



**Gate City Town Council Meeting
Feb. 9, 2010
156 E. Jackson Street**

I. CALL TO ORDER

Mayor Mark Jenkins called meeting to order at 6:02 PM

II. Roll Call

Town Clerk, Angel Parker conducted roll call and the following members were present:

Present	Absent
Council Member, Cindy Coates	none
Council Member, Tommy Herron	
Council Member, Ashley Jenkins	
Council Member, Frances Perry	
Vice Mayor, Rita Tipton	

Others present: Sandra Gibson, Bobby Lane, Chuck Newton, Arletha Newton, Barbara Reed, Benny Reed, Tommy Quillen, Lois Quillen, Charles Bridwell, Lisa McCarty, Debbie Kindle, Ron Kindle, Brenda Dishner, Joe McConnell, John Barger, Rob Jones, Jon McConnell, Henry Clabaugh, Kay Addington, Jim Addington, Roger Brooks, Gale Taylor, Wallace Ross, Jr., Zola Rhoton

III. Invocation

Prayer was done by Don Muncie

IV. Pledge of Allegiance

Pledge of Allegiance was let by Sergeant of Arms Chuck Newton

V. Proclamations, Congratulatory Resolutions, Awards, Appointments, Resignations, and Confirmations, Administration of Oaths and Introduction of Guest

Mayor Mark Jenkins issued a proclamation for the Boy Scouts which will be recognized February 8 - 14 for National Scouting Week. It will be their 100th anniversary.

VI. Communications

Bobby Lane with the Lane Group states that he is representing the Public Service Authority and spoke about PSA providing a central sewer service in the Daniel Boone Community. PSA would like The Lane Group to do a study to determine if this is feasible.

He asks 3 questions:

- 1) Would the project be feasible? By looking at the area there are about 320 families and businesses that could be served. They have done preliminary cost estimates in which they found that, if there is a need to put service in the area and if we receive a normal amount of grant loan funding then it could be feasible.
- 2) Daniel Boone community is on the West end of Gate City and the Holston Regional Sewer Plant is on the East side of Gate City. In order to transport the sewage from the Daniel Boone Community to the Holston Regional Plant then the Town of Gate City/Sanitation Authority, Gate City sewage system would need to be in the plan. Can the PSA and the Town work together to provide the service in that area?
- 3) Is there enough need and desire in the Daniel Boone Community? It will take community meetings and talking with people to find out the answer to this question. He did not want to take any further steps until he had spoken with the Town/Council to find out their input and direction as to how they are to go. They have begun the study and have a lot of detail to be worked out and would like the Town to consider this project. He said that he had been in contact with the Town Engineer, Andy Miles and had exchanged some information. Mayor Jenkins states to let Andy Miles/Engineer work with PSA to work out the details and to give a proposal for the council. Mike Carrico asks if they think they could get enough people to do this to get grant money. They will also have to go through the Sewer Authority, they have the voting rights. He states that the Sewer Authority will have to make this call.

Rob Jones spoke about the façade's that are being developed for the downtown businesses, water street improvements, housing rehab composite/affordable housing and property acquisition composites for the programs. For the facade program, they went through an application process based on the ranking of facade's that had to be done as part of the Department of Housing Community Development program. They sent out applications and there were many responses. Thirteen applicants are participating in the program with one having a conflict of interest in the way the rules are written, and are not actively working with them right now. Four of those projects have been sent out to bid; Battery Depot, Mark Chapman properties, Jake's Family Recreation and Chris's Dept. Store. Three other projects are currently out to bid right now; Family Bakery, Quillens Hardware Store, Ivy Cottage. The McCarty's have a number of properties and the plans have been done, they are now ready to get estimate bids on their buildings. He says that some contractors have expressed their concerns that these jobs individually are not big enough, and would like to have projects bundled. He states that with the Apartment Rehabilitation Project, they are working with Helen Smith/property owner with Ivy Cottage. The 2nd floor is available for apartment rehab. The Rehab Specialist has done an evaluation and feels that there is potential to do the project. There has been some movement on the Property Acquisition composite with some offers in Town. There is \$43,000 available from a grant that will go towards a property acquisition. He states there is a total of \$900,000 grant money needs to be spent and \$350,000 is dedicated for facade work.

