

# TOWN COUNCIL MINUTES



## Gate City Town Council Minutes

April 13, 2021

190 Beech St., Gate City, VA

6:30 PM

**I. COUNCIL MEETING CALLED TO ORDER AT 6:32 P.M. BY: Mayor – Bob Richards**

**II. ROLL CALL –** Town Clerk – Lydia Morales

	PRESENT:	ABSENT:
Mayor, Bob Richards	X	
Vice Mayor, Robin Richards	X	
Council Member, Allan “Cotton” Roberts	X	
Council Member, Roger Cassell	X	
Council Member, Wallace W. Ross, Jr.	X	
Council Member, Tyler Kilgore	X	
Town Manager, Greg Jones	X	
Town Attorney, Michele Brooks	X	

Others present: Sammy Dockery; Cindy Dockery; Randy Sluss, Randy’s Towing; Jeff Mann, J&L Towing; Deana Stoddard; Mattie Stoddard; Jeff DeBoard, Associate Pastor First Baptist Church of Gate City; Kay Addington; Jim Addington; Lois Quillin, Quillin Hardware; Chris Henderson; Susan Henderson; Gabriel Edmunds, Scott County Virginia Star; Jason Snapp, Mattern & Craig

**III. INVOCATION –** Jeff DeBoard, Associate Pastor First Baptist Church of Gate City

**IV. PLEDGE OF ALLEGIANCE –** Chief of Police Justin Miller

**V. APPROVAL OF AGENDA**

Mayor Bob Richards recommended that items 10, 11 and 13 be moved after item 15 since those items deal with the budget.

**Motion made to approve the agenda with the recommended amendment of moving items 10, 11, and 13 after item 15.**

Motion by: Roger Cassell

2<sup>nd</sup> by: Robin Richards

VOTE: Aye, 5  
Nay,  
Absent,  
Abstain

**Motion Carried.**

**VI. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS AND INTRODUCTION OF GUESTS. - NONE**

**VII. APPROVAL OF MINUTES**

**1. Approval of February 09, 2021 Town Council Minutes.**

**Motion made to approve minutes as presented.**

Motion by: Allan “Cotton” Roberts

2<sup>nd</sup> by: Robin Richards

VOTE: Aye: 5

Nay:  
Absent:  
Abstain:

**Motion Carried.**

#### **VIII. APPROVAL OF PAYMENTS**

- **Motion made for approval for payment of bills for February 2021 as presented.**

Motion by: Allan "Cotton" Roberts

2<sup>nd</sup> by: Robin Richards

VOTE: Aye: 5

Nay:

Absent:

Abstain:

**Motion Carried.**

- **Motion made for approval for payment of bills for March 2021 as presented.**

Motion by: Allan "Cotton" Roberts

2<sup>nd</sup> by: Robin Richards

VOTE: Aye: 5

Nay:

Absent:

Abstain:

**Motion Carried.**

#### **IX. PUBLIC COMMENT (Will be limited to 3 minutes per speaker.)**

**Sam Dockery: Gate City, VA** – Mr. Dockery stated that he was supposed to be on the agenda. Council Member Roberts stated that Mr. Dockery could have all the time he needs. Mr. Dockery stated that his wife owns Southwest Wrecker and Chief Miller has taken her off of the Gate City wrecker list and stated that Mr. Dockery is on the list four times. Mr. Dockery stated that this is a lie and that he is on the list and that his wife is on the list. Mr. Dockery stated that he and his wife bought a building in Gate City, a new roll back, two phones for that business, and hired an employee to run the roll back. Mr. Dockery stated that he has gotten a business license for six years and his business meets all state police policy and all standards of Gate City Police policy. Mr. Dockery stated that some of the wrecker services on the list were put on the list before they met state standards, but Scott Fink put them on the list anyway. Mr. Dockery stated that his wife has been off of the list for five months and he doesn't see any reason why they should not be put back on. Mr. Dockery stated that he believes his wife's business should be put back on the list twice for five months since she has missed five months of calls. Mr. Dockery stated that the other wrecker services don't pay an electricity, water or sewer bill and all they have is a lot in Gate City that way they can be on the Town list. Mr. Dockery stated that people say you can't own two businesses in Gate City because it isn't fair, but Mr. Addington and Mr. Williams own two businesses in Gate City. Vice-Mayor Robin Richards asked if Mr. Dockery has two separate business licenses? Mr. Dockery stated yes, that he has gotten a business license for six years. Council Member Cassell stated that he believed that Mr. Dockery's building is located on Highway 71 outside of town limits. Mr. Dockery stated that he has an office located in the basement of his brother's building in Gate City. Council Member Cassell asked if Mrs. Dockery operates that wrecker? Mr. Dockery stated no, he hired someone to run it. Mr. Dockery stated that they are listed separately as two businesses in the phone book. Town Attorney Michele Brooks asked Mr. Dockery if Southwest Wrecker is an LLC, Incorporated, or a PLLC? Mr. Dockery stated no it is not incorporated. Town Attorney Michele Brooks asked Mr. Dockery if he completed the paperwork for his wife's business license? Mr. Dockery stated that he did. Town Attorney Brooks asked if Mr. Dockery is listed as the contact on all of the business licenses? Mr. Dockery stated that he did not know. Town Attorney Brooks stated that if these are separate businesses why would Mr. Dockery's name be on his wife's business information? Mr. Dockery stated that is because it is his wife. Town Attorney Michele Brooks stated that every contact on the business license is Sam Dockery and not Cindy. Mr. Dockery stated that it can be changed because his wife carries the phone for the business.

