

**GATE CITY TOWN COUNCIL MEETING**

**March 10, 2009**

**156 E. JACKSON ST.**

**6:00 PM**

**I. PUBLIC HEARING CALL TO ORDER**

Mayor Jenkins called the public hearing to order at 6:03 pm.

**A. Revisions to Water Policy**

Mrs. Kindle asked how long it will take for everyone to comply with the new water policy multi-user. She also asked if the landlords will pay 100% of what the meter reads plus \$10.00 per unit to the total. Steve Templeton said we will publicize the new water policy once everything is finalized. Mayor Jenkins said the Coleman Tucker building has multiple billings. Council Herron asked is there a place for comment on the new billing system. Mayor Jenkins said there are existing problems and as they are found we will address them and that we do try to treat everyone the same. Council Herron asked how to police the problems.

Mayor Jenkins closed public hearing on revisions to water policy.

**B. Proposal of Yard Sale Ordinance**

Mike Carrico stated as a citizen in opposition to the ordinance. He is bothered by having a fee to have yard sale a \$5.00 fee is hard for people during this economic struggle. Debbie Kindle agreed that the fee was hard for people right now. Wallace Ross asked what the purpose of the ordinance is. Debbie Kindle said Bristol, VA gives you 2 free yard sales a year. Richard Hubbard says the \$5.00 fee is a very minimal charge or you could set-up at the flea market but he is not sure we need another ordinance. Steve Templeton and Council Perry said it is a good way to regulate and keep up with whom is having a yard sale and keep citizens from conducting commercial business at their residence. Mayor Jenkins assured that the hearings were properly advertised. Mr. Brooks said he does not believe that the Town of Gate City can regulate when he can or cannot dispose of his personal property, he questioned why it is only 3 days per sale. Richard Hubbard stated that the 3 days usually refers to the weekend to limit the traffic in residential areas during the work week. Mayor Jenkins thanked the planning commission for the hard work and time they put on this. Council Perry said this ordinance will give a definition of a yard sale and allow them to enforce the law on violators. It was suggested that the ordinance be 12 days at the individual's discretion.

Mayor Jenkins closed public hearing on proposal of Yard Sale Ordinance.

**C. Codifications Standards**

No Public Comment

Mayor Jenkins closed public hearing on Codifications Standards.

**II. Invocation**

Rev Sheppard

**III. PLEDGE OF ALLEGIANCE**

Chuck Newton, Sergeant at Arms

IV. COUNCIL MEETING CALL TO ORDER

Mayor Jenkins called the meeting to order at 6:31 PM

V. ROLL CALL

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

ABSENT: Council Jenkins

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

None

VII. COMMUNICATIONS

Gathering to send out troops @ 2:00 pm Sunday March 15<sup>th</sup>, 2009 at the National Guard Armory

IX. REPORTS

**A. Codifications Committee** – No Report

**B. Council Reports** – Council Perry said this comes from a joint effort between the town council and Southwest Virginia Community Foundation. Concerning the property behind the Gate City Bank of America on March 3, 2009 had correspondence with Berry Allison agreed to a licensed agreement on property land purchase. Council Perry told Mr. Allison she would have to discuss with Town Council and Town Attorney. Council Perry recommended we take possession of the property to enhance the community. Mayor Jenkins said council should review and discuss at the next meeting.

**C. Economic Development Committee** – Council Coates said they met Monday, March 2, 2009 and discussed the placement of town sign at the entrance. Steve Templeton will coordinate with the sign on the west end VDOT to schedule a one traffic lane closure to have the concrete footers poured. The sign should be placed within the next month. Council Coates said they also completed all of the recommendations for the comprehensive plans on the goals and objectives in the policies section. Will be having a joint meeting with the planning committee in April to put in place.

**D. Façade Committee** – Council Coates said they met March 3, 2009 to discuss color schemes and design guidelines. Council Coates traveled with the Grant Administrators and the architect to observe the Saltville Revitalization efforts.

IX. REPORTS - CONTINUED

**E. Historical Committee** – Council Perry said they met March 9, 2009. The committee stated objectives and agenda would be complete in the next few months. Council Perry will ask Mr. Pulice to come and talk with them to give advice. Council Perry said cut backs will allow the committee more time.

