



**GATE CITY TOWN COUNCIL MEETING AGENDA**

**August 10, 2010**

**156 E. JACKSON ST.**

**6:00 PM**

**I. COUNCIL MEETING CALL TO ORDER**

Mayor Jenkins called the meeting to order at 6:00 P.M.

**II. ROLL CALL – Town Clerk Kathy Riley**

PRESENT: Mayor, Mark Jenkins  
Vice-Mayor, Rita Tipton  
Council Member, Roger Cassell  
Council Member, Tommy Herron  
Council Member, Frances Perry  
Council Member, Wallace W. Ross Jr.

Others Present: Town Attorney, K. Michelle Jenkins; Town Manager, Steve Templeton; Treasurer, Chris Edwards; Property Maintenance, Amy Page; Benny Reed; Marshall Spears; Pete Yoakley; Jimmy L. Guinn; Chuck Newton; Arletha Newton; Charles Fuller; Debbie Kindle; Sam Cruby; Loretta Cruby; Roger A. Brooks; Daris Hartsock; Lee R. Powers; Tommy Quillin; Jim Addington

**III. INVOCATION Don Muncie**

**IV. PLEDGE OF ALLEGIANCE Sergeant of Arms Chuck Newton**

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

- **Over Mountain Men Chapter SAR**

**Mayor Jenkins** – We have Sons of the American Revolution to make a presentation. Following, Bob McConnell is here to make the presentation for a resolution.

**Jim Guinn** – Good evening, I want to thank you for allowing us this time for our presentation. My name is Jim Guinn, President of the Overmountain Men Chapter, Sons of the American

Revolution of Scott County, VA. We are an organization of lineal descendants of ancestors who rendered service to the cause of American independence. We strive to keep patriotism and the memory of the American Revolution alive. SAR also honors veterans who are wounded in the line of duty to our country and have served during any war. These veterans are honored with the SAR Wounded Warrior Certificate and coin. Myself, being an ex Marine and Vietnam veteran makes this a honor for me to have the privilege of presenting this ward to Wallace W. Ross, Jr. in grateful recognition for service in the United States armed forces.

**Council Member, Wallace W. Ross, Jr.** – Thank you very much

- **Resolution for the Wilderness Road Virginia Heritage Migration**

**Mayor Jenkins** – Asks Mr. McConnell if he wants to present his resolution now so he doesn't have to stay for the entire meeting.

**Bob McConnell** – I think most of you are familiar with the Daniel Boone Wilderness Trail. Starts in Weber City and goes through Scott, Lee County and Cumberland Gap. Of course it goes beyond into Kentucky. There has been an effort to get some Virginian by- ways and to hopefully get a national by-way created that follows the great migration route that really starts in Philadelphia. He explains the route of the Virginia portion. He presents a resolution for the Town of Gate City to support the Virginia Legislation to authorize VDOT and Federal Agencies to provide Virginia Byway designation of specific roads and routes. He thanks the Council for the time allowed to present the resolution.

**Council Member, Wallace W. Ross, Jr.** – He asks about possibility of a Visitor Center.

**Bob McConnell** – Part of the Virginia Tourism corporation responsibility in all of this, whenever these routes are designated there would be Visitor Centers or Visitor points where information for travelers would be available and website information where travelers can get information. The whole idea is to get people to come to Scott County, visit our town and the by-ways in the County and enjoy what we enjoy every day. There would be that type of facility you were talking about.

**Mayor Jenkins** – Thank you for putting the resolution together.

Copy of the resolution by Mr. McConnell was signed by Mayor Jenkins, returned to Bob McConnell for further action and included at the end of the minutes.

## **VI. COMMUNICATIONS**

None

## **VII. APPROVAL OF MINUTES**

Motion for approval of Town Council meeting minutes from July 13, 2010

Motion by: Council Member, Frances Perry 2<sup>nd</sup> by: Vice Mayor, Rita Tipton

VOTE: Yeas, 5  
Nays, 0  
Absent 0

## **VIII. APPROVAL OF PAYMENTS**

Motion for approval for payment of bills for July, 2010.

Motion by: Council Member, Roger Cassell 2<sup>nd</sup> by: Council Member, Tommy Herron

VOTE: Yeas, 5  
Nays, 0  
Absent 0

## IX. REPORTS

### A. Treasurer's Report –

**Town Treasurer, Chris Edwards** – Referenced the Treasurer Report regarding receiving revenue of \$146,246.00, expenses of \$93,521.00 with a profit of \$52,725.00. We received \$4,000.00 from a customer for Delinquent Taxes. He will run a report, get with Lisa McCarty, Virginia Star Newspaper, to advertise the Delinquent Taxes in the paper for the past twenty years. This will help bring in more revenue as well. He asks for questions.

### B. Council Reports –

**Vice Mayor, R. Tipton** – I have talked to you (Mayor Jenkins) and some of the other Council Members we need to replace our Police dog in the near future. The Gate City Police Department the Asset Seizure Account has about \$1,041.66 in it. I was hoping our new Chief would be here for this. I just like to know what everyone thinks about replacing our Police dog.

**Mayor Jenkins** – You know my feelings on it, that we need it.

**Council Member, R. Tipton** – The other one really paid off. Can we give Steve the authority to start checking in on that? If there are dogs available.

**Town Manager, S. Templeton** – We do have an officer that is eager to do that. Take the training and house the dog. We definitely need the dog for several reasons. Safety is obviously one, the ability to walk the dog around a car when you have a car stopped for another violation. Lots of times it pays off in drug interdiction, illicit narcotics and also drug seizure funds. It's almost necessary on this 23 by pass which has become a major drug importation route from Florida to South Carolina through this way towards Kentucky. So there is a lot of potential there to have that.

**Mayor Jenkins** - If it is okay, we'll have Steve looking for it and put the dog as an item under New Business for the next meeting. We should have some information on this as far as what we need to do, to make a decision next meeting.

**Town Manager, S. Templeton** – I do know that the new Chief is a proponent for the use of Canines. So, I'm sure, she'll be on board with it.

**Mayor Jenkins** – So, if you would start getting some information together and get her (Police Chief) to work on it a little. Thank you Rita, is there any other Council Reports?

### C. Codification Committee/Property Maintenance –

**Property Maintenance, Amy Page** – Town Attorney, Michelle Jenkins, and I met with the Codification Committee last week to discuss the ordinances that have been amended and recorded at the Clerk's Office, along with what's to be updated. That spreadsheet has been included with your packet. I have been going through the minutes to see when each ordinance was adopted, so that can also be recorded at the Clerk's Office. Our focus is on Chapter 11 which deals with the Business Licenses. We have been reviewing the State Code and are working to update our ordinance on that. For the Property Maintenance, there is four properties that has been turned over to Town Attorney, Michelle Jenkins. They are the Starnes building, Chapman Store, Scott Motel and the David Baker property. We also have four properties that continue to be in violation.

Another letter has gone out to those property owners, today. We are giving them five days from the receipt of the letter to clean up their property. If it is not cleaned up within those five days it will be turned over to the Town crew and the property owners will be charged for that. Regarding the Water Street clean up, all property owners except one has received their notice of violation letter on that. Deadline for clean-up is middle to late September for all of those property owners. We have about ten pending properties that Robert (Mullins) is working on. He will be getting back to me when those letters are ready. There are four new violation letters that has went out from my office for this month. Are there any questions?

**Council Member, T. Herron** – The house on Moccasin Street, has anyone checked on that, see what the status is?

**Property Maintenance, Amy Page** – I can, if you just give me the information on that, I can check on it and see. We're trying to get some of these resolved before we add any new ones, but if you'd just send it to me I can check on it.

**Council Member, Wallace W. Ross, Jr.** - Questions the house at 119 Chestnut Street, with campers and trailers, is that within the guidelines that they bring them?

**Mayor Jenkins** – No, it is not.

**Council member, T. Herron** – Need to check on when the deadline on that was. I'm sure they're past the deadline on that and up to code.

**Council Member, Wallace W. Ross, Jr.** - I'm not trying to be difficult with people to live, but I always thought that house was condemned.

