Council Member, R. Lane – A text alert.

Chief Birchfield – WJHL TV also asked that everyone stay out of the area that four lanes were blocked. I know they put out information on it. Thank you.

M. Public Works –

Mayor Jenkins – They picked up 21,000 pounds of brush, 216,000 pounds of trash, 9,000 pounds of recycled and 109 work orders. They are working down at the parking lot on the retention basin. They are going to take some of the good top soil up to the Kane lot. We talked about maybe putting a picnic table at the end of Elliott Street. The Planning Commission had looked at that as a potential satellite park site and had asked that some clean fill be taken up there.

N. Sanitation Authority –

Mayor Jenkins – Meets this week. Did anything come out of the last Sanitation Authority Meeting?

Town Attorney, M. Brooks – I'm still trying to speak to Mr. Danko and have cordially invited him to come tomorrow night. I don't know if he will there or not. We're talking to each others' machines at this point.

Council Member, R. Cassell – They discussed the no Sanitation policy like the water policy to try to come up with something similar. We've had some issues hit us more this year than we have in the past. I think there will be a policy come out of that.

O. Street Commission –

Council Member, W. W. Ross, Jr. – Again, Back Street. Some folks said it has developed a hole there is it, I've tried every possible way to address this. Even offered my salary last year which would pave this, but it's still a nuisance so I don't know really know what else to do. I've tried to approach this Councilman to address this issue. Water still backed up, still running to church the bus backs in there after they let the children out if the hole develops its more so there. I guess if you try to put some rock in there temporarily to it may not get the water lose away but it would level for the cars and bus back in there to try to level that off. Cause it been like five years on this deal so that's one of the concern it started out like this small now it's been building up to another big hole so I want to show you how much it's increased over the years. I hope that the community like to have everybody's talking to me so there need to be something be done and I said well I'm trying to get the board to do something. I don't know what else to do. So, I hope that it will be addressed sometime soon. My other concern is Gravel Street here (**Points to a map, copy not provided to Mayor or Council Members**) this is a street that has been some concern so. If it's a 30' right here so this part of it, the alley way is considered this property. This property would probably go up through here. This property right here (**Points to map, copy not provided to Mayor or Council Members**) back through here is all the town. Goes all the way across so I'd like to know for point of view on this too it just shows it right here is an alley way (**Points to map, copy not provided to Mayor or Council Members**) has anyone gave the permission or allocate this

part right here (**Points to map, copy not provided to Mayor or Council Members**) be given to this property owner or any of that?

Mayor Jenkins – There shows to be a 30' R-O-W there by the plat.

Council Member, W. W. Ross, Jr. – This is an alley way right across where it goes right there so has that part that part right in here (**Points to map, copy not provided to Mayor or Council Members**) is the alleyway shows here on the map has it been did it did you all deem that to the property owner?

Mayor Jenkins – No, not that I know of. I've seen no indication that that has been deeded to the property owner.

Council Member, W. W. Ross, Jr. – I'm just a little confused, about that cause on my map here (**Points to map, copy not provided to Mayor or Council Members**) it shows that it this is Cleveland Street, this is the alley way that runs all the way right there all the way across there. That alley way runs all the way across all the way over to the so had that section been deed to any of the property owners? So it would

Mayor Jenkins – I don't know what you are talking about.

Council Member, W. W. Ross, Jr. – **Points to map**, this alley way right here goes up all the way across from Chestnut, Cleveland Street all the way from here all the way across to Gravel Street it runs all the way across.

Mayor Jenkins – Cleveland Street continues up almost perpendicular to the corner of the church makes a 90 and goes down into the corner of the church.

Council Member, W. W. Ross, Jr. – The alley way

Mayor Jenkins – Gravel Street runs perpendicular to what the unfinished section of Cleveland.

Council Member, W. W. Ross, Jr. – Well, this property right here (**Points to map**) there's two properties right there it's an alley way that runs from that alley way it had been fenced off but the alley way runs from here to here (**Points to map**). The alley way separates the

Mayor Jenkins – The alley way being Cleveland Street?

Council Member, W. W. Ross, Jr. – No. Just the alley way, whatever the alley way is. Whoever, the town owns the alley way.

Mayor Jenkins – I don't know what you're talking about an alley way. The only thing I've seen there is Cleveland and Gravel.

