

TOWN COUNCIL MEETING MINUTES
DECEMBER 11, 2007
TOWN HALL, 156 E. JACKSON ST.
6:00 P.M.

I. CALL TO ORDER

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

II. ROLL CALL

PRESENT: Mayor Jenkins
Vice-Mayor Tipton
Council Hurt
Council Cassell
Council Herron
Council Perry

ABSENT: None

III. INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation: Paul Argoe
Pledge of Allegiance: Mayor Jenkins

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

None

*Mayor Jenkins moved the Communications session to later in the meeting.

V. REPORTS

A. Manager

Mayor Jenkins discussed the public works department coming out repeatedly at all hours to repair major leaks. He complimented Stoney Falin and the other employees. He also congratulated the water treatment plant for their efforts towards repairing water lines. He complimented Council Tipton and Cindy Coates for putting a lot of time into the CDBG grant. He explained that James Parsons from VDOT plans to come in the spring to repair/clean the wall. He mentioned the sad closure of Daugherty Bros. and said he did not know what would be replacing the business. He said the dilapidated buildings have been identified by Robert Mullins and compiled on a list. Mayor Jenkins asked if any letters had been issued yet. Cindy Coates said Robert Mullins is supposed to give her the letters this week and then she will send them out as certified mail. Mayor Jenkins said the houses on Jackson St. and the Scott Motel will be addressed first. He said there is a surveyor doing the survey of Cleveland St. near Hales Chapel, and he may be finished. He said work is currently being done to determine the right-of-way for James Langrel's property. He said by the first of the year all of those areas should be marked. Mayor

Jenkins said there have been complaints of illegal dumping on a floodplain. Jason Cox commented that there is illegal dumping in that area and the Army Corps of Engineers and DEQ have been notified and will be coming in to address the problem.

B. Police Department

Jason Cox said the Council members should have a copy of the police/K-9 report for the month of November 2007. He added that the Christmas parade had a new route this year and the parade progressed more smoothly than in the past. Mayor Jenkins said VDOT had no complaints about the parade. Jason Cox explained that he would like to develop a parade committee for next year. Mayor Jenkins agreed that a parade committee would be a good idea. Jason Cox commented on Michael Delano having graduated from the academy last Friday. He said Michael is now a full time officer on the road. He also commented that Michael had no complaints from the academy staff. Mayor Jenkins thanked Jason Cox.

C. Public Works

Stoney Falin reported that November was a usual month for the department. He said VDOT is working on putting a plow bracket on the new dump truck. Council Cassell asked if the plow was new or used. Stoney Falin was unsure of the plow's age. Council Herron asked about the second page of the public works report. Stoney Falin explained that the second page listed the costs for the parts and pipe necessary to install a 2" and 3/4" hook-ups. Stoney commented that the town went in the hole financially with the Co-op. Mayor Jenkins thanked the department for getting the Christmas tree up. Council Perry also commented on the Christmas tree. Mayor Jenkins thanked Nick and Jordyn Coates for painting the Christmas theme on the windows of the town hall. Council Herron asked how much a new customer paid to tap on to the water line. It was said that the customer paid the old fees for a 3/4" \$350.00 water and \$650.00 sewer taps. Mayor Jenkins and Stoney Falin agreed that the tap fees need to be increased. Mayor Jenkins asked Stoney Falin if there were any more regulator failures on Manville Rd. Stoney said no. Mayor Jenkins thanked Stoney and the crew again.

D. Water Plant

Mayor Jenkins said he received a thank-you from Rufus Hood for the help that had been given to Dungannon in an attempt to find their leak. Loretta Cruby thanked Stoney Falin for his patience when she called him the other morning at 5am. She said the water level in the tank was down to 8.5 ft. during the last major water leak. She said the tank lost 22 ft. of water and another 1/2 ft. lost would have resulted in Gate City being without water completely. Mayor Jenkins thanked everyone for getting the school set up during the water leak. He said all the restaurants were notified. He recommended that customer notification be standard practice when water is being lost. Loretta said she was going to put limits for water loss in the emergency manual. Mayor Jenkins commented on how fortunate the town was to have water this past fall. Council Cassell noticed that there were no violations. Loretta Cruby said that because the lines were flushed, with help from Stoney Falin, the water readings were way below the contamination limit.

E. Sewer Plant

None

F. Planning Commission

None

G. Street Committee

Council Cassell mentioned the need for asphalt on the street next to Chris's Department Store. He said the town has not used much of the \$20,000 budgeted for street improvements. He asked if the public works department could use the current roller to accomplish the task. He mentioned how he had talked to Mayor Jenkins about the issue. He suggested that if the Council authorized it, and Stoney Falin had the time, to start working on some of the streets in town. Council Tipton agreed with his suggestion.