VII. Reports

Council Reports:

None

Codification Committee/ Property Maintenance:

Richard Hubbard states that 6 new letters have gone out. Two of those letters will have to go out through the CPMA office, which are notices to do clean up the property. If not cleaned up in fourteen days time,

according to the ordinance, the Public Works crews will have to do the clean up. The property owners would be billed for that time. The taxes have not been paid in four years on the property next to the School Board Building. He stated that Robert Mullins said that the property can be saved. He suggests The Motor Vehicle Ordinance go to a public hearing if council has reviewed it. There are other general Ordinance changes that need to be made and will have to have hearings on all of these. Minor changes need to be made on Solicitors and Peddlers, Chapter 18. There are properties moving forward on improvements with the Property Maintenance. There are improvements with the property on Margie Street. The Parker property has gotten his official permits and the property is improved, he is working under the Scott County Building Department. George with the Scott Motel has asbestos permits in place. The Building Code of Appeals has 1 member and 1 alternate and they need a 3rd member and preferably two alternates.

Mayor Mark Jenkins requests to add to new business to discuss the advertising for the Ordinances on Chapters 1,2,6,11,14,18 prior to the next meeting.

Economic Development Committee:

Council Member, Cindy Coates states that they met Monday to discuss the plans for building a Music Shelter at Grogan Park. Three members of the Economic Development Committee are working jointly with the Park Committee. Cindy states that Andy Miles was present at the meeting and discussed parking solutions for the area. The Technology Zone is in place and they will move forward to put together a business incentive package for the businesses in the area.

Engineer's Status Report:

Town Manager, Steve Templeton states we have broken ground for the project of the Cross Connection at the Water Plant. He said that himself, the Engineer, the Public Works crew and successful bidder met for a pre-construction conference at the Water Plant. It is under way and they have 45 days to complete the project.

Façade Committee:

Rob Jones covered the projects with the Façade Committee

Historical Committee:

None

Manager:

Town Manager, Steve Templeton states that there was a leak at the Moccasin Hills pump station. Two contractors put in for bids for the projects in which the Town took the low bid. It was delivered here in less than two weeks and is now installed with a new pump. The accountability is up to 35%. April Helbert with the Virginia Dept. of Health came and done an annual inspection for the entire facility, she gave us a good report. The Engineer, himself, the architect with the Lane Group, Jeff Stapleton, a few members of the council, and the Mayor met for the inspection of the Grogan Park project. The Park was inspected and everything was OK with an exception to a few small problems. The light switches inside need to be replaced by a key locking device, a problem with the actual locks outside and the dressing up of the grounds outside. The packet is ready to send to the Department of Recreation to get reimbursement back. Everything has been collected from the business license, except from QSQ. \$200,076 has been collected from the property tax statements that were sent out. Rufus Hood and himself went to a meeting at the AEP command center,

a presentation was shown of the storm from December 2009 and discussed how they were preparing for upcoming storms. One of the Gate City Police Officers' resigned to take employment with the Weber City Police Department. The officer was the handler of our K9. The K9 was retired from the Gate City Police Department. He stated that he received a VA Municipal League update and it stated that the funding to local municipalities showed a cut of 18% to the police 599 program.

Park Committee:

Vice Mayor, Rita Tipton states that Jeff had attended the meeting and gave an update. CDR will come in March to do an inspection. They will do the ribbon cutting when it gets warmer weather. Jeff is working on updated master plan that he will present to them at the next Park Committee meeting.

Planning:

Vice Mayor, Rita Tipton spoke on the update of the Music Shelter at Grogan Park. They are working also on trying to get parking and have been going over the zoning ordinances.

Police Department:

Chief of Police, Tom Smitley states that for the Police Department in January there were 272 service calls, 11 arrests, 53 summons, 8 crime , 9 accidents, and 5 DUI traffic stops. Officers are continuing to work on the local narcotic cases and the sexual predator book. Two new officers were hired which had started the academy, but one was dismissed from the academy. Pat Deskins was hired in as a part-time police officer. They are in the process of hiring a part-time office assistant for the Police Department. There will be a full day of testing for a full- time police officer on a Saturday in February. They received federal grant equipment for traffic safety which included hand held's and a speed spy. They are reviewing the local threat assessment of the community to insure the safety of our citizens.

Public Works:

Town Manager, Steve Templeton states that the Public Works crews had picked up 32 loads of brush, 4 snow removal days, and handled all normal calls.

Sanitation Authority:

Council Member, Cindy Coates said that the Authority meets on 2-10-10. Steve Templeton said that himself and Chris Edwards had met with Melinda with PSA and the billing issues are being resolved.

Street Committee:

None

Treasurer:

Town Manager, Steve Templeton discusses the excess revenue over/under expenditures. The report shows that the Town is \$75,451 under revenue or over expenditures. They will be getting an \$80,000 reimbursement back in grants from the state. The bottom line is that we have spent about 61% of budget as of right now.