Council Member, W. W. Ross, Jr. - Well that that's what's so confusing as to me this is an alley way on the map even on the sewer line it shows right here (**Points to map**) that it alley way runs right across from my property behind my property it's a alley way runs all the way across there where my father's garage and parts at is an alley way that go all the way across to this here. So, I was just wondering has anybody gave this alley way to the property owner?

Mayor Jenkins – I have no idea.

Council Member, W. W. Ross, Jr. – Well, that's what I want to say so this part right here (**Points to map**) is you say is private property so this is here is considered the town property part of that.

Mayor Jenkins – The R-O-W are the Town property, yes.

Council Member, W. W. Ross, Jr. – Well, this right in here is what I'm trying to find out if it had been deed to any of the property owner.

Mayor Jenkins – As far as I can tell that property belongs to, I think I have the names. It looks like that may be Maynard F. Wood would be the owner of that property.

Council Member, W. W. Ross, Jr. –What property?

Mayor Jenkins – The property that you seem to be pointing at. I can't really tell what you're pointing at. What you are calling an alley way.

Council Member, W. W. Ross, Jr. – Well that's what the fence, but this is the property right here that in front of this is a sewer line that owned by the town is where the drain where the system line the front of this is a the drain line that where it has been cut where water drains down they put a drain line. So, it's a fence that runs from all the way up here all the way down to this property that jacent Mr. Wood's property but the property here is probably private property then the alley way is here then it's another property so it's

Mayor Jenkins – Are you talking about the Pendleton property that borders the back with the fence and the gated part.

Council Member, W. W. Ross, Jr. – No, No, that's right there that's Cleveland Street runs right through there that's all Cleveland Street all right there. Where you see that from that fence there that's Cleveland Street run all the way across there.

Mayor Jenkins – Right.

Council Member, W. W. Ross, Jr. – And that would be so would that be a 20' – 30' so part of that would be down here somewhere if it run all the way down.

Mayor Jenkins – There is a 20' R-O-W running pretty much parallel to that fence line. If you come of the corner where Cleveland comes up at the end of the paved part of Cleveland it shoots straight out from the lower side of the street there is a 20' R-O-W above that line that would be projected by where Cleveland currently runs. And that would run out to the corner of the church. On a straight line and cut straight down to the 90 at the corner of the church property.

Council Member, W. W. Ross, Jr. – Right, but this is this is this is a private property here (**Points to map**) and here you said. And this alley way runs right at the fence line to separate the alley so it's an alley way that would connect

Mayor Jenkins – You can't just sit there and point at graphs and expect me to know where the alley way runs. All I'm telling you there is a 30' R-O-W for Gravel Street. There is a 20' R-O-W for Cleveland. Mr. Whiten, actually did the surveys on that. That is the only thing that I have verified.

Council Member, W. W. Ross, Jr. – (**Passes map through Council Members to Mayor Jenkins**) That's the alley see that see where Cleveland Street is?

Town Attorney, M. Brooks – These Tax Map numbers should refer to a specific piece of property so it should easily be ascertainable who owns this specific piece of property.

Council Member, W. W. Ross, Jr. – Right, so that it's an alley way that run right there that alley goes all the across to that property to Gravel Street.

Town Attorney, M. Brooks – Have you checked the Tax Map number to see who is the owner?

Council Member, W. W. Ross, Jr. – Well, no.

Town Attorney, M. Brooks – Okay.

Mayor Jenkins – Okay. To verify this, the property that you are pointing at is not on this plat. Not on this colored piece. The property that bounds Gravel Street is owned by Maynard Wood if the tax maps are correct.

Council Member, W. W. Ross, Jr. – This is a September, 1988, (**Document not provided to Mayor or Council Members**) and it is a sewer city sewer system. It shows an alley way runs right here this is the alley way right here between that goes all the way across here to the property.

Mayor Jenkins – Is it an alley way, permanent easement or a temporary easement? I don't know what it is until I look at it.

Council Member, W. W. Ross, Jr. – It's an alley way, it's always been an alley way right there. That's an alley way right right in there between the two properties Cleveland Street and Moccasin Avenue. So this property, this alley way right here, has it been that's what I'm asking has it been deemed to deed to anybody to one of the property owners who owns this property right here?

Mayor Jenkins – It would take some research to do that, but I can't answer whether it is or not. I don't have court document, I don't have records, I don't have the deeds. So what are you getting at?