**F. Manager- Town Manager Steve Templeton reported:**

- **Water Department** – Several water leaks (appx.10) were detected by Kenny Reynolds of the Virginia Water Resources during the last week of February. Our P.W. employees have begun repairing those leaks, including a leak in a 6” line on Short Street. Two leaks in one section of line across from Town Hall were discovered and repaired as well.
- **Grants** – Mr. Templeton stated that he and Andy Miles attended the VA Health Department funding session in Abingdon last month and received information on the Stimulus Package passed by Congress. Following that meeting, Andy called a meeting with Mayor Jenkins, Vice-Mayor Tipton and Mr. Templeton to discuss priorities for future water and sewer projects in the Town. Mr. Templeton has sent a letter to VDH accepting their offer of a thirty-year, \$377,550 interest-free loan to construct a new 12” main line from the water plant to the High School area.
- **The DHCD grant** is completed and approved by Joy Rumley of DHCD. It was sent by her to Richmond and is awaiting signatures of their officials. It will then be brought to us by Joy for Town officials’ signature. A trip to Saltville to view their progress in a Downtown Revitalization project is scheduled for Saturday, March 7<sup>th</sup>.
- **Sewer** – It was decided by the Board that the Town Attorney and I attend the next P.S.A. Board meeting to present our concerns about the dismantling of the Town’s waste water facility. At the Board’s request I sent a letter to the Department of Environmental Quality and have now received word from that office advising that our license to process waste water has now been terminated.
- **Gate City Entrance Signage** – Mr. Templeton has spoken with James Parsons at VDOT and have received permission to close a section of US 23 at the bridge access to allow us to proceed with the installation of our sign on the old fruit stand location. We will coordinate with Marvin Eagan in order to install both signs at the same time.
- **New Software, Hardware and Wiring** – Two new computers and a new server have been installed for the new system. A new laptop computer for the Planning Commission (and other entities as needed) has also been purchased. The new power pole drop-down system has been installed, removing the power lines and cabling from the floors in the office (which had been a serious safety issue.) The data for the utility billing has been submitted to Accufund but a date for the installation has not yet been received from them.

**G. Park Committee** – Vice-Mayor Tipton said they met March 3, 2009. The Rain Garden is complete except for one tree and it looks great. Signs will be placed to identify plants and flowers. Working on phase III. Suggested that we have a campground area designated across the creek in the park. A new ceiling was put up in the Civitan Shelter. Several trails the committee can still be involved in. Reorganization will be in April 2009.

**H. Planning Commission** - Vice-Mayor Tipton said planning commission will recommend a member for the BZA, Walter Flanary was voted in and designated. Secretary and town clerk responsible for keeping up with the staggered terms. Beate Flanary has resigned. Bill Denton has requested an application. Discussed the grant and the public hearing issues. Discussed trails and camp ground area. Putting the comprehensive plan together. Must be voted on in June 2009.

**I. Police Department Report** – Officer Delano stated there was an increased number of calls this month 330 total and 12 arrests for the month. Mayor Jenkins noticed 6 DUI arrest. Mayor Jenkins thanked the police force for their hard work.

## IX. REPORTS - CONTINUED

- J. Property Maintenance Committee** – Council Herron stated they had their first meeting with Robert Mullins and there will be a more complete report next month. Robert Mullins will be providing us with information to complete a spreadsheet. Town Clerk, Danni Campbell will assist with this process. Mayor Jenkins said Scott Motel needs to be addressed because VDOT is not getting involved. Town Manager Steve Templeton sent a letter out concerning a property. There are several properties to look at.
- K. Public Works** – Forman Stoney Falin reported they had: 24 Meter Turn Ons, 16 Meter Turn offs, 10 Meter Replacement, 94 Rereads/Check for leaks, hauled 10 tons of sludge, picked up 10,140 lbs. of cardboard, picked up 45,740 lbs of brush, picked up 140,560 lbs. of trash, 158 total work orders.
- L. Sanitation Authority** – Council Coates said they will meet March 11, 2009. Council Coates met with PSA and the sewer plant will be dismantled by May 31, 2009.
- M. Street Commission** – Council Perry stated there were no funds available but she will keep compiling a list. Need to widen Water Street and Walnut Street. Mayor Jenkins had a call about McConnell Street and Bartlet Street. Steve Templeton said funds are available and are usually used towards the end of the year.
- N. Treasurer Report** – Steve Templeton talked about Cindy King arranging for Liberty Mutual to offer Life Insurance and Cancer Policies to all town employees there will be another deduction for those who selected. Council Coates was concerned that AFLAC had been replaced. Steve noted this was additional coverage not replacement. Steve Templeton said we were running as projected and there are still back taxes to be collected.
- O. Water Committee** – Vice-Mayor Tipton said they met February 26, 2009 to discuss improvement projects. Applications for engineers are due at the end of the month. Andy discussed the 3 Water projects and said the state will process the applications. 1. Regional Water Main Improvements: Involves replacing 2400 feet of 8 inch water line along Kane St. with a new 12 inch waterline. The probable cost is \$385,500. 2. Water Treatment Plant Operational Efficiency Enhancements: involves replacing the filter bed media and replacing the existing Trac-Vac system at the water plant which would increase efficiency. Also replacing old windows in the plant with more energy efficient windows and installing a separate storage building for adequate handling of treatment chemicals. The probable cost is \$769,300. 3. Moccasin Hills Project – involves installing 900 feet of 6 inch & 8 inch waterline, new water pumping station and a water storage facility. The probable cost is \$1,240,200.
- P. Water Plant** – Chief Water Plant Operator Loretta Crumby showed pictures to the council documenting the leaks and said that 8 leaks were fixed. Water Plant needs a laptop to download software that controls the tanks. An 8 hour training class will be given. This will give the qualified persons access to the locked passwords on system so that repairs can be done.