**Property Maintenance, Amy Page** – I'll have to check on that and get back to you on that.

**Council Member, Wallace W. Ross, Jr.** – Another question he has a concern about is the drain system going across that property. If the city has a problem, how will they handle it? It's right under the property.

**Mayor Jenkins** – When did they move that camper in, because it wasn't up there the last time I was up there.

**Council Member, Wallace W. Ross, Jr.** - They moved it right in. The camper was there first. The trailer came in later on.

**Mayor Jenkins** - We had to have one moved last week.

**Council Member, Wallace W. Ross, Jr.** – Makes comment property is still vacant and didn't know if the house was condemned.

**Mayor Jenkins** – I know they had received a notice of violation and they started repairing, but evidently, something has changed.

**Council Member, T. Herron** – They had 90 days, I know as of March or April.

**Mayor Jenkins** – Amy, thank you.

#### **D. Economic Development Committee –**

**Vice Mayor, R. Tipton** – The committee did not meet.

#### **E. Engineer's Status Report –**

**Mayor Jenkins** - Andy (Miles) can't be here because he's having some medical problems, but he did send a report.

**Town Manager, S. Templeton** – He has a very lengthy report of all the items he currently has in the pipeline for the grants that are being executed now or grants that are proposed. Right now he is ready to go to bid with the Phase 1 of the water extension that will come from the water plant to the school. An item that he has received information on this past week from Virginia Department of Health, they would like us to go ahead and try to bid the new section Phase 2 at the same time, which is a surprise to us. They're trying to bunch a lot of these together. I guess it saves

administrative costs. He was giving information that he believes will get both of those, which will bring the line all the way up to Kane Street to Jackson Street. Discusses the progress Andy (Miles) and Vic Davis Construction of the Water Street project.

**Mayor Jenkins** – Did you get quotes on Moccasin Hills? We'll do that under Water Report.

**Council Member, Wallace W. Ross, Jr.** – States he's for progress and other Council Members have a little more insight knowledge of what is going on. Questions what is under Phase I and Phase II.

**Town Manager, S. Templeton** - East Jackson Street is a VDOT grant and that is to up-grade the sidewalks on the Eastern side of the city, toward the bank.

**Council Member, Wallace W. Ross, Jr.** - He asks about a loan in Phase 2 for 30 years at 3% interest, does this mean my water bill will go up or an increase on stuff?

**Town Manager, S. Templeton** – We have been offered at 0% and there is always a possibility they will forgive a lot of the principal on that. But you have to take it out as a loan, at this time. That is to replace the water line all the way up to the water plant up to the High School on the entrance side. As far as the water rates, that's strictly up to you folks.

**Council Member, Wallace W. Ross, Jr.** - We get into Phase 3 which is Moccasin Hills, is that a grant?

**Town Manager, S. Templeton** - That's a grant proposal that we have written, we did not get it in the first round of the stimulus. It will be resubmitted. That is just proposed to up-grade all those water lines in Moccasin Hills to bring them up to standard which would include fire hydrants.

**Council Member, Wallace W. Ross, Jr.** – Asks about the Army Corp of Engineers report and what the purpose of development at parking lot, what is the reason?

**Town Manager, S. Templeton** - That is the Gate City grant. That is to carry the storm water runoff from Jackson Street and also from Water Street and channel it into Little Moccasin

**Council Member, Wallace W. Ross, Jr.** - The Corp of Engineer report says they would not let them go in to dig and make it wider. Questions if there is a big rain, won't it make it back up through the whole system?

**Town Manager, S. Templeton** - They put large enough drains (36") tiles, so that should handle anything as far as run-off from our streets. These things are angles, so as water goes down stream it siphons it out of our lines. It doesn't mean that they'll be more flood water downstream. Every drop of rain has to go somewhere.

**Council Member, Wallace W. Ross, Jr.** – So, it could develop further down from Gate City.

**Town Manager, S. Templeton** - As you look down there, it's a pretty large channel.

**Council Member, Wallace W. Ross, Jr.** - Was the Army Corp of Engineers were they for it or against it? What was the plan they provided to the town?

**Town Manager, S. Templeton** – From my understanding, they just simply did not want us to doing anything in the river bed itself. That is why the engineers put the larger tile in. That is about all I'm familiar with as far as that report goes. It's pretty technical.

**Mayor Jenkins** – Any other questions or comments on that?

## **F. Façade Committee –**

**Mayor Jenkins** – The Façade Committee met last night. We do have four projects currently under contract on the VHCD Revitalization grant. They're reviewing, I think, four more for potential funding. Of course, the problems that you're talking about on Water Street, that is part of that grant. They reported that it is well under way and actually ahead of schedule. They've had some problems with unidentified lines from the bank, but they did resolve that. That slowed them down a couple days, but everything else is moving slow, but at least moving forward. We have till February to finish out this grant or ask for an extension and with the way that it is moving, I don't see it being done by February. We may have to make a request for an extension from VHCD on disbursing the money.

**Council Member, Roger Cassell** – Does this include improvement on the street, sidewalks and all this has to be done by February? The whole grant total?

**Mayor Jenkins** – Yes, should be.

#### **G. Historical Committee –**

**Council Member, F. Perry** - We're still waiting for notification from the committee if it has been approved.

**Mayor Jenkins**- Everything has been submitted and it looked like it was going to be approved.

**Vice Mayor, R. Tipton** - Yes, I talked to him just after Council Meeting last month and there is absolutely nothing that we have to do but just wait.

#### **H. Manager-**

**Town Manager, S. Templeton** – On the Water Department we had only two minor leaks this month. Normally, we have three or four. Our accountability for our water this month was at 28%. That is four consecutive months where we have met our VHD threshold of 30%. We do have a problem with the water pump station located in Moccasin Hills. He explains the problem with the water pump, the possibility of it failing at anytime, the engineer and his crew looked at it with a report stating we are going to lose it. The building slid during construction after the pipes were in the ground making the pipes at a slight angle versus 90 degrees. Estimates received from the engineers are from different vendors vary from \$19,000 to \$38,000. These are estimates are built on skid type system that can be plugged into that building, but if a grant is received at a later date for a tank or eliminate or modify the building, this will pull straight out on the skids. Delivery is about 28 days and will require Moccasin Hills to be off-line for about 24 hours. This is all according to plan, but if it blows out, I don't know how long they would be without water service up there. This is something Council needs to consider tonight.

**Council Member, R. Cassell** – I've been up there and it's pitiful. Is this adequate?

**Town Manager, S. Templeton** – It's not just adequate, but, slightly, more than adequate. When this was built, there were about five houses up there. It wasn't anticipated there would be that many houses that these pumps would be trying to supply water to.

**Council Member, R. Cassell** – That is one thing I have heard every year, people can't even take showers upstairs.

**Town Manager, S. Templeton** – We have a lot of complaints this week of inadequate water pressure.

**Council Member, Wallace W. Ross, Jr.** – How many homes is there?

**Town Manager, S. Templeton** – 28, does that sound right?

**Council Member, T. Herron** – I think 44.

**Town Manager, S. Templeton** – A lot more than was originally planned.

**Council Member, Wallace W. Ross, Jr.** – I know this is a serious problem, but we have water problems all over the city. When you were working on the parking lot, my water up on the hill was brown. Couldn't understand where the connection was. The problem is the lines are not identified correctly. Are there plans to modify the system?

**Town Manager, S. Templeton** - There are different phases to your question. 1. The drawings are not proper drawings. They show the line to be at a certain location and it's someplace else. For example, down at Water Street it showed a water line to be seven feet from where it was actually located. Part of the problem is, you have engineer drawings, but when you go to install a line, due to a rock or another problem, they put that line somewhere else. We now require what we call "as built" drawings. Exactly as it is being built, exactly how it has to be surveyed and given to us so we can find it in the future. A lot of our drawings are old, inadequate and we have to hunt and guess. The reason your water was brown last week was because we had to cut off

water on a large line on Water Street and part of the West end of town was without water for several hours. When you break a line or cut into a line then invariably there is some dirt that gets into it and it goes somewhere until we blow it out of the lines. Ideally it would be great to replace our entire water system. Unless someone comes up with a one billion dollar grant for that it's not going to happen. We try to do the emergency things and the essential things and try to keep everything flowing and working as well as we can. Grants are generally available to low to moderate income areas. We're not going to get a grant for Moccasin Hills on a low to moderate income housing area. We're hoping for grant for at least a pump station, we can't wait for a grant. We have to make sure the water flows.