Council Member, W. W. Ross, Jr. – I'm just trying to find out if for sure what this property is it still considered an alley way, has it been deed to someone or was it a mistake or Cleveland Street are these two property owned Cleveland Street down here if it was deemed private property or town property.

Mayor Jenkins – As far as I can tell, everything around that area is private property.

Council Member, W. W. Ross, Jr. – So that's what I'm trying to find where the private property is at.

Council Member, F. Perry – You need to go to the Clerk's Office and find out.

Council Member, W. W. Ross, Jr. – I need to? Okay.

Mayor Jenkins – One of us is going have to, evidently if the question is going to be answered or we can pay someone to do it.

Council Member, W. W. Ross, Jr. – Well, I just want to know where that property had had the town gave the alley way deeded to any of the two property owners.

Mayor Jenkins – I have no idea.

Council Member, F. Perry – Not during your tenure, you haven't.

Mayor Jenkins – We haven't. We only given up one, two pieces of property that I know of. One would be near Click Street and the other would be on the west end of town.

Council Member, W. W. Ross, Jr. – And so, so, in front of my property the town would at least own 20' or 30' of that property in front of my house?

Mayor Jenkins – In front of your house?

Council Member, W. W. Ross, Jr. – The town would own

Mayor Jenkins – Which is on Manville Road or Moccasin

Council Member, W. W. Ross, Jr. – Manville Road would be the Chestnut and Manville Road, so part

Mayor Jenkins – That would be a town street, the other is a state route.

Council Member, W. W. Ross, Jr. – So where the water lines is put out is that considered part of the town? Correct or town.

Mayor Jenkins – There is probably an easement there at one time it would have been a wider easement for construction and revert back to a permanent easement of an easement of a certain width.

Council Member, W. W. Ross, Jr. – So, okay.

Town Attorney, M. Brooks – I don't know if this clarifies, but an easement doesn't mean you don't own your property, it just gives another person the right to use for a specific period of time or for a specific purpose.

Council Member, W. W. Ross, Jr. – Right if they want to come in and put a sidewalk right through that process. I would have to they could do it but

Mayor Jenkins – It would probably be that we would issuing an easement like we are

Town Attorney, M. Brooks – Depending on what there is on record and I don't know the answer to that question.

Council Member, W. W. Ross, Jr. – Well that's why I want to take, but any town owns certain amount of property within a certain but because for instance going up Manville Road it's a sidewalk that runs, but the property the sidewalk is town property but it's close to the to Mr. used to be Mr. Wallace, Dot Wallace home. It's a street, it's a sidewalk, but the steps go down but it still a town street.

Mayor Jenkins – There are probably different boundaries around different pieces of property. I don't know.

Council Member, W. W. Ross, Jr. – I didn't know where that property had been. Okay.

Mayor Jenkins – Mr. Ross, you are on the Street Commission and if you and Roger want to agree, it does not take any approval by any Council member sitting up here. We already set so much aside in the budget. If you want to spend any amount of that budget paving that street you can do it and you know that.

Council Member, W. W. Ross, Jr. – Why, I even offered my salary last year before.

Mayor Jenkins – Your salary won't cover hardly any of the paving. You got a budget, if you want to use it to pave that street feel free to do so. But if you pave that street and fill it right now, you are going to bring it up to higher level. That is going to flood the church. I don't see how it could possibly do it at the current level. If we put any fill in there, we're going to raise that at least another four inches which may cover up the problem of the bus backing up in there, which is an illegal act by the bus driver if I've read correctly.

Council Member, W. W. Ross, Jr. – Well, the thing is, it's a hole developing there. People drive out there vehicles go down in there

Mayor Jenkins – I know, I've gone through the road several times, but I'm saying you can pave it if you wish. Your committee is over that amount of money. If you want to fill that hole up, fill it.

Council Member, W. W. Ross, Jr. – I think it needs a solution anyways. But

Mayor Jenkins – You got the right to do a solution just like any of the rest of us.

Council Member, W. W. Ross, Jr. – I don't think Roger would approve of paving it. I think last year he didn't think it was necessary.

Mayor Jenkins – I think Roger has indicated to me, it's fine, if you all want to expand the budget there. Do it.

Council Member, R. Cassell – I will tell you, the money is not there. I made a request to Mark and Chris after the picnic and until some of the tax revenue starts coming in the money is not there right now for that kind of a hit.