H. Sanitation Authority

None

I. Economic Development Committee

Council Tipton explained that the economic development committee is currently working on getting entrance signs designed for the east and west ends of Gate City. They are currently checking on prices and want to get labor for the project at the lowest cost possible, hopefully donated. She explained that the signs would cost approximately \$3800.00 each. She discussed how the committee feels like the town is not being aggressive enough in getting the old buildings taken care of. She mentioned the need for a drawing card. She brought up the Clinch Mountain Music Festival and suggested that it be used as a drawing card. The committee felt that the \$2000.00 allotted for the event was insufficient, and should be increased to \$5000.00. The committee suggested that Gate City needs publicity. She commented on how the town is not paying the budgeted salary to a town manager so there are funds available. She said major renovation and revitalization are mainly what the Council needs to be looking at. The economic development committee suggested that the leadership of Gate City needs to step up and get these things taken care of. Mayor Jenkins agreed with the main objective and goals for Gate City. Council Tipton said the committee does not believe developers will come into Gate City with the current blight in town. Council Tipton asked if a vote was needed to provide the extra funds for the Clinch Mountain Music Festival. Mike Carrico said the budget committee needs to review the issue. Mayor Jenkins said the budget committee should be able to approve the extra funds. Council Tipton added that the event would be advertised nationally. Council Cassell said the Council will have to start looking for a town manager after the first of the year. He explained that Mayor Jenkins and Cindy Coates currently have an excessive workload.

J. Park Committee

Council Tipton explained how she had a meeting with Mr. Stapleton and Mr. Lane last week. She sent in the December status report. A report has to be sent every 3 months to discuss progress from the grant. The grant calls for the trail and new bathrooms to be addressed first, followed by lighting, bridges, an outdoor classroom, water line extension, etc. She explained that Mr. Stapleton and Mr. Lane are going to help with other means of funding/grants. She said they will start preparing documents on January 3rd. Council Herron asked if the labor was documented. Council Tipton said it was. Council Tipton mentioned that Cynthia Waymack of the Department of Conservation and Recreation plans on coming to look at the progress at the park. Council Herron asked about the Bobcat. Mayor Jenkins said every move that has been made at the park has been documented. Council Cassell asked if Cynthia Waymack approved of the progress to date. Council Tipton said she had.

K. Council Reports

Council Herron asked about the Manville Rd. extension and suggested getting with the PSA. Mayor Jenkins said the water committee needs to meet with the PSA and Lenowisco. Council Hurt asked if the PSA was going to do the work. Mayor Jenkins said the PSA thought that they could do the work, but they really have to look at it and do an estimate. Lenowisco said the funds available are all that will be available. Mayor Jenkins said the issue needs to be pursued.

*Mayor Jenkins closed the Reports session and opened the Public Comment session.

VI. PUBLIC COMMENT

A. Wallace W. Ross Jr.

The Council received a communication from Wallace W. Ross Jr. regarding budget questions. He wanted to know if the budget was public knowledge and if he was legally permitted to ask questions regarding the 07/08 budget, after the budget was approved. Mike Carrico explained the budget is in place for the fiscal year, but that everything is public knowledge regarding the town except personnel and legal issues pursuant to the Virginia Code. He explained that we all have a right to know how the money is being spent in the town. Wallace W. Ross Jr. asked if the town had established signs regarding the town border and commented on the signs in Weber City. Mayor Jenkins said the signs will be strategically placed and more signage will come as more funds become available. Council Tipton said the signs will cost less if the labor is donated. Wallace W. Ross Jr. asked about the sign on Federal ?. Mayor Jenkins explained that the sign in question is not on Gate City property. He added that the sign had been donated and would probably not be removed. Mike Carrico mentioned that the Council had voted to accept that sign from the DECA Club. Council Perry said that the sign was a courtesy, and to remove it would be throwing a gift back in someone's face. The Council and Wallace W. Ross Jr. discussed signs for neighboring cities and towns. They discussed the difference between welcome signs and corporate limit signs. Wallace W. Ross Jr. asked about the deadline for the new signs. Council Tipton explained that a deadline cannot be assigned due to the work and processes involved. Wallace W. Ross Jr. asked about the status of a house on Chestnut St. Mayor Jenkins said that the house had been on the list since 1992. Wallace W. Ross Jr. made the suggestion to go to the job corps for funding/equipment on roads. Mayor Jenkins said we will use the job corps's equipment and labor if available. Mayor Jenkins said they do have some skilled labor. Wallace W. Ross Jr. made a point that the Cleveland St. project is not for him, but for Hales Chapel Church. Wallace W. Ross Jr. asked how he could find out about the 911 project regarding funding. Mike Carrico said Tim Addington was in charge of the 911 project.