**Council Member, Wallace W. Ross, Jr.** – So, we're borrowing the money for it.

**Town Manager, S. Templeton** – There's money in the budget for capital improvement in the water department and some of the other departments. It will be up to the Council of where to pull the money from or do we want to borrow the money to do this or take it out of some other capital. That's up to you folks to decide.

**Council Member, Roger Cassell** – Are we still paying/reimbursing the developers or paid up?

**Town Manager, S. Templeton** – Well not all of them.

**Council member, Roger Cassell** – I mean the Moccasin Hills part.

**Town Manager, S. Templeton** – Moccasin Hills we are paying a portion of that every month which ranges about \$1,200.00 that is based on the water flow. The attorney and I have talked about this recently we are trying to find a signed contract, which so far we haven't done that. If we find a signed contract that specifies a particular length of time we are to make those payments or particular amount of money. Until then, we are still looking for those legal documents.

**Council Member, R. Cassell** – It's a shame we have to pay/reimburse them for something that is not even worth it.

**Mayor Jenkins** - One thing that is on Moccasin Hills, we are going to have a failure and they are going to be totally without water. The other is important, but I don't like the conditions of having the system, but if we don't take action, they are going to be without water.

**Council Member, Wallace W. Ross, Jr.** - Discusses about paying for services not getting, took this on to the last resort, we decided to take this on because and that was the decision of the board, so we can penalize everyone else whose water system may be up to certain degree, my rates have gone up and I'm pretty sure everyone else's rates has gone up, so to, I'm not against progress. But what expense will this progress going to cost us?

**Mayor Jenkins** – Anywhere from \$191,000 to one point one million.

**Town Manager, S. Templeton** – My job as Administrator is to provide safe drinking water to everybody in town and your job, politically, is to make those hard decisions. That was water. The cross connection has been completed down at the water treatment plant. The only thing that remains is the ultra sound system pure well gauge and that is on order and hasn't got here. We had two important meetings during the past month.

- Vice Mayor, Tipton and I attended a summit at Mountain Empire College. It was titled, "Blueprint for Substance Abuse and Misuse Prevention Treatment and Control". This is basically a consortium of representatives from legal, medical, law enforcement, government professionals. I think they have a new approach for attacking the problem of primarily oxycodone and oxycotin that is coming into Southwest Virginia making its way into Kentucky. This was one of the better meetings I've been to and there will more of those meetings in the future that deal with how to attack that problem. In addition, several Council Members and I have attended a meeting at Lenowisco a couple weeks ago that's entitled "Richmond in July". Basically, we had been attending a meeting in February in Richmond. Lenowisco decided to bring the Legislators down to Duffield for a briefing which I felt was a beneficial meeting.
- Grogan Park is getting a lot of use. We've had some complaints with adults and their actions so we have increased police patrol down there.

- On Business License collections, we have collected over \$107,000. Of the 120 businesses 28 have not paid yet. Our Meals Tax is showing an increase in our local economy. Right now we are at 8.3% of our budget year and we have taken in 8.6 of our projected meals tax so we running about three tenths above projection.
- We have collected \$4,000 of delinquent property tax from one tax payer and as Chris (Edwards) says, we will be putting the others in the Scott County Virginia Star.
- We sent another officer to another training session this was “Response to Active Shooter”. He explains what the class entailed and steps for an officer to take regarding an active shooter. Unfortunately, we also suffered a traffic fatality during past month on US 23 that is still under investigation which may result in a felony charge.

**Council Member, T. Herron** - On your business license, the one that never had to pay, what is the status of it?

**Town Manager, S. Templeton** – As Amy (Page) mentioned she and the Town Attorney are looking at that chapter and if the ordinance isn’t sufficient, we’ll modify the ordinance. According to the provision in the ordinance we will record action. We’re not sure with the way the ordinance is written right now they would actually hold up in court. We don’t want to take a step against a business, have it thrown out in court and lose creditability. We do have a business that just ignores us, we sent an officer down again in the last of June. This is twice in a row and they just ignore us, they may know our ordinance better than we do or they have advice on that.

**Mayor Jenkins** – Thank you Steve.

#### **I. Park Committee –**

**Vice Mayor, R. Tipton** – We met last week discussed the walking trail and its need of attention. Needs leveled out and gravel put on it. We also need more signs for pet owners to clean up after their pets.

**Council Member, F. Perry** - Discusses the weeds and tree limbs on trails needing to be cleaned up. States Town Crew had their plate full with the Water Street project, but received two complaints.

**Town Manager, S. Templeton** – We do have one person assigned with his primary responsibility is to maintain that park, so I will pass that onto Mark.

**Council Member, F. Perry** – I did explain to this person, who is actually a non-resident. They did come out when we had volunteer clean-up day. I did remind her we can’t even get people for Council, let alone people volunteer to come and clean up. When we have to have out of town residents come and clean up our town. That tells you something about the volunteers in this town.

**Council Member, Wallace W. Ross, Jr.** – **May I make a suggestion?** Maybe we can get in touch with the Job Corp and have them come in with some crews to help us do some of the work that we can’t afford to pay for.

**Town Manager, S. Templeton** - I don’t mind contacting them. In the past, they have indicated they are more interested in construction type projects and projects that will teach the members of Job Corp a skill, something they can use after they graduate. Just routine maintenance on the park may not be something they do, but I’ll call them.

**Council Member, Wallace W. Ross, Jr.** – They have park service and people who do that, I’m no expert but they can give you direction.

**Council Member, Roger Cassell** – What about inmates.

**Town Manager, S. Templeton** – They will do it, as long as we provide someone to run herd on them.

**Mayor Jenkins** - When we have done inmates, they have done a very good job.

**Council Member, Roger Cassell** – The one good thing about that is you can pay one town employee to watch over a half dozen.

**Mayor Jenkins** – Steve (Templeton) will follow-up on this.

#### **J. Planning Commission –**

**Vice Mayor, R. Tipton** – We didn't have a quorum

**Mayor Jenkins** – We will have to start calling members before hand.

#### **K. Police Department Report –**

**Town Manager, S. Templeton** – We have a report prepared by the Administrative Assistant. About the same with arrests and summons, with three times as many crime reports this month. Most are minor thefts, two fewer accidents, but one was a fatality, with same amount of DUI's. In addition, you have a breakdown of each type of call. There is a detail of arrest by officer, so there is considerably more data in the packets that have been given to you this month. Training has already been mentioned. We are still down one full-time and one part-time officer, but wanted the new Chief to make those recommendations to Council on who to hire.

**Vice Mayor, R. Tipton** – Do we have a date of when she is to start?

**Town Manager, S. Templeton** – She is not able to phone due to the nature of the mission. I was told maybe three to four days and she'll be back. She would have, officially, started yesterday. We brought her in, swore her in and did the paperwork, but she went last week.

#### **L. Public Works –**

**Town Manager, S. Templeton** – You have a detail of the brush pick up, trash pick-up and number of work orders in addition the Public Works crew have completed the required in town labor we had to do on the VHCD grant further explaining the work performed and what remains after Vic Davis completes their road work.

**Mayor Jenkins** – Thank you and please share the appreciation to them for the job they do and the Police Department.

#### **M. Sanitation Authority –**

**Mayor Jenkins** – Was there anything from the last meeting?

**Town Manger, S. Templeton** – A brief meeting of ten minutes a vote to pay bills. Recognize the new Town Attorney.

#### **N. Street Commission –**

**Council Member, Wallace W. Ross, Jr.** – At the last meeting, I was asked to look at some of the process on W. Jackson maybe putting up a rail. I guess when I mentioned that, a lot of folks made, interpreted my idea as a well, to put a whole rail down the whole process. It's not. It was maybe to put a couple different sections of it to help elder people to get over without having to go all the way around. And so, me and Mr. Cassell has discussed this and this is what from the picture maybe two, maybe in front of the bank and maybe one somewhere you maybe a location but you can probably put one here and a couple down here somewhere at Terry's make that final decision. And also, with that since we are on the Street Committee, I got a map of the streets that was paved. They were West, Walnut, Willow and Water Streets. I'm trying to discuss, I'm trying to get to know what streets to maybe come up with an idea we just have maybe a certain amount and to work on the streets. My question is. I asked this question, I guess I can put it back up,

when we approved the budget for 11, I mentioned the 0-10 and 11, I mentioned the budget for 09, for 08 and 09. When I mentioned that I said would it be any problem? Now my question is, did all the money that was spent on the streets that was used, was all that amount used on these streets?