Council Member, W. W. Ross, Jr. – Well, I thought you all had projected that the tax revenue would be coming in for that and now you saying that you will not be feasible?

Mayor Jenkins – No, it will come over the year.

Council Member, R. Cassell – Just cause you put down \$25,000, at one time it might have been there, but there has been some funds expended. That flocculator was what \$30,000?

Council Member, W. W. Ross, Jr. – So, when you all wrote the budget you took the road money and allocate it for other projects? What you saying?

Council Member, R. Cassell – No, what I'm saying, you make a budget project that that money is going to come in for a twelve month period. It's not all going to fall out of the sky at one time.

Council Member, W. W. Ross, Jr. – Well, there was some left in that wasn't spent, so what happened to that?

Council Member, R. Cassell – Budgets start over every year and that's projected. I asked Chris to write the work order and he said there's not money there right now and he's got a desk full of bills that he is paying as he can right now. Any municipality depends on tax revenue this time of the year is a lean time of the year. I had this discussion with him, just the other day, he's getting ready to mail the tax tickets out they are due by December 20th. We are at the point right now, until, there was that \$89,000 I think spent down here on that water tap and once we get the grant that's going to come back. There's just been some money that has been put out front for some projects that has kind of drained our rainy day fund and we got to get it built back up.

Council Member, W. W. Ross, Jr. – Well, that's why I was concerned about the budget that I thought that I thought we were leaning too far too thin. And when you all allocated that you all could have had I thought that it was a little too thin and might have did more cut through the process of certain area cut across the board. Now you said it was not necessary, but now you're telling me that it was necessary but we don't have enough money to do any of the streets at this time.

Mayor Jenkins - We do have some CD's that we can cash in to cushion and we may do that.

Council Member, R. Cassell – Just like your salary when you were working, you don't get your 12 months' salary in one lump sum. Money has to come in over a period of time and you project that \$25,000, that doesn't mean if we had it we could go out and spend \$25,000 tomorrow and pave everything we wanted. That is what a budget does, we hope in that 12-month period between July 1st and June 30th that we will accumulate \$25,000. That is what a budget does, projecting based on what's happened in the past. It's a best guess. That is all you can do. Just right now, larger projects the money is just not there. Like Mark said, there's some CD's that has been put back that can be cashed in. I told Chris as far as I'm concerned when the money is available if he wants to go spend the whole \$25,000 up there, do it. I'm tired of hearing it, pave it in gold, get it over with and get it done. The money's there.

Council Member, W. W. Ross, Jr. – Well, I hope the good lord bless you for that.

Council Member, R. Cassell – I'll send him an email as a matter of fact, I'll I'm going to be over here tomorrow, I'll come in here and tell him. As soon as the money is available, he feels it's there, go up there and pave it. There is a hole there

Council Member, W. W. Ross, Jr. – Well, Roger, you've paved some other streets in the city, I haven't had any complaints about that. The process that we are sitting on here that some things that need to be done., now you know, you signed a number of streets that have been paved, you have Lane Street that was paved.

Council Member, R. Cassell - There hasn't been anything done this year. Did I not ask you to make a work request, Mark?

Mayor Jenkins – Yes.

Council Member, R. Cassell – Chris told me money is not there right now.

Council Member, W. W. Ross, Jr. – But, this street has been on before I even got on the Council. I was coming to the board to straighten this street out.

Council Member, R. Cassell – I promise you that there will be something done up there when Chris assures the money is there. I have asked him, I have asked Mark, please when the money comes available do something to Back Street. The money is not there. If you can Chris to come up with the money, do it.

Council Member, W. W. Ross, Jr. – Well, I keep hearing that there's no money before. Before you said that the there wasn't enough traffic, wasn't enough cars and the street has been damaged so something has damaged the street to put a hole there. The trash truck goes up through there.

Council Member, R. Cassell – Wallace, you have my blessing. If you can convince Chris to write the check, do whatever you want. I promise you, I'm with you fix it.

Council Member, W. W. Ross, Jr. – Alright, thank you.

Council Member, R. Cassell – But, the money is just not there right now.

Council Member, W. W. Ross, Jr. – Well

Council Member, R. Cassell – It might be after the first of the year when the tax money comes in.

Council Member, W. W. Ross, Jr. – Well, that's the concern I had about the budget anyway that they this would be a major downfall in projecting certain things that's all. Thank you.