Council Member Wallace W. Ross, Jr. asked if this issue was brought forth at Town Hall in the last six years that Mr. Dockery has gotten his business license? Mr. Dockery stated no. Council Member Cassell asked if Mr. Dockery operated the wrecker out of both places? Mr. Dockery stated no, Southwest Wrecker and Towing is straight across from the QSQ. Council Member Cassell stated that he thought the office on Highway 71 was for Southwest Wrecker? Mr. Dockery stated no, that is Sam's Auto Service. Council Member Cassell stated that Mr. Dockery stated Sam's Auto Service was in his brother's building and asked how can he operate out of two offices? Mr. Dockery stated that he has two different people running them. Council Member Cassell asked if Mrs. Dockery stays in the office across from the QSQ and runs it? Mr. Dockery stated no, Mr. Easterling stays there part time and takes care of it for Mr. Dockery. Mr. Dockery stated that he and Mr. Easterling split the water, electricity, and sewer bill.

Mr. Dockery stated that J&L and Randy's Towing have two separate wrecker services as well. Mr. Dockery stated that he pays two separate business licenses. Town Attorney Michele Brooks stated that it is all under Mr. Dockery's name. Mr. Dockery stated that when he renews his license he will put it in his wife's name and the policy doesn't say anything about having two wrecker services. Chief Miller stated that Randy from Randy's Towing approached him with the concern that he and J&L Towing are on the wrecker list once while Mr. Dockery is on the list three times, which did not seem fair. Chief Miller stated that he checked to see how many business licenses each business had and stated that Ms. Loggans found one license for Sam's Towing, one for J&L and one for Randy's. Chief Miller stated that he asked Sharon at dispatch if Sam's Towing was on the list three separate times? Chief Miller stated that she told him yes and that Randy's and J&L are on the list one time each. Chief Miller stated that all of these businesses are listed as one business name not as separate businesses on the list. Vice-Mayor Richards asked if the list is maintained by 911? Chief Miller stated yes, and their policy is that it is up to the Chief of Police to determine who is on it and our policy states that you have to have a tow lot within town limits to operate a tow service. Chief Miller stated he believes there is also an issue with vehicles towed within the town being stored within the town limits.

**Randy Sluss: Randy's Towing 879 E Jackson St. Gate City, VA** - Mr. Sluss stated that he has two trucks, but only one is on the Gate City tow list. Mr. Sluss stated that if another one or two get on the list twice, he also has two trucks with different names and would like to be put on the list twice as well. Vice-Mayor Richards asked if Mr. Sluss has more than one business license? Mr. Sluss stated that if they are going to allow him to be on twice, he will get another business license.

**Jeff Mann: J&L Towing and Highway 72 Towing** - Mr. Mann stated that his wife runs J&L Towing and this business is only on the Gate City tow list one time. Mayor Richards asked if both of Mr. Mann's businesses are in Gate City? Mr. Mann stated no, Highway 72 is not in Gate City. Vice-Mayor Richards asked Mr. Mann how many business licenses he has? Mr. Mann stated he has two.

**Kay Addington** - Mrs. Addington thanked the Council for the continued efforts at the Estil Cemetery and stated that Mr. Pendergrass would be pleased to know that all his hard work was not in vain. Mrs. Addington stated that she owns 260 West Jackson Street and the home on the corner of Library Avenue and Willow Street burned down in 2017. Mrs. Addington stated that she looked up to see who owned the house and found out that he is still in Kingsport and believes it would be a good idea for the Town to contact him. Mrs. Addington stated that according to online records, the owner has not paid the taxes for 2015 or 2016 but she is unsure of the current status. Mrs. Addington stated that this devalues the properties in town that are located near it. Mrs. Addington stated that she would like to see the codes and ordinances sometime. Mrs. Addington stated that we need to do something to make our town look better. Mrs. Addington stated that the property besides hers has become the favorite drinking place for our town alcoholics and it is littered with beer cans and trash. Mrs. Addington stated that she is concerned for the safety of her sister-in-law who stays in the home when she visits. Mrs. Addington requested that the drinking problem be looked into to see what can be done. Mayor Richards stated that over this past year, with the help of our Town Manager and our Attorney, we have been in the process of streamlining laws that were antiquated. Mayor Richards stated that one of the problems that we face is that the county has an ordinance that will not allow us to take down those buildings until the property taxes are paid, but we are working with the county and

are trying to get them to change their ordinance so we can better address these types of issues. Mrs. Addington asked if it would help for citizens to go to the county and ask them for the change? Mayor Richards stated yes. Town Manager Greg Jones stated that the ordinances are online and are searchable. Town Manager Jones stated that we have streamlined a lot of this process and are looking not only at property maintenance but also taxes. Town Manager Jones stated that it doesn't make a lot of sense for us to be unable to touch a property if taxes are owed because it is abandoned property and most people are not going to pay taxes on abandoned property, so if we can have some type of inclusion in the ordinance that would allow us to take it down with either local, state or federal dollars we could take care of some of these issues.

