

**REGULAR MONTHLY** Meeting of the Gate City Town Council was held on Tuesday, April 10, 2007 at 6:39 pm at the Gate City Town Hall.

**PRESENT:** Mayor Mark Jenkins, Vice-Mayor Rita Tipton, Carl Hurt, Roger Cassell, Frances Perry, Town Attorney Mike Carrico, Recorder Heather Kiser

**ABSENT:** Tommy Herron

**OTHERS PRESENT:** Richard Hubbard, Arletha Newton, Chuck Newton, Stoney Falin, Sam Cruby, Loretta Cruby, John Sheppard, Steve Whitten, Gary Grau, Tommy Quillin, Lois Quillin, Tim Addington, Diane Grau, Ron Kindle

Mayor Mark Jenkins called the meeting to order at 6:30 pm.

Invocation was provided by John Sheppard.

The Pledge of Allegiance was provided by Chuck Newton.

Upon a motion by Rita Tipton and duly seconded by Frances Perry, members voted to approve the minutes from the March 2007 regular monthly meeting. Voting in favor of this motion was Rita Tipton, Frances Perry, Carl Hurt, and Roger Cassell. There were no opposing votes. Absent from the vote and meeting was Tommy Herron.

Mayor Mark Jenkins opened the floor for public comment at this time.

Chuck Newton spoke about the traffic problem at New People's Bank. He suggested that a yield sign be posted to inform driver's coming out of New People's Bank.

The council discussed possible solutions at this time.

The town will ask the state to see what they can do to correct this problem.

Richard Hubbard discussed the problems with the Town Ordinance book. He also informed the council that the Uniform Statewide Building Code was approved by the council on three occasions. He suggested that the council vote to do something about updating the ordinance book.

Tim Addington thanked the council for their help with repairing the water line leak at the E-911 building.

Mayor Mark Jenkins closed the public comment section at this time.

The council discussed the sealed bids for water tank maintenance.

Only one vendor submitted a sealed bid.

Upon a motion by Rita Tipton and duly seconded by Carl Hurt, members voted to accept the soul bid for water tank maintenance. Voting in favor of this motion was Rita Tipton, Carl Hurt, Roger Cassell, and Frances Perry. There were no opposing votes. Absent from the vote and meeting was Tommy Herron.

The council discussed donating surplus beakers and glassware to the school system.

Upon a motion by Frances Perry and duly seconded by Carl Hurt, member voted to donate the surplus beakers and glassware to the school system. Voting in favor of this motion was Frances Perry, Carl Hurt, Roger Cassell, and Rita Tipton. There were no opposing votes. Absent from the vote and meeting was Tommy Herron.

The council discussed the resolution from LENOWISCO regarding Regional Water Supply Planning and Application for a FY08 Water Supply Planning Grant. The resolution is as follows:

## **RESOLUTION**

### **A Resolution Regarding Regional Water Supply Planning and Application for a FY08 Water Supply Planning Grant**

Whereas the Virginia General Assembly has mandated the development of local and regional water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process; and

Whereas, based upon these regulations, [city/county/town](#) is required to complete a water supply plan that fulfills the regulations by deadlines based on population, specifically:

November 2, 2008 for local governments with populations in excess of 35,000

November 2, 2009 for local governments with populations between 15,001 and 35,000

November 2, 2010 for local governments with populations 15,000 or less

Whereas, local governments may elect to join one or more other local governments to develop a regional water supply plan for which a deadline of November 2, 2011 has been established.