P. Water Plant –

Mayor Jenkins – They are still doing well. They are operating less hours a day and have cut back some operator time. We are still 25.42% loss which is acceptable. It’s actually very good.

XI. PUBLIC COMMENT

Benny Reed – 167 Poplar Street. Three things I would like to address. I came to Town Hall asking them to cut some kudzu that is hanging down the road on Poplar Street. They did it promptly and I appreciate that. Discusses piece of property on Poplar Street that is not on the Property Maintenance report but needs to be addressed, Town police need to be actively involved with dog enforcement and be diligent in selecting an individual with proven Town Manager experience when filling Steve’s position, someone that is certified as a Town Manager. He compliments Town Attorney, Chief and office staff. Thanks Council for opportunity to express his opinion.

Mayor Jenkins closed the public comment session at 7:30 P.M. and opened the consent agenda session.

XII. UNFINISHED BUSINESS - None

XIII. NEW BUSINESS

Ron Baker – Water Bill – *Was not present, item struck from agenda.*

Council to vote on an ordinance requiring dogs to be kept on the owner’s or custodian’s property or under immediate control by keeping the dog on a leash or otherwise restrained and prohibiting dogs from running at large and imposing penalties for violation thereof.

Motion made to adopt an ordinance requiring dogs to be kept on the owner’s or custodian’s property or under immediate control by keeping the dog on a leash or otherwise restrained and prohibiting dogs from running at large and imposing penalties for violation thereof.

Motion by: Council Member, F. Perry 2nd by: Council Member, R. Cassell

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

Acceptance or denial of Steve Templeton’s resignation as Town Manager effective tomorrow.

Motion made to accept Steve Templeton’s resignation.

Motion by: Vice Mayor, T. Herron 2nd by: Council Member, W. W. Ross, Jr.

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

Resolution to allow Andy to apply for the Industrial Revitalization Funds to support the Gate City Theater Renovation.

Motion made for a resolution to allow Andy to apply for the Industrial Revitalization Funds to support the Gate City Theater Renovation.

Motion by: Council Member, R. Cassell 2nd by: Vice Mayor, T. Herron

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

XIV. PUBLIC COMMENT – NEW BUSINESS - None

Mayor Jenkins closed the public comment session for new business at 7:31 P.M. and opened the consent agenda session.

XV. CLOSED SESSION

Mayor Jenkins opened the closed session at 7:33 P.M.

Motion for Council to enter into closed session to discuss legal issues.

Motion by: Vice Mayor, T. Herron 2nd by: Council Member, R. Lane

VOTE: Yeas, 5
Nays, 0
Absent 0

XVI. RETURN FROM CLOSED SESSION

Council returned from closed session at 7:51 P.M.

Motion for Council to return from closed session.

Motion by: Vice Mayor, T. Herron 2nd by: Council Member, F. Perry

VOTE: Yeas, 5
Nays, 0
Absent 0

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.

VOTE: Yeas, 6
Nays, 0
Absent 0

XVII. MOTIONS FROM CLOSED SESSION: *No motions from Closed Session.*

Vice Mayor, T. Herron – Would like to bring something up. Do we need to put it under New Business or anything or just open discussion?

Town Attorney, M. Brooks – I think we need to put it under New Business.

Mayor Jenkins – We have a motion to add an item under New Business.

Motion made to add item under new business.

Motion by: Vice Mayor, T. Herron 2nd by: Council Member, F. Perry

VOTE: Yeas, 5
Nays, 0

Absent, 0
Abstain, 0

XVIII. NEW BUSINESS

Mayor Jenkins – Opening New Business again.

Motion made to advertise for Town Manager’s position for two weeks in the local papers and on the VML website.

Motion by: Vice Mayor, T. Herron 2nd by: Council Member, F. Perry

Council Member, R. Cassell – Do we set a deadline? You’re on the Personnel Committee.

Vice Mayor, T. Herron – How do we typically run it, two weeks?

Mayor Jenkins – That’s normal duration, yes.

Vice Mayor, T. Herron – Advertise for two weeks.

Council Member, R. Lane – Is that just the local newspapers?

Mayor Jenkins- We will advertise local newspapers and VML website. That’s the standard for any appointed position. We have a motion and second do we have a vote

Council Member, W. W. Ross, Jr. – Question. Would we not limit to the Kingsport paper? Did we mention that or did I?