**Lois Quillin: Quillin Hardware** – Mrs. Quillin stated that they are needing to replace the brick work on the façade of Quillin Hardware and have contracted Kelly Spivey to do the work. Mrs. Quillin stated that the dates she had previously given Town Manager Greg Jones have passed due to weather and other circumstances that prevented the work from beginning. Mrs. Quillin stated that United Rental will deliver a lift tomorrow that will be used to replace the brick work and they should begin on Thursday. Mrs. Quillin stated that Quillin Hardware will be closed during this time. Mrs. Quillin requested that the crew be able to block off the sidewalk and parking spaces in front of Quillin Hardware. Mrs. Quillin stated that they have also received one bid to replace the roof of the old pool hall at 273 West Jackson Street. Mrs. Quillin stated that Mr. Tim Begley will be doing this work and the lift that is coming tomorrow will be in the area for a month. Mrs. Quillin stated that she is concerned about number nine on the encroachment agreement that states, "all displays must be no more than four feet in height and small enough that pedestrian traffic is not impeded." Mrs. Quillin stated that the scaffolding that they will be using to work on the façade of Quillin Hardware will be much higher than four feet. Town Manager Greg Jones stated that we can give an exception to that. Mrs. Quillin asked if the lift will need to be removed at night or is it a problem for it to be parked on the street? Mayor Richards stated that he did not see a problem with it. Mrs. Quillin stated that the agreement also states that, "the encroachment here in described shall be removed each night." Town Manager Greg Jones stated that these are generic terms and can be modified and asked Mrs. Quillin to bring the encroachment agreement by Town Hall to be amended. Vice-Mayor Richards asked who will block off the work area? Town Manager Greg Jones stated that it would be Mrs. Quillin's responsibility.

Mayor Richards closed the public comment session at 7:12 P.M. and opened the consent agenda session.

## **X. COMMUNICATIONS - NONE**

## **XI. REPORTS** (All reports given will be included with your packet. Any questions about the reports will need to be discussed with the department head PRIOR to the meeting.)

### **A. Engineer's Status Report** The Engineer's Report was delivered by Jason Snapp.

**DEQ Sewer I&I Rehab Job:** The contractor has substantially completed the project. A substantial completion walk through was completed with Greg Jones (Town Manager), Bill Spencer (DEQ), Robert Estes (Contractor), Homer Vandergriff (Contractor), and Jason Snapp (M&C) on Friday, December 18<sup>th</sup> at 10:00AM. A project punch-list was compiled during this meeting and has been distributed to all involved parties. It will be the contractor's responsibility to complete the punch-list items to obtain final completion on the project. At final completion closeout documents will be processed and final payment to the contractor recommended.

Currently the overall budget is projected as stated below:

Construction	\$ 1,208,498.96
Contingency	\$ 0.00
Legal/Bond Counsel	\$ 6,000.00
Basic Engineering	\$ 128,000.00
Permits	\$ 9,325.00
Mussel Survey	\$ 8,100.00
Easements/ROW Maps & Deeds	\$ 23,452.00

Asset Management Plan	\$ 20,000.00
Easement Acquisition	\$ 4,405.00
Resident Project Inspection	\$ 80,000.00
Additional Engineering for Redesign	\$ 14,740.00

These projections are estimated and not final and total approximately \$1,502,520.96. The original project budget was set at \$2,111,595.00. Current estimated project savings are approximately \$609,074.04. These savings will be realized from the construction, resident project inspection, and contingency line items. The town has covered the required restocking fees in the amount of \$14,746.63.

**Sewer Asset Management Plan:** M&C has submitted the Asset Management Plan to the Town and DEQ for review. DEQ has approved and is awaiting project closeout documentation. If anyone would like hard copies for review please feel free to let me know. Contact info: [djsnapp@matternandcraig.com](mailto:djsnapp@matternandcraig.com) , 423-782-7336.

**H/C Ramp HSIP Project:** The project was bid at Town Hall on Thursday, June 25<sup>th</sup>; there was only 1 bidder that submitted. The lone bidder was Estes Brothers Const. at \$211,669.65. This was approximately 3 times the project's cost estimate. The project was re-advertised on Sunday, October 11<sup>th</sup> in the Kingsport Times newspaper. A Pre-bid conference was held at Town Hall on October 27<sup>th</sup> at 10:00AM with two bidders in attendance (Thomas Construction and Ken Construction). Bids were opened at Town Hall on Thursday, November 12<sup>th</sup> at 10:00 AM. There were 3 bidders on the project with Estes Brothers Construction being the low bidder at \$156,069.65. This was approximately \$56,000 over the construction budget; however, VDOT has provided additional grant funds to cover the funding shortfall. The bid approval package has been approved by VDOT and the project awarded to Estes Brothers Construction. A pre-construction conference was held on Tuesday, February 16<sup>th</sup> at 10:00AM at Mattern & Craig's offices in Kingsport. The NTP was set for March 29<sup>th</sup> and construction on the project is expected to start in early April. Mr. Snapp stated that once Estes is finished pouring the median on Highway 23 they will begin working on the ramps.

**DEQ Sanitary Sewer Evaluation Study:** DEQ has awarded the SSES funding package for Gate City (The Town's funding package totals \$100,000, and consists of \$75,000 grant money and a \$25,000 Town match). The Town is now authorized to start on this project by DEQ pending providing required paperwork to DEQ including procurement certification letters, signed engineering task order, and a project schedule.

**VDH Backup Generator Project:** VDH has tentatively offered funding in the amount of \$1,220,000 per the funding application for the Emergency Backup Generator Project M&C and the Town submitted last spring. The funding package consist of \$366,000 in grant funds and \$854,000 in loan funds with a term of 20 years. It is possible that a Waterworks Business Operations Plan could be attached to this project per the funding letter. The Town sent a letter stating their intent to accept the offer prior to the October 30, 2020 deadline. The Town and Mattern & Craig had a preliminary project call with VDH on January 27 at 10:00 AM. During this meeting the Town, Engineer, and VDH discussed the project and final funding selection process as well as schedule and adding a Water Business Operations Plan to the funding package. VDH has now approved adding the WBOP to the funding package as 100% grant funds. Mr. Snapp estimated an 18-month time frame from inception to the time when the generators can be used.