B. Debbie Kindle

The Council received a communication regarding the theatre. She wanted to know how much time the new owner was given to do something besides put up 3 pieces of plywood. She asked if the owner was on the list of dilapidated buildings. Mayor Jenkins said the owner was not given a time limit, but that the property was on the list. She also discussed the area of HWY 23 where Gate City starts. She said it is dark and there are several lights out in front of the old Ford dealership. Mayor Jenkins said we could probably get the lights working properly. Council Cassell commented about the road being brightly lit, then dark by the Wilderness Road market.

C. Mayor Jenkins

The Council received a communication from Mayor Jenkins regarding a 5K race. Mayor Jenkins said he was approached by Dave Wells who wants to have a 5K race. Mayor

Jenkins assumes the race will be a fundraiser for YoungLife Ministries. Mayor Jenkins had told Mr. Wells that he would bring up the race during the public comment session of the meeting. Mr. Wells is expecting approximately 50-100 participants. He will probably bring the 5K race item to the Council next month with more details.

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

VII. CONSENT AGENDA

APPROVAL OF CONSENT AGENDA

MOTION: To approve the Consent Agenda.

VOTE: Yeas, 5
 Nays, None
 Absent, None

- A. Approval of Town Council meeting minutes of November 20, 2007.
- B. Approval of bill payments for November 2007 in the amount of \$106, 900.87.

*Mayor Jenkins closed the Consent Agenda session and added the Treasurer's Report.

A. Treasurer's Report

Cindy Coates reported that the tax payments are coming in and the deadline is December 20th. Council Herron asked if customers can make payments on taxes throughout the year. Cindy Coates said yes. Council Herron asked about penalty and interest. Cindy Coates said penalty and interest will be added after due date. Mayor Jenkins thanked Cindy for her treasurer and town manager duties.

*Mayor Jenkins closed the treasurer's report and moved the Communications session to this part of the meeting.

VIII. COMMUNICATIONS

A. Andy Miles

The Council received a communication from Andy Miles regarding an overview of funding programs. He passed out a packet listing some of the funding programs to the Council. He gave a summary of the funding, grants and low-interest loans that would be available next year. He characterized the listed programs as the 'tip of the iceberg'. He explained that of the key items not listed, the importance of a master plan can demonstrate that the town has thought-out a process. He explained the importance of planning ahead. He said 9 times out of 10, individuals wait too long to process certain documentation and fail to meet application deadlines. He mentioned that 75% grants are basically non-existent and most grants have a 50% match. He explained that there is no submission deadline for rural development funding, however, applications should be in by July/August and no later than September/October. He explained that some of these grants do require work up-front. He mentioned Lenowisco as a good source of information. Council Tipton asked if the U.S. Dept. of Agriculture funding program was for new construction only. Andy Miles said it was for both new and existent construction. Council Herron asked if there was a grant that could aid in the demolishing of the dilapidated buildings. Andy Miles mentioned the block grant would be the best option for that issue. Council Herron mentioned filing a suit against the landowner for the cost of demolition.

*Mayor Jenkins closed the Communications session and opened the Unfinished Business session.

IX. UNFINISHED BUSINESS

A. Tobacco Tax

Council Herron mentioned discussing the tobacco tax at the Council Workshop. He said there would be a financial loss to the town with the closure of Daugherty Bros. Council Perry recalled the Council Workshop and mentioned that a Council member was going to contact a member of the Weber City Town Council to discuss Weber City’s tobacco tax. Council Herron said that he spoke with a Weber City Council member and the member is supposed to bring the issue up at the next Weber City Council meeting. Mayor Jenkins tabled the item until the next meeting.

B. Amendment to Overtime Policy

Mayor Jenkins explained that the main change to the policy is highlighted on the handout that was in the agenda packet. He said the amendment was drafted because the public works employees are always on call and if they have taken vacation or sick time during the week, the hours they are called out for are paid at straight time the way the current policy is written. He said it is a recurrent problem. The Council discussed the overtime amendment. It was mentioned that the standard process for most corporations consists of overtime pay. Mayor Jenkins said the town would have been out of water if the public works emergency crew would have stopped to eat while they repaired the line of the latest water leak. Council Perry asked if a motion could be made even though the item had been tabled until January. Mike Carrico said the item was legal to discuss because it had been posted on the agenda. Council Perry clarified that she was not against the item, but wanted to follow correct legal procedures.