Mayor Jenkins – Well the local papers will be Kingsport, Gate City and then the VML website.

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

XIV. ADJOURN

Motion to adjourn the meeting until the next regularly scheduled Council Meeting, October 11, 2011, at 6:00 P.M.

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

VOTE: Yeas, 5
Nays, 0
Absent 0

*Mayor Jenkins adjourned the meeting at 7:55 P.M.

Mark Jenkins – Mayor

Kathy Riley – Town Clerk

RESOLUTION NO. 03/11

RESOLUTION AUTHORIZING APPLICATION FOR INDUSTRIAL REVITALIZATION FUNDS SUPPORTING THE GATE CITY THEATER RENOVATION PROJECT

The Town Council for the Town of Gate City, Virginia hereby finds the following:

WHEREAS, it has been determined that application for a grant in the amount of \$600,000 is available to the 2012 Industrial Revitalization Fund, administered by the Virginia Department of Housing and Community Development; and

WHEREAS, any funds from this grant would be in support for the Gate City Theater Renovation Project; and

NOW THEREFORE, BE IT PROCLAIMED that the Town Council of the Town of Gate City hereby authorizes the Mayor to execute the necessary documents for such application for a grant to the 2012 Industrial Revitalization Fund, administered by the Virginia Department of Housing and Community Development, and that all project funding, including those from sources other than the IRF, are delineated in the authorized application.

BE IT FURTHER PROCLAIMED AND ORDERED that this resolution be disseminated to appropriate legislators of the Commonwealth of Virginia.

Dated the 13th day of September, 2011.

Signature of Mark V. Jenkins - Mayor

A TESTE Clerk (Signature)

FILED 9/28/11 TIME 2:58 PM CIRCUIT COURT CLERK'S OFFICE SCOTT COUNTY, VIRGINIA MARK "BO" TAYLOR CLERK BY [Signature] DEPUTY CLERK

Notarized by: Signature Date 9/17/11

Seal: Notary Public Seal for Judy L. Guinn, Reg # 7307544, Commission Expires 7/31/2013

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GATE CITY, VIRGINIA, REQUIRING DOGS TO BE KEPT ON THE OWNER'S OR CUSTODIAN'S PROPERTY OR UNDER IMMEDIATE CONTROL BY KEEPING THE DOG ON A LEASH OR OTHERWISE RESTRAINED AND PROHIBITING DOGS FROM RUNNING AT LARGE AND IMPOSING PENALTIES FOR VIOLATION THEREOF

WHEREAS, the Gate City Town Council, after due consideration of this matter and after conducting a public hearing giving an opportunity for public comment, finds it appropriate and in the best interest of the Town of Gate City to adopt this ordinance pursuant to the Charter of the Town of Gate City, Virginia and Section 3.2-6539 of the Code of Virginia.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the governing body of the Town of Gate City, the Gate City Town Council as follows:

Section I.

All persons who are the owners or custodians of dogs within the corporate limits of the Town of Gate City, Virginia shall at all times keep the dog on the owner's or custodian's property or under immediate control by keeping the dog on a leash or otherwise restrained. (Code of VA §3.2-6539)

Section II.

All persons who are the owners or custodians of dogs within the corporate limits of the Town of Gate City, Virginia shall at all times take all appropriate and necessary steps to maintain the dog on the owner's or custodian's property or to confine, restrict or pen said dogs so as not to violate the provisions of this ordinance. Any person who permits his dog to run at large or remain unconfined, unrestricted, or not penned up shall be deemed to have violated the provisions of this ordinance. (Code of VA §3.2-6538)

Section III.

Any person who violates or fails to comply with any of the provisions of this ordinance shall be guilty of a Class 4 Misdemeanor and fined an amount of not more than \$250.00. (Code of VA §3.2-6587 and §18.2-11)

This ordinance shall be effective on or after the 13th day of

SEPTEMBER, 2011.

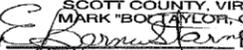
TOWN OF GATE CITY, VIRGINIA



Mayor



Town Clerk

FILED 9/28/11 TIME 2:59 PM
CIRCUIT COURT CLERK'S OFFICE
SCOTT COUNTY, VIRGINIA
MARK 'BOB' TAYLOR, CLERK
BY  DEPUTY CLERK