**Town Hall Renovations Project:** The Town Hall Renovations Project is nearing completion as the project is approximately 95% complete currently. The anti-microbial door handles are the only items left to install and we are currently waiting on them to be manufactured. The contractor has installed interim door handles to get the doors functional till the anti-microbial handles come in. Town Manager Greg Jones requested 20 keys for the new doors.

## **B. Manager's Report –**

- **Department of Housing and Community Development (DHCD): Park Street Housing Rehabilitation Project.**

DHCD has awarded \$522,200 for the Park Street Housing Rehabilitation Project. The funds will be used to rehabilitate seven residential homes, reconstruct two residential homes, and demolition of two vacant residential structures on Park Street.

554 Park Street - rehabilitation is complete

649 Park Street - demolition is complete

608 Park Street - demolition is complete

599 Park Street - demolition is complete

460 Park Street - wastewater issue is expected to be complete this week.

440 Park Street – Currently non-LMI – This status may change.

571 Park Street – Inspection should be completed soon.

609 Park Street – Inspection was completed on March 1<sup>st</sup>. Rehab to be bid.

669 Park Street – Currently Ineligible.

559 Park Street – Pending relocation of residence

639 Park Street – rehabilitation and demolition are on hold pending owner relocation

699, 579, 571, 460, and 440 Park Street has been impacted by five deaths.

- **Gateway Park**

Fence project has been completed. Planning Commission has been in discussion about sign procurement and placement.

- **Bond Counsel Procurement**

Both Virginia Department of Health and Department of Environmental Quality is requiring Bond Counsel Procurement for the upcoming projects. The Request for Qualifications (RFQ) has been drafted and approved. The deadline for responding to the RFQ was on February 10<sup>th</sup>, 2021. I am recommending Council to approve Spillman, Thomas, and Battle to serve as Bond Council. They have worked for the Town since 2012 and have completed nine bonds for us. Council Action: **Approve Bond Council Services**

- **Finance Committee Meeting – FY 2022 Budget**

The Finance Committee met on March 4<sup>th</sup> & 25<sup>th</sup>, 2021 to discuss the FY 2022 Budget. Items discussed included: potential revenue streams, reviewed long-term debt, reviewed department capital expense request, reviewed the first draft of the Capital and Community Development (CIP) improvement plan, Finance Committee recommended 2.5% Cost of Living increase and zero percent Merit increase for employee wages. Draft budget is complete and submitted to Council for review.

- **USDA Grant Award**

The Town has been awarded up to \$26,200 in funding to help offset the cost for the two 2018 Dodge Durango's that had been purchased for the Police Department. **Council Action: Approve Loan Resolution**

- **DCJS Body Camera Grant Award**

The Town has been awarded \$3,591 for new Body Cameras for the Police Department. This grant was a 50/50 with a total project cost of \$7,182.

- **Estil Cemetery Restoration Project**

To date 49 trees has been cut along the cemetery parameter. Highland Monument Conservation Company has started the first phase of cleaning the tombstones. **Council Action: Approve fence replacement quote**

- **State Corporation Commission (SCC) CARES ACT Municipal Utility Relief Grant**

The SCC CARES Act Municipal Utility Relief Grant became available on Tuesday, November 24<sup>th</sup>, 2020. The Grant Funding will allow relief for customers who are 30 and 60+ days delinquent with their water bill.

For our second round, we have received twenty-one qualified applications for a total request of \$7,468.57 in relief funds as of April 13th, 2021. **Council Action: Approve Transfer from the State Corporation Commission CARES Act Municipal Utility Relief Grant Account to the Water Fund Account**

- **Water Leaks**

**February-2021**

<u>Location</u>	<u>Repair Date</u>	<u>Materials used for Repair</u>
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No Water Line Leaks Repaired in February 2020.

**March, 2021**

<u>Location</u>	<u>Repair Date</u>	<u>Materials used for Repair</u>
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428 Una Street	3/12/2021	2" PVC, 2 ft. 2" line, 2" union, 1 ton rock
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C. **Attorney's Report** – Town Attorney Michele Brooks stated that she has not met with the building inspector, but has met with the county attorney and anticipates meeting with both of them next week.

- **946 West Jackson Street**

1<sup>st</sup> Offense

2<sup>nd</sup> Offense

D. **Council Reports** (Any new business from Committees that needs to come before the Council.)

**Mayor Bob Richards** – Mayor Richards stated that the Town has asked the Army Corps of Engineers to do a study and make recommendations for resolution of the flooding issues at Grogan Park.

**Vice-Mayor, Robin Richards-** Vice-Mayor Richards stated that the concrete tables are well received and are being used by residents and non-residents. Vice-Mayor Richards stated that she has been asked if there is a public restroom that is available in town when it gets dark. Vice-Mayor Richards stated that she has received some complaints that the other end of town also needs to have some tables set out.

**Council Member, Allan “Cotton” Roberts-** Council Member Roberts stated that Gate City Frontier met last night and discussed working on the green areas in town. Council Member Roberts stated that the town has ordered six picnic tables for the sidewalks. Council Member Roberts stated that the Run the Gate 5K event will take place on June 19<sup>th</sup> at 8 a.m. and volunteers or donations are needed. Council Member Roberts stated that all proceeds will go to the theatre revitalization project. Council Member Roberts stated that two members have resigned due to personal reasons and The Gate City Frontier needs Board of Directors members. Council Member Roberts stated that there will be a food truck on Mondays in downtown called the Yum Yum Food Truck and the Gate City Frontier will be hosting Small Town Saturdays May through September to try and bring more business to the downtown area. Council Member Roberts stated that the focus of Gate City Frontier this year is “Clean & Green”. Council Member Wallace W. Ross, Jr. asked if the Frontier is looking to put trash cans in between the tables? Council Member Roberts stated that the trash cans that we have can be repositioned. Council Member Roberts stated that Town Manager Greg Jones called the owner of the Mexican restaurant and the restaurant is up for lease and comes with the equipment and the building has been repaired. Council Member Roberts stated that since Gate City Frontier is a 501c3 we can work with the town through AEP who has a foundation grant to assist low to moderate income houses to get energy efficient heat pumps and appliances. Council Member Roberts stated that the grant has

been applied for and will hopefully help with the Park Street project and improve housing throughout town.