**Town Manager, S. Templeton** – On those three streets?

**Council Member, Wallace W. Ross, Jr.** – Yes

**Town Manager, S. Templeton** – Yes. Absolutely. We may have spent a few dollars more for pot hole repair.

**Council Member, Wallace W. Ross, Jr.** – So where is the work order, I haven't seen anything, I haven't seen how much you all spent.

**Town Manager, S. Templeton** - Last year?

**Council Member, Wallace W. Ross, Jr.** - Yeah.

**Town Treasurer, Chris Edwards** – It was right at \$30,000. It was like \$28,000 something and then we spent a little bit more on pot holes.

**Town Manager, S. Templeton** – We would have spent a whole lot more had we had it.

**Council Member, Wallace W. Ross, Jr.** – So, like I says, the difficult part is trying to find out, we got a couple calls about some of the streets and trying to see a lot of pot holes. I've driven around trying to determine where we need to work on. I need some suggestions from somebody on what we need to do to maybe try to alleviate some of the problem. I don't know.

**Council Member, Roger Cassell** – We talked for awhile last night. I'm playing catch up and Wallace is playing catch up. I told him a lot of times in the past it's cheaper to let Stoney (Falin) and the crew purchase the asphalt and put it done. Would probably get a lot more done, than to bid it out, on some circumstances.

**Town Manager, S. Templeton** - I discussed that several times with Stoney and the crews. Number one, we don't have an asphalt spreader, they'd have to take shovels. The asphalt comes off the truck at about 130 degrees. As an example, when they did the section beside the Family Bakery, year before last, one block. We bought probably three or four boots after that because a pair of boots will only last a few days in that type of temperature. They prefer not to do that because they don't do a nice smooth level finish with just a few hand rakes that you can do with an asphalt spreader. We can do it, that's no question about it, but then we don't do the same quality work that we would get if we contract that out. It's pay this hand or pay this hand.

**Council Member, R. Cassell** – If we had a spreader, would it help?

**Town Manager, S. Templeton** - We discussed that too. If you have a spreader, you would need a trailer and it has to be a heavy duty trailer. That's another expense and with only \$30,000 that we appropriate to repave they don't get that much experience to spread \$30,000 worth of pavement as the people who spread 3-4 million. So, we don't think it justifies' to buy it, but if you found the right deal on it, trained our guys to do it and had more money in the budget for it, I'd say let's go for it.

**Council member, R. Cassell** - I'm sure there's going to be some paving on Water Street,

**Town Manager, S. Templeton** - That's part of the contract.

**Council Member, R. Cassell** – What I'm getting at is a lot of times if you catch them, even on another project while their equipment is over there, they'll do it a lot less. Wallace and I have talked about it and I know Rita did on Street Committee before trying to prioritize and which fires are bigger to put out this year.

**Town Manager, S. Templeton** – Exactly. And that is how we have to do it. You folks prioritize what you want paved and I will go get the bids and I we'll go to the money sack. Try to keep enough for one truckload of asphalt for the guys to dedicate for one day try to go around and fix the pot holes that has the most problems or safety issues or have more complaints on. So, I would like to do one truckload for pot hole repair.

**Council member, R. Cassell** – Is there a map somewhere that tells which streets are town and which streets are VDOT?

**Mayor Jenkins** – There is indication by the road numbers on the signs.

**Council Member, R. Cassell** – If it has a “T” it’s for town. We’ll try to work on this.

**Mayor Jenkins** – One thing that you probably need to look at too is what street we want turn over to VDOT this year, because we turn over a ¼ mile every year. It will have to meet 30 foot width and will be up to them to maintain after that.

**Council Member, R. Cassell** – On this about the handrails, Wallace and I talked and one thing I pointed out to him is one, the downtown revitalization whatever we put will have to fit into that plan. You can’t stick some ugly piece of metal up. I think if Stoney or somebody feels like, I think it’s feasible, if it’s not totally outrageous to put one here or there, I don’t have a problem with that. I told him we would probably have to fit it in with the engineer.

**Town Manager, S. Templeton** – I will speak to Andy about that because we haven’t gotten to that phase. The streetscape is involved with that contract. Of course we’ll have to fit it in to see if it passes mustard with VDOT, since that is VDOT curb there. Now is the time to do it and it maybe something that is

**Council Member, R. Cassell** – If the Council is interested. That curb has been there for 100 years, but people have been falling over them for 100 years too.

**Mayor Jenkins**- It wouldn’t hurt for rails to be put there to make it safe when you’re crossing for elderly.

**Council Member, Wallace W. Ross, Jr.** – One more question. What progress has been made on the Plums trees? Is that on hold?

**Town Manager, S. Templeton** – I want Council to discuss it if you bring it up to them and tell them what you are talking about or I can either one.

**Council Member, Wallace W. Ross, Jr.** - You can, cause I mean it’s no

**Town Manager, S. Templeton** – There are a couple locations that the plum trees have been set out by the town in the last two years. This year they really flourished and had a spurt growth and they had a lot of fruit. Mr. Ross had brought to my attention that fact there might be some line of sight issues as you exit the bank across the street and right here by the barber shop and wanted to know if Council had any feelings one way or other about removing or trimming them or what have you. We can do whatever you want to do on that. I did come out of the bank, the other day, to look at that. I drive a pick-up truck so it was easy for me to see. I don’t have a low slung car to come out and see if it really is

**Council Member, R. Cassell** – I drive my wife’s jeep out there and it’s low. It’s at a right growth term, probably in a car it could create. You have to get your nose out pretty good to see what is coming from the West. This right here at the barber shop, even with me being in a truck, I come up through here the other day and just so happen the garbage truck was picking up garbage and you cannot see anything at the one here at the barber shop. It is totally out of hand.

**Council Member, F. Perry** – It is a mess too, there was plums everywhere.

**Council Member, R. Cassell** – That could be a liability issue if someone slip and fall on that.

**Town Manager, S. Templeton** – I guarantee it would be. If you like us trim them back this fall and see what the growth pattern is next year or remove them, we can do that. In one case a business owner paid for five trees, had them put in, of course it’s our property, so again, it’s up to Council on that.

**Council Member, R. Cassell** – If we can keep the lower limbs off, kind of keep them under control. The one at the bank, once it reaches higher, once we cut the bottom off it will be alright, it’s just at the perfect stage right now.

**Town Manager, S. Templeton** – We’ll trim and see how they do next year.

**Council Member, R. Cassell** – I have one other, and I thought she was going to be here. I got a call from Gertrude Jennings, she lives right before you get to Mountain View. She helps raise her granddaughter and brings her to high school every morning. She was asking about this by Thriftway, most people, we’ve talked about this for awhile it’s hard for them to come across by the Post Office going to school to turn left at the funeral home. So they come down by the water

plant where they turn left, drop them off and come around at the Post Office and back. She's afraid and there has been in the last few weeks, few months people rear ended, stopped at different places on 71. She said she would rather be in violation than to be parked in the cross hatch area then try to stop in that turn lane and get run over. She had called VDOT and they told her she had to call you. But, again, I said even calling Steve it's a VDOT street. There is room there if they would approve it to make it a true turn lane and I'm sure Rita lives out there.

**Vice Mayor, R. Tipton** – Yes, it's a mess

**Council Member, R. Cassell** – It should have been a turn lane when they redid it. I don't know why they didn't. But she had asked if we would consider proposing that. I think it would be, I mean you are right under the crest of that hill. He talks about this young girl is going to start driving on her own before long and she's going to come to school that way, about other people turning that way because they say can't turn at the funeral home, other optional routes and states of Ms. Jennings asking for our assistance with contacting VDOT with proposal.