Water Committee:

None

Water Plant:

Town Manager, Steve Templeton stated that the accountability is at 35.34%. The state standard is 30%. The leak at Moccasin Hills has been repaired.

VIII. Public Comment

Benny Reed commends the council for the job they are doing. He states that the tax payers of this Town should be aware of its financial conditions. The finances in Gate City should be transparent enough that we know how our tax dollars and grant money is being spent. He states that he has known for a fact that the Town has had the financial audit for June 30, 2007 and have not made the findings known to the public. The audit findings for each year should be presented in an advertised public meeting. There is not an audit for the fiscal years ending June 30, 2008 and June 30, 2009. The public does need to know if there was any irregularities in that audit. He states if you don't know how you have performed in past years, how can you forecast and set the budget for our future year. He states that since the new tax assessments, the town stands to reap a windfall of new money of leaving the tax levy like it is. The economy is challenging for all of us and the Town should consider dropping the tax levy to equalize for the higher tax assessments. He wants the Town to make cuts any where they can. He states that you must show ample justification for every single line item in the budget. He applauds the Town for getting the website up to date. He questions that if you receive grant money are you not expected to provide how is it being used.

Wallace Ross, Jr. spoke about the house on Chestnut Street. He states the complaint was misleading, the information was kept under wrap and it was not known that it was going to be bid on. Someone in the community may have wanted to bid on the property. He questions if you have to live in a certain criteria of Gate City to find out certain information. He stated a complaint with a waterhole in a space of road (shows picture) that has been a problem for a while, and suggests the Town to refurbish the road. He states that he read that a board hired a consulting firm, which was paid thousands of dollars, to give them direction on how to enhance the city of Gate City. He questions if the Town is planning to use these ideas. Mr. Ross states that the Courthouse is 150 years old, and if you look at the sidewalk going up the hill, it is in pitiful shape and the trees are growing into the power lines. He states if you can't take care of the small things how are you going to take care of the big things.

Jon McConnell asks the council if they can fix or turn off the light at the Quarry Pond. He states that it is flickering.

Joe McConnell asks why the city refused to send the police to come when he wanted to move his cattle. Mark Jenkins asks if he has the 911 tape so they can review it. Mike Carrico said the Town doesn't own the road. Joe states that 3 state troopers said that the city is in charge of that road.

IX. Closed Session

Motion to enter closed session for legal and personnel matters

Motion by:

Seconded by:

Council Member, Tommy Herron

Vice Mayor, Rita Tipton

Yeas: 5

Neas: 0

Absent: 0

X. Entered Closed Session at 7:29PM

XI. Return from Closed Session at 8:28 PM

Motion to return from closed session

Motion by:

Council Member, Frances Perry

Seconded by:

Council Member, Tommy Herron

Yeas: 5

Neas: 0

Absent: 0

Certification of Closed Meeting read by Attorney Mike Carrico

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 provision 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 conformity with Virginia law;

Now, Therefore, Be it Resolved, that the Gate City Town Council Herby 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 the certification applies and (2) only such business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Gate City Town Council.

Yeas: Council Member, Cindy Coates
Council Member, Tommy Herron
Council Member, Ashley Jenkins
Council Member, Frances Perry
Vice Mayor, Rita Tipton
Mayor, Mark Jenkins

Absent:

Neas: None

There were no motions coming out of closed session.

XII. Consent Agenda

Motion to approve payment of bills for January 2010.

Motion by:

Council Member, Frances Perry

Seconded by:

Council Member, Cindy Coates

Yeas: 5

Neas: 0

Absent: 0

Motion to approve the Minutes for January 12, 2010.

Motion by:

Council Member, Frances Perry

Seconded by:

Council Member, Cindy Coates

Yeas: 5

Neas: 0

Absent: 0

XIII. Unfinished Business

* Michael Rush/People Inc.

Town Manager, Steve Templeton said that he has a letter from the Virginia Housing Development Authority. They are applying for financing from VDHA to renovate the Clinch Manor Apartments. They did not receive enough points last year to obtain that financing and are just asking to duplicate that letter. He needs authorization from the council to sign the letters.

Motion to give Steve Templeton authorization to sign letters from the Virginia Housing Authority.

Motion by:

Council Member, Frances Perry

Seconded by:

Council Member, Cindy Coates

Yeas: 5

Neas: 0

Absent: 0

* Hope House - has Mike received decision from Attorney General

Nothing returned

* Fire Department - Do we continue to pay their water bill or turn this over to Fire Dept.