Whereas, the following elements must be included in all local or regional water supply programs:

- A description of existing water sources in accordance with 9 VAC 25-780-70;
- A description of existing water use in accordance with the requirements of 9 VAC 25-780-80;
- A description of existing water resource conditions in accordance with the requirements of 9 VAC 25-780-90;
- An assessment of projected water demand in accordance with the requirements of 9 VAC 25-780-100
- A description of water management actions in accordance with the requirements of 9 VAC 25-780-110 and 9 VAC 780=120;
- A statement of need in accordance with the requirements of 9 VAC 25-780-130;
- An alternatives analysis that identifies potential alternatives to address projected deficits in water supplies in accordance with the requirements of 9 VAC 25-780-130;
- A map or maps identifying important elements of the program that may include existing environmental resources, existing water sources, significant existing water uses, and proposed new sources;
- A copy of the adopted program documents including any local plans or ordinances or amendments that incorporate the local program elements required by this chapter;
- A resolution approving the plan from each local government that is party to the plan; and
- A record of the local public hearing, a copy of all written comments and the submitter's response to all written comments received, and

Whereas, it is reasonable and prudent to for the following local governments to coordinate and collaborate in the development of a regional water supply plan: (all of the localities in the LENOWISCO service area): County of Lee, County of Scott, County of Wise, City of Norton, Town of Jonesville, Town of Pennington Gap, Town of St. Charles, Town of Clinchport, Town of Duffield, Town of Dungannon, Town of Gate City, Town of Nickelsville, Town of Weber City, Town of Appalachia, Town of Big Stone Gap, Town of Coeburn, Town of Pound, Town of St. Paul, and Town of Wise; and

Whereas the Virginia Department of Environmental Quality has announced the availability of grant funds to assist localities offset some of the costs related to the development of these plans and are encouraging localities to submit applications for grant funds using regional water supply plans; and

Whereas, regional water supply planning is a sensible approach to developing a water supply plan since watershed boundaries do not follow political boundaries and since there will likely be cost savings to all jurisdictions participating; and

Whereas, for purposes of this DEQ water supply grant fund program, [city/county/town](#) will participate within a water supply region consisting of the localities of (all of the localities in the LENOWISCO service area): County of Lee, County of Scott, County of Wise, City of Norton, Town of Jonesville, Town of Pennington Gap, Town of St. Charles, Town of Clinchport, Town of Duffield, Town of Dungannon, Town of Gate City, Town of Nickelsville, Town of Weber City, Town of Appalachia, Town of Big Stone Gap, Town of Coeburn, Town of Pound, Town of St. Paul, and Town of Wise; and

Whereas, the LENOWISCO Planning District Commission has previously managed the development of successful regional water supply plans and other regional plans and is a logical entity to organize and manage a regional water supply planning process; and

Whereas, the LENOWISCO Planning District Commission has previously written, received, and managed DEQ water supply grants and is the logical entity to apply for, on behalf of the communities participating in the regional water supply plan; and

Whereas, the LENOWISCO Planning District Commission desires to manage and develop a regional water supply plan for the region, and participating localities in the region agree with this approach, and

Whereas, the region, through the LENOWISCO Planning District Commission wishes to apply for and secure DEQ grant funds to help offset the cost of the plan development.

NOW, THEREFORE BE IT RESOLVED that [city/county/town](#) agrees to participate with all of the localities in the LENOWISCO service area: County of Lee, County of Scott, County of Wise, City of Norton, Town of Jonesville, Town of Pennington Gap, Town of St. Charles, Town of Clinchport, Town of Duffield, Town of Dungannon, Town of Gate City, Town of Nickelsville, Town of Weber City, Town of Appalachia, Town of Big Stone Gap, Town of Coeburn, Town of Pound, Town of St. Paul, and Town of Wise in the development of a regional water supply plan and authorizes the LENOWISCO Planning District Commission to manage and develop said regional water supply plan that will comply with mandated regulations; and

BE IT FURTHER RESOLVED that the LENOWISCO Planning District Commission is authorized to develop an application for water supply planning grant funds to offset to the extent feasible the cost of developing said regional water supply plan; and

BE IT FURTHER RESOLVED that Ronald C. Flanary, Executive Director of the LENOWISCO Planning District Commission is authorized to sign the DEQ grant contract and other appropriate documents related to the source water planning grant and the regional source water supply plan, and

BE IT FURTHER RESOLVED that the LENOWISCO Planning District Commission intends to provide up to \$10,000 in matching funds (cash) for the project for work performed within the organization to meet the requirements of the regional water supply planning effort, and

BE IT FINALLY RESOLVED that the State Water Control Board and the Department of Environmental Quality should consider this resolution from each of the participating localities their Letters of Intent to participate in a regional water supply plan with a completion due date of November 2, 2011, in accordance with 9 VAC 25-780-50.B.4.