**Town Manager, S. Templeton** – We could probably make a recommendation and send it to VDOT and see what they. Now we have asked them a few months ago to revisit the traffic signal concept there Jones Street and E. Jackson and they said they were in the process of doing that, but hadn't got back with us and I suspect the restructuring of VDOT and moving everything from Wise from Jonesville has probably slowed that process down

**Council Member, R. Cassell** – That's what I told her, it doesn't matter what the town wants, the final word has to come from VDOT

**Town Manager, S. Templeton** – We can look at that and put it in a letter.

**Council Member, R. Cassell** - If Council is okay with it, I, as Street Committee, and I have talked to Wallace about it last night. I think it's a safety issue and it's just a matter of paint, nothing structural, just paint designating it as a left turn lane.

**Mayor Jenkins** - Steve, go ahead and follow up on that. The Street Committee is making a recommendation.

**Town Manager, S. Templeton** – Yes.

**Mayor Jenkins** – Thank you.

## **O. Water Committee –**

None

## **P. Water Plant –**

**Town Manager, S. Templeton** – The water plant is now in its fourth consecutive month of being under the threshold for VDH, the requirement for accountability which the Water Plant people should definitely be commended. Pumps elsewhere are doing well. Loretta is here and she can add any comments, she knows a lot more about this than I do. Do you have any questions.

**Mayor Jenkins** – Loretta, the only comment I have is, thank you for keeping those notices of violations from coming to the Town and everything we get from them is positive from the Health Department since you stepped in and got a good foothold. You and your people have turned that water plant around. I'm not even getting scared when I see a Virginia Department of Health letter anymore.

**Water Plant Supervisor, L. Cruby** – The only problem we have right now is Moccasin Hills. Andy was to be, so I kind of stepped in for him if there were any questions.

**Mayor Jenkins** – We're about dead in the water there, aren't we?

**Town Manager, S. Templeton** – Are you familiar with the different vendors that have submitted a bid? I know that Jefferson Sales we dealt with, have we dealt with any of the others? Because it almost doubles, one is for \$19,000 and something and the other is \$35-34,000, so I was curious if there is that big of a difference in those part manufacturers and why the cost would be so much.

**Water Plant Supervisor, L. Cruby** – Speaking from the back of room, she states Jefferson Sales would be just ordering from the manufacturers. Didn't talk to Andy as to which type of pumps needed. She further discusses the condition of the current pumps, if an electric storm occurs everyone on Moccasin Hills would be out of water. She states prior scheduling of when water would be off would be nice, but could be three days without water which is plus side, but could be longer if you have to wait for a four week delivery for the pumps. She explains the electricians have rewired for a temporary fix, but was told it could go down at anytime and she speaks about the placement proposal of the pumps.

**Mayor Jenkins** – That is the way it was explained to him that it would work in conjunction with a tank, if we put a tank in later on.

**Water Plant Supervisor, L. Cruby** – She explains the pump house is very hot with the pumps running all the time. She further discusses the Sport Complex and VDH had to be called regarding them draining their holding ponds into the creek which is a no-no. The county is to get back with them on that and VDH and DEQ will look into that.

**Mayor Jenkins** – Does that get us with extra sediment?

**Water Plant Supervisor, L. Cruby** – She explains PSA and they will watch and when she called the Health Department, they said to keep an eye on that and according to DEQ they are not supposed to pump their holding pond out. She needs to ask the county where their permit drains are, if they will be above our intake or below our intake. DEQ stated we could run into a problem with the pavement run-off will be above our intakes, so they are looking into that and will get back to me.

**Mayor Jenkins** - Questions, soil conservation?

**Town Manager, S. Templeton** - I think more people should be involved in that. I don't know if they did all this up front, got all those permits or not. My understanding is DEQ wasn't even aware of that that construction had taken place.

**Water Plant Supervisor, L. Cruby** – When I had talked to the Department of Health, he wasn't sure about that and why it was not included in your report it hadn't happened. I talked to Steve earlier about that and he said to keep checking with Mr. Gilmer. The Health Department and DEQ are both watching that.

**Mayor Jenkins** - We need to get soil conservation in on that too, because that's more disturbance than the road being diverted.

**Water Plant Supervisor, L. Cruby** – With my inspection last month, the Health Department was concerned there would be grass with fertilizer and lime and run-off from the pavement. We are keeping a close eye on the PH levels and the Health Department is too.

**Mayor Jenkins** – One thing that I would like us to do is to locate a potable water tank just in case we need to provide water to Moccasin Hills should the pump fail. We need to have one secure and get the tank to hook into the line at the top put them on extreme water conservation. We need a back-up plan.

**Mayor Jenkins** – Before we go into Public Comment, I would like to make an addition to considering the resolution for the Wilderness Road Virginia Heritage Migration. Another item is adding the Moccasin Hills skidded water pump station. This is something we will need to discuss and entertain that in open session, it's nothing legal. I'll need to add that. I need Council approval for adding those items to the agenda.

Motion for Council to add those items to the agenda.

Motion by: Vice Mayor, Rita Tipton 2<sup>nd</sup> by: Council Member, Roger Cassell

VOTE: Yeas, 5  
Nays, 0  
Absent 0

## X. PUBLIC COMMENT

**Mayor Jenkins** – Since we have added items and since it is fairly new Public Comment will be limited to three minutes per speaker and need you to sign up prior to the speaking. Anybody, Tommy (Quillin), I know you wanted to make a comment. Your name is not on here, is it okay if I add your name? **Tommy Quillin** – Yes **Mayor Jenkins** – Is there anybody else? **Benny Reed** requests his name be placed on the Speaker Sign-Up List.

**Mayor Jenkins** – As far as the speakers right now, we have Pete Yoakley, Tommy Quillin, Benny Reed, does anyone else want to be added? Daris Hartsock adds his name to list. We will have a public comment prior to each of the items on the agenda, the new and the old.

**Pete Yoakley** – Proud of what is being done on Water Street. Speaks about receipt of letter regarding a building placed on a dead end street almost against the property line (Mr. Quillin's). He opposes opening the street due to privacy and crowding he would have on each side of the street. He states he has blasted rock, filled in and got it so he can pull it, but it will not handle a cattle trailer. He apologizes about the building, did not place it there, said he asked the party who put it there what he was doing. He also explains Tommy Quillin spoke to the individual too about the building. He states he will remove the building but does not want that street open. States Mr. Quillin has never been across it. States there is a rock blocking it cannot get car or anything in there. Not rebelling, but will move the building.

**Council Member, T. Herron** – What street?

**Pete Yoakley** – End of Lombard Street. He (Quillin) wants to use it. Presents a picture of it.

**Mayor Jenkins** – I did stop the clock when the questions started. You still have 20 seconds left.

**Town Manager, S. Templeton** – You didn't lay out your ground work when you got up. This letter is from our department in response to a complaint that this building was built there which is a Town road and would block access to another owner's property right behind it. Ms. Page and I did go and look at this. It is as Mr. Yoakley says, it is right near his property line, but as far as it being accessible, any road that is built beyond that, just does not exist. I don't know of any talk of opening this as a street, I can't see why the Town would want to do that, particularly at this time. We did research it and found that it did sit on a Town platted street and had to send him (Yoakley) a letter asking him to remove it.

**Pete Yoakley** – Fence is in bad shape and has problems with cattle getting out. Wants Council to look up about cattle incorporation and thinks will find a ban from the 70's.

**Mayor Jenkins** – Pete your time is up.

**Town Manager, S. Templeton** – Cattle are allowed, so long as they are kept on the property continuously.

**Council Member, R. Cassell** - Are we allowed to add comment at this time concerning this issue?

**Town Attorney, M. Jenkins** – Concerning this issue, yes.

**Council Member, R. Cassell** – I was raised out there, looked at it and was on Council last time it came up. States Mr. Quillin was told, could not open a road, without a subdivision platted. This has been an on-going personal battle between the two. That street has never been drivable. Never been reason to open it. Same thing came up before, same street when Mr. Yoakley wanted to build a garage. He states he remembered Mr. Quillin was told if he wants to present a plat to build a subdivision may have reason to open it.