MOTION: Motion by Herron, Seconded by Perry
To make the recommended amendment to the overtime policy whereas: For hourly employees, any time worked in excess of his/her regularly scheduled shift per day and/or 40 hours per week OR any emergency call-in falling outside the normally scheduled work hours shall be compensated through payment of one and one-half (1 ½) times the regular rate of pay.

VOTE: Yeas, 5
 Nays, None
 Absent, None

C. USDA Rural Development Grant for the purchase of police vehicles

Jason Cox discussed the recent information regarding the Rural Development Grant. He said that since the original packet was put together, he has been in contact with the USDA and he has some good additional information. He said he was notified back in July that they were awarded the Grant from the USDA to assist in the funding of 2 police vehicles. He explained that the USDA will contribute \$27,500 and the town would match \$22,500, for a total budget project not to exceed \$50,000. He said the town would basically buy one vehicle and get one free. He said the original deadline was thought to be in May, but that was not the case. They just wanted to see some progress from the town towards the grant. He explained that certain documents need to be passed by the town before any further steps can be taken. He said once the documents are passed, they can be sent to Rural Development. He explained that the second step would be to secure

RFP's regarding the price of vehicles and equipment. He said the RFP's must be sent to the Rural Development for approval. He mentioned the letter enclosed in the packet regarding the 3 different options of a match grant. He discussed budget arrangements and options. Council Cassell asked what police vehicles would be replaced. Jason explained he would replace the 2, 2000 Crown Victorias. He explained the deteriorated state of each vehicle. Mike Carrico asked if funds would be generated if the old cars were sold at auction. Jason said yes. Major Jenkins asked if it would be reasonable to sell the Ford Explorer, but Jason said it would deprive the police department of a 4X4 vehicle. Members of the Council discussed vehicle options and the pros and cons of purchasing a 4X4 vehicle. Major Jenkins said resolutions will be added to the agenda and addressed at the next meeting.

X. NEW BUSINESS

A. Utility rate codes, increase return check fee, penalty fee for illegal meter tampering

Mayor Jenkins explained that regarding rate codes, there are inconsistencies present with garbage and sewer rates being billed and also to customers with multiple tenants. He said the issue needs to be addressed. He suggested the town begin correcting the rate codes so everyone is billed fairly. Mike Carrico said the town must do that. He also mentioned that he was told that churches were charged different rates for garbage. Cindy Coates asked if churches should be charged as residential or commercial customers. She asked if perhaps churches should have their own rate and code. She commented that there will be complaints from customers if the rate codes are corrected, because some bills will increase, but that everyone should be billed fairly. Mike Carrico recommended that the water committee needs to review the water policy.

Mayor Jenkins brought up the increased returned check fee. The Council discussed the returned check fee. It was mentioned that the legal amount that could be charged for a returned check fee is \$30.00.

MOTION: Motion by Tipton, Seconded by Herron
To change the current returned check fee from \$20.00 to \$30.00.

VOTE: Yeas, 5
Nays, None
Absent, None

B. Yard Sale Ordinance

It was mentioned that the town has received numerous complaints on a Reed Hollow residence that is basically set up as a permanent yard-sale business.

MOTION: Motion by Perry, Seconded by Herron
To refer the Yard Sale Ordinance issue to the planning commission.

VOTE: Yeas, 5
Nays, None
Absent, None

*Mayor Jenkins closed the New Business session and opened the Closed Session.

MOTION: Motion by Herron, Seconded by Perry
To meet in closed session in pursuit to Section 2.1-7311 of the Code of Virginia.

VOTE: Yeas, 5
 Nays, None
 Absent, None

*The Council entered Closed Session.

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.

MOTION: Motion by Tipton, Seconded by Perry
To return to regular session.

ROLL CALL VOTE: Yeas, Council Tipton
 Council Perry
 Council Herron
 Council Cassell
 Council Hurt
 Nays, None
 Absent, None

MOTION: Motion by Herron, Seconded by Perry
To increase the pay rate of employee #59 by \$.50 an hour.

VOTE: Yeas, 5
 Nays, None
 Absent, None

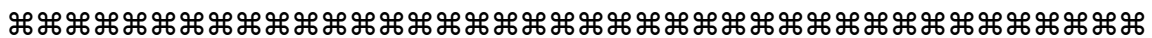
MOTION: Motion by Herron, Seconded by Tipton
To appoint Cindy Coates the Interim Town Manager with \$300 a month stipend for the duration she is the Interim Town Manager.

VOTE: Yeas, 5
 Nays, None
 Absent, None

MOTION: Motion by Perry, Seconded by Herron
To adjourn the meeting.

VOTE: Yeas, 5
 Nays, None
 Absent, None

*Mayor Jenkins adjourned the meeting at 8:53 P.M.



Mayor Mark Jenkins

Town Clerk Jessica Kaarlela