**Council Member, Roger Cassell-** Council Member Cassell stated that there is concern about the fence at the high school field at Grogan Park. Council Member Cassell stated that the high school is still using the field to practice and is concerned that the kids may fall on the fence that has been taken down even further by the recent flood. Council Member Roberts stated that the Little League is supposed to maintain the senior league field. Town Attorney Michele Brooks stated that we were going to look at our contract with the school and with Little League. Council Member Cassell asked if this could be filed on insurance since it is flood damage? Town Manager Greg Jones stated that he did not believe so. Council Member Cassell stated that the sports complex is being utilized by the little kids. Council Member Kilgore suggested having a fence company look at the damage and possibly sharing the cost with Little League.

Council Member Roger Cassell asked Chief Miller if the Crown Vic that is on the lot is available to sell? Chief Miller stated that when the other Crown Victorias were sold, the titles were mixed up and Office Manager Lisa Loggans is currently working to get the replacement title for it and we will sell as soon as this is obtained. Council Member Cassell asked if the seized vehicles can be sold? Chief Miller stated that the two vehicles that have been through court can be sold. Chief Miller stated that Sergeant Penley has put someone in charge of cleaning those up so that they can be sold.

**Council Member, Wallace W. Ross, Jr.-** Council Member Wallace W. Ross, Jr. asked when will we begin cutting grass? Town Manager Greg Jones stated that we start mowing this week. Council Member Ross stated that we have old cameras at the water plant and asked if the technology is updated enough to protect us from individuals tampering with our water? Town Manager Greg Jones stated that our system is a closed system and is not available for someone to come in from online and attack. Council Member Wallace W. Ross, Jr. asked if the new tables on Jackson Street will freeze and crack during the winter? Town Manager Greg Jones stated that they will eventually wear. Council Member Ross asked if the light bulbs on the East end of town have all been changed since they are dark? Town Manager Jones stated yes. Council Member Ross stated that the drain system on Cleveland Street needs to be cleaned out once a month because it is causing water to flood in the road. Vice-Mayor Robin Richards stated that this is not the only spot where the drains cannot hold water and they do need to be cleaned out but it is not realistic to clean them out once a month. Town Manager Jones stated that the ones Council Member Ross is talking about are owned by VDOT and they are aware of the issue.

**Council Member, Tyler Kilgore-** Council Member Kilgore requested that a town wide communication be sent out about trash being set out in bags in order to remind residents that the trash is supposed to be in a can. Town Manager Greg Jones asked if Council Member Kilgore would want to do a press release? Council Member Kilgore stated to do whatever we need to in order to provide that reminder. Vice-Mayor Robin Richards stated that this has been a problem for a long time. Town Manager Greg Jones asked if this is something Council wants enforced? Vice-Mayor Richards stated that we have an ordinance. Town Attorney Michele Brooks asked if there would be room to put a notice on the water bill? Town Manager Greg Jones stated that we can put it on there. Vice-Mayor Richards asked if there are funds to get residents trash cans? Town Manager Greg Jones stated that we are going to address the trash truck in 2025 and will look at trash cans to match the working arm and other protocols that the trash truck can do. Council Member Cassell mentioned a home near Crossroads Church that has several pieces of trash in the yard and he believes the home to be vacant. Town Attorney Michele Brooks stated that the SCOTT Service participants are looking for things to get done and may be able to assist with this issue. Vice-Mayor Robin Richards asked Town Manager Greg Jones to contact Mrs. Keith about having the SCOTT Service workers pick up the trash.

- E. **Sanitation Authority** – Town Attorney Michele Brooks stated that negotiations are continuing and we are hopeful for resolution. Town Attorney Michele Brooks stated that we are waiting for updated numbers from our CPA that we hope to have by the end of the week.



- F. **Police Department** – Chief Miller stated that while he was out, Sergeant Penley handled everything very well. Chief Miller stated that they were getting speed complaints near the pool hall and West Jackson Street and have since allocated the majority of their speed grant time to that and approximately 30 tickets have been written in the past couple of weeks. Chief Miller stated that he would like to give Officer Shelley a lifesaving award at the end of the year and explained the scenario in which Officer Shelley saved an individual's life.

## **XII. UNFINISHED BUSINESS**

### **1. Approval - Quote Cemetery Fence**

Town Manager Greg Jones stated that the low bid on this project was Tri-Cities Fence with a bid of \$15,905. Town Manager Greg Jones stated that previously, they did not have listed a bottom tension wire. However, that is included in this price and they have amended the quote to list the tension wire. Vice-Mayor Robin Richards asked if the entire cost will be coming from the Estil Cemetery fund and not out of general fund? Town Manager Greg Jones stated yes.

Motion made to approve Tri-Cities Fence with a price of \$15,905 to put new fencing around Estil Cemetery.