Mayor Jenkins made the addition of the resolutions for the Grant Applications for Public Comment.

Mayor Jenkins closed the Reports session and opened the Public Comment session at 7:20 PM

## X. PUBLIC COMMENT

- A. Charles Hillman has a delinquent water bill for a property on Burnt Cabin Branch Road. He has asked the council to review his bill and remove all the penalties and interest. Mayor Jenkins asked how long this has been an issue. Water service was cut-off but Mr. Hillman did not pay the bill and the penalties and interest continued to accrue. Town Manager Steve Templeton told Mr. Hillman to come by the office and review the bill and determine whether or not council would look at the bill and consider his request.

X. PUBLIC COMMENT - CONTINUED

- B. Wallace Ross stressed his concern about property at 120 Chestnut Street. Council Herron said our inspector has sent a letter about the property. Mayor Jenkins commented that property was recently sold for taxes and the new owner will be served. Mr. Ross also mentioned the street could be opened 30 -50 feet more. Mayor Jenkins said we cannot run the road it would run into the church the church is sitting in the roadway. Mr. Ross spoke about Manville Rd., Pine St. and the town sign he says we spend money but has been coming to these meetings along time and the town repairs that have needed attention for a longtime and nothing gets done cause there is no money. Mayor Jenkins said we have plenty of money we just don't spend it where Mr. Ross wants us to. Council Perry asked Mr. Ross if he gets town water, police protection and garbage pick-up? Council Perry says he gets the same thing she does from the town. Mr. Ross said his road hasn't been paved, Council Perry says she has paved her own road. Mike Carrico said everyone is entitled to their own opinion and it won't always be the same. Richard Hubbard spoke of capitalization vs. budget restraints as an option for these town repairs. Richard requested that Mr. Ross get these recommendations to him for the Planning Commissions May meeting. Richard Hubbard also asked for the other committee's recommendations for the comprehensive plan by April 2009.
  
- C. Mike Cleek spoke about the mold and water damage to the trailer on Margie Street due to sewer backup. Mr. Cleek provided photos of the damage. Steve Templeton told Mr. Cleek to hire ServPro to go in and take pictures to access the damage. Steve Templeton said he would send these photos to VML. Mr. Cleek thinks this is due to grease from Long John Silver's clogging the sewer drain and this has happened once before. Mr. Cleek also spoke about annexing land at the west end of gate city town limits for a right-a-way access road. Mike Carrico said Terry Kilgore would be who to contact to move the process along. Mayor Jenkins said it was our responsibility because the town rezoned the property commercial. Steve Templeton asked Mr. Cleek to stop by the office to discuss specifics.  
Mr. Cleek also wanted to know why the train blows its horn at 2:00 am in the morning he asked about the RR stop gates. Mayor Jenkins said they were in excess of \$284, 000. Mayor Jenkins also said he would request that the RR blow the horn as little as possible at that time.
  
- D. Debbie Kindle asked if the water policy would be voted on tonight. Mayor Jenkins said we would have the water policy revisions and the yard sale ordinance on the consent agenda for April Council meeting.

Mayor Jenkins closed the Public Comment session and opened the Consent Agenda session.

XI. CONSENT AGENDA

**Approval of Town Council meeting minutes from February 10, 2009**

Motion: Frances Perry	2 <sup>nd</sup> : Rita Tipton
VOTE:	Yeas, 4
	Nays, None
	Absent Ashley Jenkins

**Approval of bill payments for February 2009 in the amount of \$153,208.49**

Motion: Frances Perry	2 <sup>nd</sup> : Rita Tipton
VOTE:	Yeas, 4
	Nays, None
	Absent Ashley Jenkins

**XII. UNFINISHED BUSINESS**

**Repair to the Police Department building by Broadwater Drug** – Council Perry requested that Steve Templeton have the architect look at it and give us a proposal.