Nothing returned

- * Hiring of an attorney to handle matters which Mike Carrico would be in conflict with on property maintenance issues
Mayor, Mark Jenkins stated that it was advertised and there was one potential candidate - Donald Gregory Baker

Motion to hire Donald Gregory Baker as the attorney

Motion by:

Council Member, Tommy Herron

Seconded by:

Vice Mayor, Rita Tipton

Yeas: 5

Neas: 0

Absent: 0

- * Public Hearing on Motor Vehicle ordinance amendments
Motion to advertise for Public Hearing on Motor Vehicle Ordinance

Motion by:

Council Member, Frances Perry

Seconded by:

Council Member, Tommy Herron

Yeas: 5

Neas: 0

Absent: 0

- * Possible budget item (donation for sports complex in 2010 budget)
Council Member, Frances Perry stated that the request was for it to be looked at when the budget was being prepared for the next year

- * Clinch Mountain Arts and Crafts - letter for exemption of license tax.
Town Attorney, Mike Carrico states that this business is for artists that are selling their arts for profit. If they are selling their goods for profit then that business that should be taxed. Frances Perry states that is the individuals. The store building itself is being donated to the merchants to put their wares in. Mike states then the merchants need to pay the taxes. If you are selling items for a profit in the Town of Gate City then there is no provision that would allow for exemption. Mark Jenkins states that there has to be some source of collection, some show of profit somewhere. Cindy Coates states that the individuals are making a profit inside the foundation. Mike says that he can look into this a little more if that is what the council would like.

Motion to table this until we get some answers

Motion by:

Council Member, Frances Perry

Seconded by:

Council Member, Tommy Herron

Yeas: 5

Neas: 0

XIV. New Business

- * Building Code Board of Appeals
Motion to advertise for vacancies for the Building Code Board of Appeals.

Motion by:

Council Member, Tommy Herron

Seconded by:

Council Member, Cindy Coates

Yeas:	5
Neas:	0
Absent:	0

- * Grogan Park deed correction
Town Manager, Steve Templeton stated that he had asked to see some of the deeds to see a particular area, in which they found an error. The narrative says it is West 390ft. to a stake and the corresponding plat shows its 290ft. The deed was made in 1991. Town Attorney, Mike Carrico said that he can do a deed of correction and Ms. Statzer will have to sign it. He states that he can get the original file from Larry Culbertson, that he would have that was Larry Gillenwaters, to check it. Defer till next meeting.

- * Schedule a "Workshop" date
Motion to give Town Manager authority to set a date

Motion by:

Vice Mayor, Rita Tipton

Seconded by:

Council Member, Cindy Coates

Yeas:	5
Neas:	0
Absent:	0

- * Purchase of Theater Building
Mayor, Mark Jenkins had discussed this with the McCarty's and it would be contingent upon everyone agreeing and the VHCD approval, they have recommended the Theater Building as one we should purchase. Rita Tipton recommends that we do it subject to the approval of VHCD. Mark says that this is also contingent with the approval from the McCarty's.

Motion by:

Vice Mayor, Rita Tipton

Seconded by:

Council Member, Tommy Herron

Yeas:	5
Neas:	0
Absent:	0

- * Resolution to USDA Rural Development to obtain Police Vehicles and adopt Code of Conduct
Town Manager, Steve Templeton said these are required by the USDA. One is to adopt a Code of Conduct which states no employee, officer or agent of the owner shall participate in the selection, award, or administration of a contract supported by Rural Development funds if a conflict of interest, real or apparent, would be involved. The other is a Resolution of Governing Body says that in order to facilitate obtaining financial assistance to purchase the police cars and equipment that it is necessary for the governing body to adopt and abide by the code that is contained in the agreements, documents and forms required by the Government to be executed.

Motion to adopt Code of Conduct and the Resolution

Motion by:

Vice Mayor, Rita Tipton

Seconded by:

Council Member, Cindy Coates

Yeas:	5
Neas:	0
Absent:	0

Motion to advertise for a Public Hearing prior to the next meeting for ordinances changes of 1,2,6,11, 14, 15, and 18 individually.

Motion by:

Council Member, Cindy Coates

Seconded by:

Vice Mayor, Rita Tipton

Yeas:	5
Neas:	0
Absent:	0

Motion to adjourn meeting at 8:55 PM until March 9, 2010

Motion by:

Council Member, Cindy Coates

Seconded by:

Vice Mayor, Rita Tipton

Yeas:	5
Neas:	0
Absent:	0

Adjourned meeting until March 9, 2010

Mayor Mark Jenkins

Town Clerk Angel Parker