Motion by: Allan "Cotton" Roberts

2nd by: Tyler Kilgore

VOTE: Aye: 4

Nay:

Absent:

Abstain: 1

**Motion Carried.**

## **XIII. NEW BUSINESS**

- **Motion made to move item XV. Closed Session up in the agenda, after item 1. DHCD-Fair Housing Activity located under item XIII. New Business**

Motion by: Robin Richards

2nd by: Allan "Cotton" Roberts

VOTE: Aye:5

Nay:

Absent:

Abstain:

**Motion Carried.**

### **1. DHCD – Fair Housing Activity (Informational)**

Ms. Deana Stoddard with LENOWISCO Planning District Commission stated that anytime there are community development block funds involved in a grant, you are required annually to update your fair housing activity. Ms. Stoddard stated that the Town of Gate City, or the grantee, endorses a commitment to Fair Housing practices. Ms. Stoddard stated that we endeavor to ensure equal opportunity to all persons residing in The Town of Gate City to live in decent housing. Ms. Stoddard stated that the Town of Gate City prohibits discrimination in the sale, purchase, rental, or financing of housing against any person on the basis of race, color, religion, national origin, sex, age, familial status, disability, veteran status, gender identity, sexual orientation, or source of funds. Ms. Stoddard stated that the Town Manager is the designated authority for investigating all complaints of Fair Housing discrimination. Ms. Stoddard stated that the Town must keep itself aware of these provisions of Fair Housing activity in our Town and things like this can be found on the Department of Professional and Occupational Regulation. Ms. Stoddard stated that this item on the agenda is presented as an annual activity in support of Community Development Block Grant-funded projects in The Town of Gate City. Ms. Stoddard asked if there are any questions? There were no questions from any members.

## **XV. CLOSED SESSION**

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

Motion by: Allan "Cotton" Roberts

2<sup>nd</sup> by: Robin Richards

VOTE: Aye: 5

Nay:

Absent:

Abstain:

**Motion Carried.**

Mayor Richards opened the closed session at 8:20 P.M.

## **XVI. RETURN FROM CLOSED SESSION**

**Motion made for Council to return from closed session.**

Motion by: Allan "Cotton" Roberts

2<sup>nd</sup> by: Robin Richards

VOTE: Aye: 5

Nay:

Absent:

Abstain:

**Motion Carried.**

Council returned from closed session at 9:11 P.M.

## **CERTIFICATION OF CLOSED MEETING – Read by: Town Attorney Michele Brooks**

**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.

ROLL CALL VOTE: Aye: Mayor Bob Richards  
Vice Mayor, Robin Richards  
Council Member, Allan "Cotton" Roberts  
Council Member, Roger Cassell  
Council Member, Wallace W. Ross, Jr.  
Council Member, Tyler Kilgore

Nay:

Absent:

Abstain:

## **XVII. MOTIONS FROM CLOSED SESSION: NONE**

**XVIII. ACTION FROM CLOSED SESSION:** Vice-Mayor Robin Richards stated that after the discussion of the presented issue involving Sam's and Southwest Towing, we are going to request that all towing companies that are on the 911 list present to the Town a federal and Virginia state tax return for 2017 to current. Vice-Mayor Richards stated that this will show that distinct business. Vice-Mayor Richards stated that anyone who is on the 911 list, is giving consent to this information when they sign for their business permit. Mr. Dockery asked what if you file jointly? Town Attorney Michele Brooks stated that the business must prove gross receipts according to Virginia Code. Mayor Bob Richards stated that on the business license form it states that you may attach your federal tax

return and some of our businesses do that already without us requesting it, but in this case, we are requesting it. Mr. Dockery asked if his wife's business is back on the 911 list now? Vice-Mayor Robin Richards stated that his wife is not on the list until we can review the tax return. Mr. Dockery stated that he and his wife file together. Town Attorney Michele Brooks stated that we have to show the gross receipts for each business. Mr. Dockery stated that Southwest Towing is put on a sheet and that is how the taxes are turned in for the Town. Council Member Roberts stated that you have to file federal income tax on that business if you have an EIN number it must be on that particular business and if there is one on Sam's it has to be filed on the EIN for that business. Mr. Dockery stated that he did not know how he will break this down because it is all together because it is filed jointly. Council Member Roberts stated that if it is a business, it should be filed separate. Mr. Dockery stated that it is all filed as Sammy Lee Dockery. Mr. Sluss stated that he also files this way. Town Attorney Brooks stated that there has to be a method that you determine gross receipts because it has been listed on the business license and asked how are gross receipts determined for each business? Mr. Sluss stated that every time a tow is completed in the town it is listed as Gate City and lists what we do and how much we charge. Town Attorney Brooks stated that whatever the method is that you prove gross receipts for the Town, is what we are going to need. Town Attorney Brooks stated that we have to have proof of gross receipts for that business. Mr. Dockery stated that he has a sheet that has Southwest Towing and then Sam's Towing. Council Member Roberts asked if this is all filed on personal taxes not business? Mr. Dockery stated yes it is dba because we are a sole proprietor, not incorporated. Town Attorney Michele Brooks stated that we are asking you to provide proof of gross receipts for five years back to present for each business that you have that you are asking to be on the 911 list. Mr. Sluss asked if he will be able to put another business on the list with the Town? Town Attorney Brooks stated that those decisions have not been made yet, we want everyone to be treated fairly and equally.

**2. Emergency Paid Sick Leave Policy – Extend expiration to June 30<sup>th</sup>, 2021**

Town Manager Jones stated that this policy expired in March and this will extend it to June 30<sup>th</sup>, 2021.

Motion made to extend the expiration of the Emergency Paid Sick Leave Policy to June 30<sup>th</sup>, 2021.