**Town Manager, S. Templeton** – Not passable.

**Council Member, T. Herron** – According to the ordinance, you said you had to keep the cattle there. What's to say they move them out for a month, then you can't never bring them back.

When we did our boundary adjustments we took in some people's property that already had cattle there, are they grandfathered, unless they move them out.

**Town Manager, S. Templeton** – They're grandfathered.

**Tommy Quillin** – I had a couple different things on my list. I was told when I had asked to have that street opened, the town wouldn't open it, but I had the right to use it. I have walked through it and have also filled dirt in when we built the additional parking lot for Quillin Hardware beside it. Told I could use it and it is a dedicated street. Is that not right? States he has a plat on it, he did not bring, but it has been surveyed, but not recorded. There is 40 acres that is highly developable property explaining the different proposed streets. States he feels the building should be moved said he told the boy he built it on the street, said he talked to Steve to speak to Mr. Yoakley when he was in the store one day to see if we could do it in a reasonable way. The cattle business are grandfathered in. What I asked before is you name the four that was approved and the four to be approved this is on the Façade Committee. The reason I'm asking that is I wrote a check about three week ago to the town and still haven't got the thing worked out with the contractor. We're supposed to meet again Friday, with the contractor, Rob Jones. He wants to know which four were approved and which four to be approved and he has a couple more that he has asked to be approved on that is not approved in that committee. We'll go on to the two letters I received last week on

**Mayor Jenkins**- Tommy, I'm sorry, but your time is up with limit of three minutes. We will address the issues off line as far as one of your buildings has been approved and another is under consideration and it's in the approval process.

**Tommy Quillin** – There's one other thing if you can let me have another minute? I got two letters on...

**Mayor Jenkins** – I'm sorry but I can't. I said three minutes and I have to

**Tommy Quillin** – So what do I do on that?

**Mayor Jenkins** - Talk to Mr. Templeton tomorrow or to me. Thank you. Benny I had you next.

**Benny Reed** – I just want to mention about the water situation at Moccasin Hills. There are probably some gasoline pumps that you can rent. I would check on the availability of those maybe through Jefferson Sales or if I was still at Eastman I could find out pretty quick for you. There are pumps available that you could probably use out there if you had to do an emergency pump. That might be the best thing if you go into an emergency shut-down situation instead of trying to put a water tank up there. I just wanted to bring that to your attention. May want to check with some of your contractors to check with the availability maybe have your engineer see what size pump it would take and see what the availability of a gas pump like that is and you could probably hook it up pretty quick and use hoses to get water up on the hill.

Mayor Jenkins- Thank you Benny

**Daris Hartsock** – I just have a brief comment regarding the run-off at the Sport Complex. It doesn't sound right for the drainage to go above the city, it should go below.

**Mayor Jenkins**- I have no one else signed up for Public Comment.

Mayor Jenkins closed the public comment session at 7:35 P.M. and opened the consent agenda session.

## **XI. UNFINISHED BUSINESS**

- **Hope House** – Has Town Attorney received decision from Attorney General

**Town Attorney – M. Jenkins** – I did finally get copies of the document that were sent to the Attorney General’s office to determine what actually was sent. There was a written letter sent by Mr. Carrico on August 31<sup>st</sup> that requested an advisory opinion. He received a letter back from the Commonwealth of Virginia, Attorney General Office on September 14<sup>th</sup> which advised him they did not have statutory authority to respond unless he sent a memorandum outlining the exact issues and what his position was. He sent another letter to them on December 8<sup>th</sup> asking the question in a letter form. He received another response from them on December 10<sup>th</sup> stating, again, they needed a memorandum outlining his position, what law that they were referring to, and once they got that then they could do that. He did send to them a memorandum March 16<sup>th</sup> of this year. He received a response back on March 22<sup>nd</sup> stating they were working on that. I have spoken with Steven McCullen who is the Opinion Counsel of the Attorney General’s Office two weeks ago. He stated they had actually received the memorandum, the person who was assigned to deal with it was concerned that he didn’t understand what the water policy was completely, had some questions about that and made requests to get that information and didn’t receive anything. Mr. McCullen actually notified him about three weeks ago which would have been about a week prior to me calling that it had been sitting there and they didn’t have any information to go ahead and do an opinion based upon the information they did have. He gave me that Opinion Attorney’s name, I spoke with him also. He said that he has finished the opinion. He went based on some assumptions that it was a Town owned utility. He was unclear by the memorandum if the Town actually owned, so he went based on the assumption that it was a Town owned utility, which of course was correct. He has formulated his opinion, he sent it up his chain to be reviewed. He told me we should, definitely, have a reply on the issue which covers the Hope House and the Fire Department issue within the next couple of weeks. I should have that before our next Town Council meeting to be able to advise you what the Attorney General’s opinion on the matter is. So, hopefully, by next month we will have that issue resolved.

**Mayor Jenkins** – One thing that may be important. It is Town owned, but is being funded and they may have some stipulations on rates.

**Town Manager, M. Jenkins** - We’ll see what their opinion actually say and if he gives any alternatives we can follow up on what we need to.

**Mayor Jenkins**- Okay, thank you.

- **Fire Department – Does Town continue to pay Fire Department water bill or turn this over to Fire Department**

Town Attorney, M. Jenkins - There again, I think it’s the same issue because once that opinion is registered for the Hope House it will be the same principal for the Fire Department as well. I will tell you in my discussion with Mr. McCullen, he suggested, depending upon the outcome of the opinion, the one thing the Town may want to consider doing is instead of granting that free access for free water you actually do a line item to as a contribution. You estimate what that water bill would be and that would be a line included in your budget every year as a contribution like to the Fire Department or whatever. That is one possibility that we will be able to consider depending upon their response.

Council Member, R. Cassell - It already is a line item. It shows Fire Department water in the budget. It’s broken out, has been for several years. There is actually a check transfer, right? From the General Fund to pay the water bill. I don’t know about Hope House, I came in on this. Do they want the same

Town Attorney, M. Jenkins – There again, in the way that I read the letter, asking for the opinion if they could receive any reduced or there again as a donation. On the Fire Department, I’m not for certain, Steve and I will go look at that again and see what actually is being done and what we can do.

Town Manager, S. Templeton – On Hope House, they came up with a letter that was signed by, either a previous Town Manager or Mayor, I don't remember which a number of years ago which gave them free water. So, our question is, were we allowed to honor that.

## **XII. NEW BUSINESS**

- **Reminder of Labor Day Picnic for Employees and their Families to be held at 12:00 P.M. on September 3, 2010**
- **Heritage video funding**

**Mayor Jenkins** – I just wanted to make everyone aware there is a grant out for Heritage Video Funding. What this is, I went to a seminar a few months ago and VHCD has been reminding us the need to participate in this. They are doing a \$3,500.00 grant, the town would be responsible for \$3,500.00. There is a possibility the County Economic Development will help us with the funding, but it is a video that will be on constant display at the Heartwood Center in Abington when they get the new Heartwood Center built which is another VHCD project. It is actually a promotional video of the Heritage of the Town trying to get people to visit Gate City. Until our Revitalization and some of our Historical restoration goes on, I don't really see the need to focus on that now, but I would like to get everybody on the lines of thinking about do we want to put the money into this if there are other means of funding. The County is currently doing this. They are actually doing it, I think, for the Travel Channel and it will be at the Heritage Center. We did have a bus tour come to Gate City. It was a significant impact for the businesses in town. The stores did benefit from it. If okay, I'll put on the agenda for next time with more details and we'll make a decision if we want to try to find the funding. I just want everyone to be aware that VHCD is sponsoring this and encouraging but not adamant. They want to help this end of the state and that is what the Heartwood Center will be for.

**Town Manager, S. Templeton** – If I remember right, it's a two year project and all they want is a commitment from us because they realize a lot of people are in redevelopment of revitalization programs. The filming can take place after we have done a lot of remodeling work. But we can get on board now and of course there's some writing and stuff that has to be done.

**Council Member, Wallace W. Ross, Jr.** – Is that \$3,500.00 per year?

**Mayor Jenkins** – No, one time. It's actually \$7,000.00 cost, VHCD will fund \$3,500.00 and there may be some County money available. The Town's cost would be \$3,500.00.