Upon the Motion of \_\_\_\_\_ and second by \_\_\_\_\_, this RESOLUTION is hereby approved on this the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Upon a motion by Roger Cassell and duly seconded by Carl Hurt, members voted to allow the mayor to sign the resolution regarding regional water supply planning and application for a FY08 water supply planning grant. Voting in favor of this motion was Roger Cassell, Carl Hurt, Frances Perry, and Rita Tipton. There were no opposing votes. Absent from the vote and meeting was Tommy Herron.

The council discussed the appeal for a livestock permit.

Mayor Mark Jenkins denied the request for a livestock permit and the owners want to appeal the matter to the council.

Upon a motion by Roger Cassell and duly seconded by Rita Tipton, members voted to deny the livestock appeal. Voting in favor of this motion was Roger Cassell, Rita Tipton, Frances Perry, and Carl Hurt. There were no opposing votes. Absent from the vote and meeting was Tommy Herron.

The council discussed an increase in pay for the American Legion and what they did for the park. The American Legion mows the park each week, plants flowers, and keeps the park clean. The mowing of the park is a fundraiser for the American Legion.

Chuck Newton spoke about the American Legion.

Upon a motion by Carl Hurt and duly seconded by Rita Tipton, members voted to increase American Legions pay to \$125.00 per mowing. Voting in favor of this motion was Carl Hurt, Rita Tipton, Frances Perry, and Roger Cassell. There were no opposing votes. Absent from the vote and meeting was Tommy Herron.

Mayor Mark Jenkins discussed Gary Grau's water bill with the council at this time. The water at Mr. Grau's house was cut off due to a fire. Mr. Grau came to the council to ask that the bills be adjusted due to the fact that the water was shut-off on the day of the fire.

The council discussed the water bill at this time.

Upon a motion by Frances Perry and duly seconded by Rita Tipton, members voted to abate the water bills for Mr. Gary Grau from the date of the fire until the time the water is reconnected with no charge for reconnection. Voting in favor of this motion was Frances Perry, Rita Tipton, Roger Cassell, and Carl Hurt. There were no opposing votes. Absent from the vote and meeting was Tommy Herron.

Gary Grau discussed the water lines inside the house being repaired possibly this month.

The council discussed reimbursing Mr. Johnson for damages to a basketball goal that was caused by the town's trash truck.

Mr. Johnson purchased a used goal to replace the one that was damaged for \$40.00. He is asking the council to reimburse him for the used goal.

Upon a motion by Roger Cassell and duly seconded by Frances Perry, members voted to reimburse Mr. Johnson \$40.00 for a used basketball goal. Voting in favor of this motion was Roger Cassell, Frances Perry, Carl Hurt, and Rita Tipton. There were no opposing votes. Absent from the vote and meeting was Tommy Herron.

Tim Addington discussed the American Red Cross Jail and Bail that will be held at the E-911 Building on Friday, April 13, 2007. He is asking the town's endorsement to allow the Gate City Police Department to assist with the Jail and Bail.

Town Attorney Mike Carrico asks about insurance coverage if someone is injured.

Upon a motion by Roger Cassell and duly seconded by Rita Tipton, members voted to participate with the Jail and Bail having insurance whether the Town's insurance or American Red Cross' insurance. Voting in favor of this motion was Roger Cassell, Rita Tipton, Frances Perry, and Carl Hurt. There were no opposing votes. Absent from the vote and meeting was Tommy Herron.

Tim Addington discussed the topographical survey of the town with the council at this time. He discussed the possible VGIN upgrade to the topographical map. He is requesting that the town budget \$5,000 to perform the upgrades to the Town's topographical survey.