Motion by: Allan "Cotton" Roberts

2nd by: Roger Cassell

VOTE: Aye: 5

Nay:

Absent:

Abstain:

**Motion Carried.**

**3. Approve Mattern & Craig's Contract**

Town Manager Greg Jones stated that this is the result of the RFP for engineering services and the interview committee and Council have already approved that. Town Manager Jones stated that now we need to sign off on the contract, which Town Attorney Michele Brooks has already reviewed.

Motion made to approve the Mattern & Craig contract as our engineering firm.

Motion by: Allan "Cotton" Roberts

2nd by: Tyler Kilgore

VOTE: Aye: 5

Nay:

Absent:

Abstain:

**Motion Carried.**

**4. Approve Bond Counsel Services**

Town Manager Greg Jones stated this is the result of our RFP for Bond Counsel Services. Town Manager Jones stated that Spillman, Thomas and Battle were the only response but we have been doing business with them since 2012.

Motion made to approve bond counsel services with Spillman, Thomas & Battle.

Motion by: Roger Cassell

2nd by: Allan "Cotton" Roberts

VOTE: Aye: 5

Nay:  
Absent:  
Abstain: **Motion Carried.**

**5. USDA Grant Police Vehicles – Loan Resolution**

Motion made to approve the USDA Grant for the Police Vehicles – Loan Resolution.

Motion by: Allan “Cotton” Roberts

2nd by: Tyler Kilgore

VOTE: Aye: 5

Nay:  
Absent:  
Abstain: **Motion Carried.**

**6. Approve Transfer from the State Corporation Commission CARES Act Municipal Utility Relief Grant Account to the Water Fund Account**

Town Manager Greg Jones stated that we would like to ask that \$7,468.57 plus whatever amount is delinquent on April 18<sup>th</sup>, 2021 be approved.

Motion made to approve the transfer from the State Corporation Commission CARES Act Municipal Utility Relief Grant Account to the Water Fund Account in the amount of \$7,468.57 plus or minus the current value through April 18<sup>th</sup>, 2021.

Motion by: Allan “Cotton” Roberts

2nd by: Roger Cassell

VOTE: Aye: 5

Nay:  
Absent:  
Abstain: **Motion Carried.**

**7. RFP Approval – Lombard Street**

Town Manager Greg Jones stated that this is for paving and is part of the plan for this year’s budget to finish the last half of Lombard Street. Town Manager Jones stated that the state paved their half already and this will allow us to finish it all the way. Council Member Wallace W. Ross, Jr. asked how much will this cost to pave? Town Manager Jones stated that this is just looking for quotes.

Motion made to approve the RFP to complete the Lombard Street paving.

Motion by: Allan “Cotton” Roberts

2nd by: Robin Richards

VOTE: Aye: 5

Nay:  
Absent:  
Abstain: **Motion Carried.**

**8. RFQ Approval - Architectural Firm to help develop Gate City Theater**

Town Manager Greg Jones stated that this is to help us get the project developed and to make needed changes since the pool hall is not available to us. Town Manager Jones stated that they will also assist us with grant writing and possibly bigger projects. Town Manager Jones stated that we are asking for qualifications and we will keep the same interview team as we had for the engineering firms because it follows the same format.

Motion made to approve RFQ for an architectural firm to help develop Gate City Theater.

Motion by: Allan “Cotton” Roberts

2nd by: Robin Richards

VOTE: Aye: 5

Nay:  
Absent:  
Abstain: **Motion Carried.**

**9. Scott County Courthouse Committee Appointment: Tim Bradshaw**

Town Manager Jones stated that we have received Mr. Bradshaw's letter of intent.

Motion made to appoint Tim Bradshaw to the Scott County Courthouse Committee.

Motion by: Roger Cassell

2nd by: Wallace W. Ross, Jr.

VOTE: Aye: 5

Nay:

Absent:

Abstain: **Motion Carried.**

**10. Sidewalk Project: Kane Street - Engineers to scope project with intent to apply for Transportation Alternative Program (TAP) 80/20 grant funding.**

Motion made to approve Sidewalk Project: Kane Street - Engineers to scope project with intent to apply for Transportation Alternative Program (TAP) 80/20 grant funding.

Motion by: Roger Cassell

2nd by: Allan "Cotton" Roberts

VOTE: Aye: 5

Nay:

Absent:

Abstain: **Motion Carried.**

**11. 169 Reed Hollow Road – Property Maintenance Violation.**

Town Manager Jones stated that the issue that we are having is that there are structural issues and there is a family of foxes living underneath the house that are causing problems with the neighbors. Town Manager Greg Jones stated that the owners have been written up twice and believes court action is needed. Vice-Mayor Richards asked if the neighbors would be the individuals to bring up suit? Town Manager Jones stated that they can, but it is still a property maintenance issue. Vice-Mayor Richards asked if there is anyone in the home? Town Manager Jones stated that it is vacant.

Motion made to file lawsuit 169 Reed Hollow Road – Property Maintenance Violation.

Motion by: Allan "Cotton" Roberts

2nd by: Tyler Kilgore

VOTE: Aye: 5

Nay:

Absent:

Abstain: **Motion Carried.**

**12. Memorandum of Understanding Approval: Commonwealth Attorney**

Town Attorney Michele Brooks stated that this starts May 01, 2021 through November 2021 and there is a 30-day termination at any point, so that if this doesn't work out for us, then we can go another direction. Chief Miller asked if we are making an arrest for a misdemeanor offense, are we getting those warrants issued under the town? Town Attorney Brooks stated that she and the Commonwealth Attorney are going to work together to modify the Town Code, but as of right now continue as you have been.

Motion made to approve the Memorandum of Understanding for the Commonwealth Attorney.