**Vice Mayor, R. Tipton** – This is just for Gate City?

**Mayor Jenkins** – Just Gate City. Until all slots are filled. The first round, the way I understand is probably filled. We just need to make a commitment sometime before the end of this year. I just didn't want it to slip by. I have some electronic information I'll send it to Judy and let her distribute it to everybody.

**Council Member, Wallace W. Ross, Jr.** – Would it be any, there a fund, I mean, the reason I asked that question is, historical we are in the history book because we have Daniel Boone Trail so we cannot get any because we cannot use that as a leverage to get more money to add to their video because we are I mean we already historical we're already in the history book. So can we use that because we have

**Town Manager, S. Templeton** – That certainly would be one of the draws and one of the things we call attention to in the film itself.

**Council Member, Wallace W. Ross, Jr.** – So we can use that as an avenue to draw more money, I mean maybe pull out to get more money in this process or maybe historical.

**Mayor Jenkins** – Any of these trails, Crooked Road the Heritage Trails, all of that is all working together we do need to draw from all of it.

**Council Member, Wallace W. Ross, Jr.** – Okay, so could we, I know could it be feasible, possible to go partnership with Weber City because they are in the same category as

**Mayor Jenkins** – No, not by their guidelines. Each town will have that option but not, the county will have an option of their own. But each town will have its own video. But it's just a heads up, we have the information coming we need to start thinking about it either give me a yeah or nay pretty quick.

**Vice Mayor, R. Tipton** – Mark there may be money that we won't need that's in the budget for the Historic Registry, that we might not need, so it could be taken from there.

**Mayor Jenkins** – We may, we'll have to look at if we are make a change in the budget to cover this. I'll get this information out this week.

- **Resolution for opening North side of Clinch Mountain from US 23 Southbound**

**Mayor Jenkins** – It's not really a resolution. I've drafted two letters, both are really at the request of Terry Kilgore's office that we put these in. One will go to the Virginia Commonwealth Transportation Board. The other will go to the Virginia General Assembly to be entertained. They were going to wait till next spring but they are going to try to get it on the agenda this next session. What I have done is drafted, they are two identical letters just addressed different. I wanted to get your approval why I send them is I guess with review of legal counsel they are correct. It's the same letter just one will go to the Virginia Commonwealth Transportation Board, the other one will go to the Virginia General Assembly. Last time I submitted it as Mayor, this time I wanted to submit it as being approved by the Mayor and the Town Council. So I would like to have a vote if you will approve these letters being sent.

**Council Member, R. Cassell** - Is there any proposed development Mark? How'd this come about?

**Mayor Jenkins** - There had been several property owners

**Council Member, R. Cassell** - Does this affect the McConnells as well?

**Mayor Jenkins** - This affects every property owner on that side of the four lane, it will affect the McConnells, the Clicks, the Town of Gate City, Quillins and I think the Thomas's or Humprey Enterprises, one of those. It is for the entire length of the two mile section of road. The argument was the last time they did not want to allow access off of the four-lane at 55 miles per hour. When you go on Westward and you got driveways connecting directly into the four-lane in a 55 miles per hour zone with no turn lane. The request is only to open the Southbound lane to the mountain won't have any turn crosses, but actual open access to that land because the Town has potential to develop some good park and recreation land on the side of the mountain. There are other people interested in developing their land on the mountain. The land, as it is, is basically useless.

**Council Member, R. Cassell** - It's the same places where they may be filled in?

**Mayor Jenkins** – Yes

**Council member, R. Cassell** - One time you could get around the guard rail and they filled in?

**Mayor Jenkins** - Yes, we can't open it. We have petitioned them to open it. Terry (Kilgore) is going to sponsor getting it open as far as I understand. It's his office contacted us and wanted us to submit these letters early. So, do we have a motion to approve these letters?

Motion to for approval to send these letters.

Motion by: Vice Mayor, Rita Tipton 2<sup>nd</sup> by: Council Member, Tommy Herron

VOTE: Yeas, 5  
Nays, 0  
Absent 0

**Mayor Jenkins** – So we will get these letters to Terry’s office and the Virginia Commonwealth Transportation Board. Thank you all. The next is the addition of the Resolution for the Wilderness Road Virginia Heritage Migration that Mr. McConnell presented earlier. The resolution for the Town to approve this. Do we have a motion to approve that resolution?

Motion for approval of Resolution.

Motion by: Council Member, Tommy Herron 2<sup>nd</sup> by: Council Member, Wallace W. Ross, Jr.

VOTE: Yeas, 5  
Nays, 0  
Absent 0

### **XIII. PUBLIC COMMENT – NEW BUSINESS**

**Mayor Jenkins** – I am sorry I did not open Public Comment for either one of them.

**Benny Reed** - Speaking from the back. I’d like to make a comment about the video you were talking about. If it is anything to get our name on the map I think it’s good. The gentlemen who stood here before you all tonight, asking for the resolution, has spent countless hours, days and weeks doing things around the Daniel Boone Trail and for this county for tourism with good results. This last Sunday I spent three hours at the Blockhouse at Natural Tunnel with 37 visitors only three were local and two were from Mexico. One of the biggest keys for the development of Southwest Virginia that we could have capitalized on was Moccasin Gap. This is just another piece of the puzzle to develop tourism in Scott County. Anything you can do to draw people in here, I would encourage you to do that. He discusses the turn-out at Natural Tunnel and the church.

**Mayor Jenkins** – Does anyone want to comment about the other items that I overlooked, the Heritage Video and the open of 23? Next item is the Moccasins Water. What this has to deal with is we are in an emergency situation as far as the pump station there and we have had bids for skid pumps. Does anyone want to comment on that? I think the range of the bids are from \$18 to \$30,000.00 with a \$6,500 fee as the way that I understood it.

**Town Manager, S. Templeton** – Andy (Mills) actually talked to these vendors. I am not familiar enough with the pump to know if one has any technical advantage over another one. There is almost double the cost so I would make some investigation into

**Mayor Jenkins** – He said the specifications were identical.

**Town Manager, S. Templeton** –In that case, I certainly recommend promote bidders. There also, he said there is about \$5 or \$6,000.00 in labor. The last time we did any pump work up there, we used one or two of our guys and that brought that labor cost down significantly. Probably anyone that we work with on this would allow us to have at least one or two general labor. The map handling of this stuff and of course we have to disassemble the old system to get it out of there. I will consult with Andy, as well, but if he has no recommendation of a more expensive one, I certainly just recommend that we go for low bidder and go ahead and place an order. It’s just pay me now or pay me later. I’m for getting this done as soon as possible and avoiding a situation up there with this hot weather. No water for a couple days or longer would be a hard situation. Even if we had an emergency pump, it might be hard to get a big enough pump to supply the type of pressure/volume that they are used to. We got to do it, the system is just shot and it probably was never up to what was needed for this number of houses.

**Vice Mayor, R. Tipton** – Well, I make a motion to go ahead and do the order, at the low bid.

**Mayor Jenkins** – Motion, is there a second? Any other discussion?

**Council Member, Wallace W. Ross, Jr.** – Question. I understand the emergency process, but what about the money that we are paying out? Why do we have to continue to have to pay the money out?

**Mayor Jenkins**- That is something that we need to discuss.

**Town Attorney, M. Jenkins**- We're working on that.

**Council Member, R. Cassell** – Is that going to include all of them? All the reimbursements?

**Town Manager, S. Templeton** – This is the here and now and we'll certainly look at all the others.

**Council Member, R. Cassell** – I'm like Wallace, I hate paying for it. If it was inadequate to start with, it would pay for a lot of it.

**Mayor Jenkins**- This is only to address the emergency need of getting a suitable pump system in there that would be adequate for long term operation but we have applied for a grant to, I think \$44,000 grant and have applied for an emergency grant to help with this and get a tank in, but we can't wait. We almost lost it last Friday.

**Council Member, R. Cassell** – We can't leave people without water.

**Mayor Jenkins** – But there is a motion, do we have a second?

Motion previously made to order a pump, at the low bid.