Mayor Mark Jenkins asks why the county is not paying for the upgrades.

The county is paying for some of the upgrades.

Roger Cassell asks what the town would get if they did not pay for the upgrades.

Mayor Mark Jenkins would like the budget committee to see a presentation of the difference in the current topographical survey and the upgraded topographical survey.

The council discussed water taken from a town fire hydrant without permission.

The Commonwealth Attorney does not want to prosecute the individual.

Town Attorney Mike Carrico informed the council that the town could take out warrants on the individual.

Police Chief Jason Cox observed the individual taking the water from the fire hydrant.

Chief Cox could obtain the warrants from the magistrate.

Mayor Mark Jenkins told Chief Cox to go in front of the magistrate and obtain the proper warrants.

Steve Whitten discussed subdividing a tract of land in the town with the council at this time.

The tract of land is not being subdivided to develop a subdivision.

Mr. Whitten discussed the plats he presented to the council and what would be subdivided.

Subdividing the tract of land does not conflict with any of the town's current ordinances.

Upon a motion by Roger Cassell and duly seconded by Frances Perry, members voted to allow Mr. Steve Whitten to subdivide the tract of land. Voting in favor of this motion was Roger Cassell, Frances Perry, Rita Tipton, and Carl Hurt. There were no opposing votes. Absent from the vote and meeting was Tommy Herron.

Vice-Mayor Rita Tipton discussed the Planning Commission recommendation at this time. The recommendation is as follows:

That the Gate City Town Council consider BOTH funding a part-time position for typing in electronic format on an approved template the ordinances of the Town of Gate City AND sending out an RFP for the purpose of obtaining costs on having an outside firm doing codification or re-codification of our existing ordinances.

Mayor Mark Jenkins discussed a firm that would codify or re-codify the Town's existing ordinances.

Roger Cassell asks if Rhonda Stacey, the current part-time help, would be interested in codifying the ordinances.

Richard Hubbard discussed codification firms.

Town Attorney Mike Carrico suggested that the Mayor appoint a committee to work with the Planning Commission regarding the Town's Ordinance.

Upon a motion by Rita Tipton and duly seconded by Frances Perry, members voted to allow the Mayor to appoint a committee and proceed with the codification process. Voting in favor of this motion was Rita Tipton, Frances Perry, Roger Cassell, and Carl Hurt. There were no opposing votes. Absent from the vote and meeting was Tommy Herron.

The council discussed ways in which to keep members on the town's boards and committees. They discussed possibly paying the committee members to serve on the board.

The council decided to table this matter until next month so the town can research the pay rate for other municipalities' committee members.

Police Chief Jason Cox handed out the police department's monthly report.

Mayor Mark Jenkins commended Jason for getting the police department grant money. He also thanked Jason for watching the inmates while they worked at the park.

Stoney Falin handed out the public works' monthly report.

Mayor Mark Jenkins thanked the public works crew for coming out and repairing the water meter at Adkins' Subdivision.

Frances Perry asks about the purchase of a new dump truck for public works.

The dump truck and grinder pump will need to be included in the next budgeting cycle.

Mayor Mark Jenkins thanked the public works crew for their work at the park.

Loretta Cruby discussed her concerns listed on her monthly report.

The council deferred advertising for an engineering firm until next month's meeting.

Mayor Mark Jenkins thanked all the people that has volunteered to clean up the park.



Upon a motion by Frances Perry and duly seconded by Rita Tipton, members voted to pay the bills. Voting in favor of this motion was Frances Perry, Rita Tipton, Roger Cassell, and Carl Hurt. There were no opposing votes. Absent from the vote and meeting was Tommy Herron.

Upon a motion by Roger Cassell and duly seconded by Carl Hurt, members voted to adjourn the meeting at 8:26 pm. Voting in favor of this motion was Roger Cassell, Carl Hurt, Frances Perry, and Rita Tipton. There were no opposing votes. Absent from the vote and meeting was Tommy Herron.

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**MAYOR**

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**RECORDER**

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