Motion by: Allan "Cotton" Roberts

2nd by: Tyler Kilgore

VOTE: Aye: 4

Nay:  
Absent:  
Abstain: 1

**Motion Carried.**

### **13. FY 2022 Budget (Discussion Only)**

Town Manager Greg Jones presented the proposed budget for FY 2022 for the General Fund and the Water Fund. Town Manager Jones stated that in the General Fund, we have done really well as far as total overall revenue and this year our revenue will go towards approximately \$1.356 million for next year. Town Manager Jones stated that under the Capital Improvement Plans, we need a new server work station for \$7,000 and the service that we have is 2013 and the operating systems are about to expire. Town Manager Jones stated that there is also a sponsorship for The Heart of Appalachia Tourism under economic development, \$30,000 for raising 337 Library Avenue and 946 W Jackson Street and \$20,000 for contracting for mowing rights-of-way under property maintenance, and money to replace the dump truck bed and for a small street sweeper under public works. Town Manager Greg Jones stated that there is \$18,000 for the MOU that was just passed which is a new expenditure item. Town Manager Jones stated that the police department will also be getting defibrillators for each of the vehicles. Town Manager Jones stated that he would like to pay off some debt with the surplus this year including one police vehicle, the backhoe, and town hall since they are close to retirement and this will free up some cash flow. Town Manager Jones stated that Franklin Street is also included to be paved per recommendation by the Street Committee. Town Manager Jones stated that the total expenditures coming out of the General Fund will be \$2.358 million. Vice-Mayor Richards asked if we only have \$20,000 for paving and streets next year? Town Manager Jones stated that is what we have budgeted.

Town Manager Jones reviewed the Water Fund and mentioned the Utility Relief Grant Funding and PSA water sales. Town Manager Jones stated that the debt-service ratio coverage target rate is 115% which keeps our bond holders satisfied and we are barely at 100% now which means that we will be looking at a water rate increase next year which will be seen in 2023. Town Manager Jones stated that the increase will be driven by chemical expenses which have increased 40% in the last 2-3 years and the backup generator project. Mayor Richards asked why \$20,000 is being spent on murals? Town Manager Jones stated that this is an item that was left from previous years, but it can be taken out. Council continued discussion concerning the FY 22 proposed budget. Mayor Richards asked if there has been any discussion of looking at alternative revenue streams? Council Member Cassell stated yes, there is an option to increase meals tax because we are at barely half of what the state limit is. Mayor Richards stated that almost \$60,000 is going towards events. Council Member Cassell stated that it is his understanding that is coming from business licenses. Council Member Roberts stated that we decided to take a percentage from business licenses several years ago because it goes back in through events to help maintain the businesses in town and possibly bring other businesses into town. Council Member Cassell asked if we can show that we are making \$60,000 back to cover it? Town Manager Greg Jones stated that you can see it through the 40%-45% increase in meals tax in the last several years as well as the increase in business license. Council Member Cassell reviewed his plan to invest and evaluate projects that can be funded through additional money from the Sanitation Authority. Vice-Mayor Richards stated that we have many streets that need attention. Town Manager Jones stated that our options are to find additional revenue sources or to reallocate funding we already have. Vice-Mayor Richards stated that we can't continue to increase everything; we need to decide what our priorities are.

### **14. Public Hearing: FY 2022 Budget: May 11<sup>th</sup>, 2021 at 6:30 P.M.**

Motion made to advertise Public Hearing: FY 2022 Budget: May 11<sup>th</sup>, 2021 at 6:30 P.M.

Motion by: Allan "Cotton" Roberts

2nd by: Roger Cassell

VOTE: Aye: 5

Nay:  
Absent:  
Abstain:

**Motion Carried.**

### **15. Employee Bonus: \$500 Full Time, \$250 Part Time**

Town Manager Greg Jones stated that this recommendation is coming from the finance committee. Council Member Cassell asked if a response was given concerning the CARES Act funding this? Town Manager Greg Jones stated that he has not gotten a response from the county. Council Member Cassell asked if we get a response, will we use CARES funding? Town Manager Jones stated we can, but as of right now, the county is not responding. Council Member Roberts stated that many corporations are doing this because employees have continued to work through COVID. Council Member Roberts stated that our employees have too and he believes they deserve it. Council Member Ross asked how much this will cost if it comes from general fund? Town Manager Greg Jones stated it will cost \$9,200. Council Member Roberts stated that if we can use the CARES Act funds, it will not come out of general fund. Town Attorney Michele Brooks stated that the county is the local CARES funding administrator and it will be up to them. Vice-Mayor Robin Richards asked if this will include employees only or if council members who came to the council meetings during COVID will be included as well? Town Manager Greg Jones stated it is employees only.

Motion made to approve employee bonus: \$500 Full Time, \$250 Part Time.

Motion by: Allan "Cotton" Roberts

2nd by: Tyler Kilgore

VOTE: Aye: 4

Nay: 1

Absent:

Abstain:

**Motion Carried.**

#### **XIV. PUBLIC COMMENT – NEW BUSINESS - NONE**

**-Items XV. - XVIII. have been moved under item 1. NEW BUSINESS.**

#### **XIX. ADJOURN**

**Motion made to adjourn.**

Motion by: Allan "Cotton" Roberts

2<sup>nd</sup> by: Roger Cassell

VOTE: Aye: 5

Nay:

Absent:

Abstain:

**Motion Carried.**

\*Mayor Richards adjourned the meeting at 10:05 P.M., until the next scheduled Council Meeting on May 11, 2021.

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Bob Richards – Mayor

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Lydia Morales - Town Clerk