Motion by: Vice Mayor, Rita Tipton 2<sup>nd</sup> by: Council Member, Roger Cassell

VOTE: Yeas, 5  
Nay, 0  
Absent 0

Mayor Jenkins closed the public comment session for new business at 7:57 P.M. and opened the consent agenda session.

### **XIII. CLOSED SESSION**

Mayor Jenkins opened the closed session at 7:58 P.M.

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

Motion by: Council Member, Tommy Herron 2<sup>nd</sup> by: Council Member, Frances Perry

VOTE: Yeas, 5  
Nays, 0  
Absent 0

### **XIV. RETURN FROM CLOSED SESSION**

Council returned from closed session at 8:52 P.M.

Motion for Council to return from closed session.

Motion by: Council Member, Tommy Herron 2<sup>nd</sup> by: Council Member, Rita Tipton

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, 5  
Nays, 0  
Absent 0

**XV. MOTIONS FROM CLOSED SESSION:**

None

**XVI. ADJOURN**

Motion to adjourn the meeting until the next regularly scheduled Council Meeting September 14, 2010 at 6:00 P.M.

Motion by: Council Member, Rita Tipton 2<sup>nd</sup> by: Council Member, Tommy Herron

VOTE: Yeas, 5  
Nays, 0  
Absent 0

\*Mayor Jenkins adjourned the meeting at 8:59 P.M.

\_\_\_\_\_  
Mark Jenkins – Mayor

\_\_\_\_\_  
Kathy Riley – Town Clerk



WHEREAS: From 1775-1810 an estimation of nearly 300,000 settlers traveled through Virginia to the Cumberland Gap. This migration and western movement is a significant point of Virginia history and to the development of the United States of America. Today, an estimated 43 million Americans can trace their ancestors to the migration through Virginia along the Wilderness Road: Virginia's Heritage Migration Route.

WHEREAS: The historical migration of early settlers and pioneers to Virginia followed closely to what is now Route 11, 58 and 23 from Winchester to Cumberland Gap (including the Daniel Boone Wilderness Trail – Route 58 from Moccasin Gap to Cumberland Gap), but also followed other "spur" migration routes such as the Carolina Road along Route 220 and the Fincastle Turnpike along Routes 42, 61, 19, 460, 71, 58, 65, 65/72, and 23.

WHEREAS: These migration routes are now being developed as driving routes/trails to preserve, interpret and promote the history, heritage and culture of the early pioneer settlement and migration through Virginia, and the role that Virginia played in the migration of settlers through Virginia and to other states of our growing of the nation.

WHEREAS: The Wilderness Road organization has been formed as a recognized non-profit organization under the leadership and guidance of the Virginia Tourism Corporation, in partnership with tourism representatives from 28 tourism localities and 12 state/federal partners, to develop and promote the driving route of the Wilderness Road: Virginia's Heritage Migration Route, and spurs known as The Carolina Road, and The Fincastle/Cumberland Gap Turnpike, connecting with the Daniel Boone Wilderness Trail, and individual community loops for each locality.

WHEREAS: The mission of the Wilderness Road organization is to develop a new tourism product to increase economic growth, and tourism spending in the region. The purpose of the organization is to promote *The Wilderness Road: Virginia's Heritage Migration Route* from Winchester to Cumberland Gap in a way that preserves and interprets the heritage of the migration era from the 1700s to the mid 1800s, to increase tourism visitation and economic impact of tourism spending.

WHEREAS: The Commonwealth of Virginia has recognized the driving route as *The Wilderness Road: Virginia's Heritage Migration Route*, which shall not affect any other designation heretofore or hereafter applied to this route or any portions thereof.

WHEREAS, there are more than 2,700 miles of roads designated as Virginia Byways, to help attract visitors and support economic development through tourism, and the Virginia Department of Transportation (VDOT), the Virginia Tourism Corporation (VTC), the Virginia Department of Conservation and Recreation (DCR) and the Commonwealth Transportation Board (CTB), encourages local governments to nominate roads for Virginia Byway designation.

WHEREAS, the United States Secretary of Transportation recognizes certain roads (including multi-state) as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, recreational and scenic qualities, with the Wilderness Road: Virginia's Heritage Migration Route, (including the Daniel Boone Wilderness Trail), and applicable spurs known as The Carolina Road, and The Fincastle/Cumberland Gap Turnpike include each of these intrinsic qualities.

WHEREAS, The National Scenic Byways Program is part of the U.S. Department of Transportation, Federal Highway Administration, and the program is a grass-roots collaborative effort established to help recognize, preserve and enhance selected roads throughout the United States.

WHEREAS, since 1992, the National Scenic Byways Program has provided funding for almost 1500 state and nationally designated byway projects in 48 states.

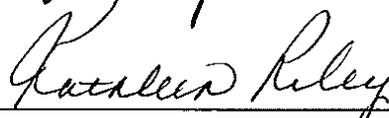
THEREFORE BE IT RESOLVED that the Town of Gate City expresses its support to the Virginia Department of Transportation and the General Assembly of the Commonwealth of Virginia to provide Virginia Byway designation of the Wilderness Road: Virginia's Heritage Migration Route (including the Daniel Boone Wilderness Trail), and the Fincastle Turnpike and Carolina Road spur routes.

BE IT FURTHER RESOLVED, that the Town of Gate City expresses its support to the U.S. Department of Transportation, Federal Highway Administration, and United States Secretary for National Byway Designation of the Wilderness Road: Virginia's Heritage Migration Route (including the Daniel Boone Wilderness Trail), and the spur Fincastle Turnpike and Carolina Road routes.

FINALLY BE IT RESOLVED, that the Town of Gate City fully supports the efforts of the Wilderness Road organization to develop and promote the Wilderness Road: Virginia's Heritage Migration Route (including the Daniel Boone Wilderness Trail), and the spur Fincastle Turnpike and Carolina Road routes, as Virginia Byway(s) and National Scenic Byway(s).

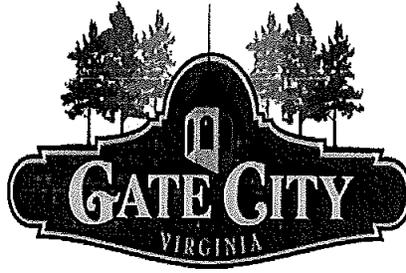
  
\_\_\_\_\_  
MAYOR, MARK JENKINS

8-11-2010

  
\_\_\_\_\_  
TOWN CLERK, KATHLEEN RILEY

8-11-2010

Town of Gate City  
156 E. JACKSON ST.  
GATE CITY, VA 24251  
276-386-3831 OFFICE  
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stempleton@townofgatecity.com



Mayor  
Mark Jenkins  
Vice Mayor  
Rita Tipton  
Council Members  
Roger Cassell  
Tommy Herron  
Frances Perry  
Wallace W. Ross Jr.  
Town Manager  
Steve Templeton

August 10, 2010

Chairman of the Virginia Commonwealth Transportation Board  
1111 E. Broad St.  
Room 3054  
Richmond, VA 23219

Honorable Members of Virginia Commonwealth Transportation Board:

Access to the north side of Clinch Mountain from Highway 23 South Gate City Bypass from just before mile marker 6 to mile marker 4 has been closed for over twenty years. The Town of Gate City adjusted boundaries over five years ago to include this area for potential growth of the town. The Town itself has one property that would possibly be suitable for an access point and several of the property owners have expressed interest in potential access to their properties. Due to the rough terrain, the access to the properties in this area is nearly impossible from the one end of the mountain that is currently opened. Not having vehicle access from the highway, limits the Town of Gate City for potential growth in this area and makes this land virtually useless to the property owners.

As Mayor of the Town of Gate City, I am requesting on behalf of myself and the Town Council that access points from Highway 23 Southbound lane, to the north side of Clinch Mountain, be allowed from just before mile marker 6 to mile marker 4, at points that would accommodate safe and reasonable traffic flow from and onto Highway 23 South.

There are numerous access points allowed from both northbound and southbound lanes on Highway 23 westward of the Town of Gate City, in points having less visibility and being in the 55 MPH speed zones.

Thanks for your consideration on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Jenkins", written over a light blue horizontal line.

Mark Jenkins  
Gate City Mayor