**Park Street move to a one way street** – Council Perry said we need to make a motion to have a public hearing on this matter.

Motion: Frances Perry 2<sup>nd</sup>: Rita Tipton

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

**XIII. NEW BUSINESS**

**Planning Commission Term Appointments – staggered terms:**

Nancy Willis	1 year		motion: Council Perry	2 <sup>nd</sup> : Council Herron
VOTE:		Yeas,	4	
		Nays,	None	
		Absent	Ashley Jenkins	

Dave Flanary	2 years		motion: Council Perry	2 <sup>nd</sup> : Council Herron
VOTE:		Yeas,	4	
		Nays,	None	
		Absent	Ashley Jenkins	

Tammy Johnson	3 years		motion: Council Perry	2 <sup>nd</sup> : Council Coates
VOTE:		Yeas,	4	
		Nays,	None	
		Absent	Ashley Jenkins	

Richard Hubbard	4 years		motion: Council Perry	2 <sup>nd</sup> : Council Herron
VOTE:		Yeas,	4	
		Nays,	None	
		Absent	Ashley Jenkins	

Walter Salyers	4 years		motion: Council Perry	2 <sup>nd</sup> : Council Tipton
VOTE:		Yeas,	4	
		Nays,	None	
		Absent	Ashley Jenkins	

Rita Tipton 1 year appointed yearly by the mayor

\_\_\_\_\_ 2 year term open

XIII. NEW BUSINESS - CONTINUED

**Board of Zoning Appeals Appointments – Board not complete Roger Castle not approved**

Ronnie McMurray VOTE:	1 year	motion: Council Perry Yeas, 4 Nays, None Absent Ashley Jenkins	2 <sup>nd</sup> : Council Herron
John Dockery VOTE:	2 years	motion: Council Perry Yeas, 4 Nays, None Absent Ashley Jenkins	2 <sup>nd</sup> : Council Herron
Dewey Breeding VOTE:	3 years	motion: Council Perry Yeas, 4 Nays, None Absent Ashley Jenkins	2 <sup>nd</sup> : Council Coates
Walter Salyer VOTE:	4 years	motion: Council Perry Yeas, 4 Nays, None Absent Ashley Jenkins	2 <sup>nd</sup> : Council Tipton
Roger Castle Motion died for lack of a 2 <sup>nd</sup> .	5 years	motion: Council Perry	2 <sup>nd</sup> : NONE

**Potential Boundary Adjustments** – The westward boundary adjustment to what was formerly Bray Road. Planning commission recommended we need to advertise for public hearing.

Motion: Council Tipton      2<sup>nd</sup>: Council Herron

**Flowers for Street Boxes** – Council Perry suggested we arrange in advance to purchase flowers for street boxes to prepare for the Clinch Mountain Music Fest. Council Perry will discuss arrangements with school.

Motion: Council Tipton      2<sup>nd</sup>: Council Coates

**Fire Department 2009 Budget Request** – Fire Chief Brickey made a presentation to the council for an additional ladder truck. The truck is needed to reach 2<sup>nd</sup>, 3<sup>rd</sup> & 4<sup>th</sup> floor structures, provide a safe escape route and an elevated water stream. What % would the town pay? What is done with \$25,000 annually given? Steve Templeton asked if they had applied for Homeland Security grants. The council said they would review and consider the request.

**Water Spigot availability for Shelter Rentals** – not sure how to monitor the usage. Park committee will review and consider the request.

**Water Policy Revisions** – motion to approve & sign resolutions phase 2 & phase 3.

Motion: Council Tipton      2<sup>nd</sup>: Council Herron

XIV. CLOSED SESSION

8:40 PM- Council entered into closed session to discuss legal and personnel issues

Motion: Council Perry      2<sup>nd</sup>: Council Herron

9:50 PM council returned from closed session

XV. RETURN FROM CLOSE SESSION

Motion: Council Herron 2<sup>nd</sup>: Cindy Coates

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.

Motions from closed Session: No Motions

XVI. ADJOURN

Motion to adjourn the meeting until the next regular scheduled council meeting April 14, 2009.

Motion: Council Coates 2<sup>nd</sup>: Council Herron

VOTE: Yeas, 5
Nays, None
Absent Council Jenkins

\*Mayor Jenkins adjourned the meeting at 9:51 PM.

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Mayor Mark Jenkins

\_\_\_\_\_  
Town Clerk Danni Campbell