

**TOWN COUNCIL MEETING MINUTES**  
**JANUARY 8, 2008**  
**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 Perry

ABSENT: Council Herron

**III. INVOCATION AND PLEDGE OF ALLEGIANCE**

Invocation: Council Perry  
Pledge of Allegiance: Chuck Newton, Sergeant at Arms

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

Mayor Jenkins congratulated Cindy Coates on her position as Interim Town Manager.

Council Hurt congratulated Jessica Kaarlela for her work on the meeting minutes.

**V. COMMUNICATIONS**

The Council received a communication from Ron Bostic regarding a new requirement of the Government Accounting Standards Board. Mr. Bostic used the failure of Enron as an example of why accounting methods have changed. He said there must be an independent management accountant per the Statement on Auditing Standards 112. He said the auditor can no longer prepare the statements for the Town. He cautioned that if the Town did not abide by the new auditing requirement that there would be a material weakness. He gave a brief description of Cindy Fields and mentioned the proposal she sent the Council. He explained that the cost for an independent auditor is usually 60% of the auditing fee. He explained that the auditing profession is changing and the costs are increasing. He recommended her services to the Council but said it was up to the Council to choose an independent accountant. He explained that Cindy Fields would prepare the paperwork and then he would conduct the audit. Council Cassell asked if Mr. Bostic would still be going through the books. Mr. Bostic said he would. Mayor Jenkins asked if her fees would be separate and additional from his. Mr. Bostic said yes. Council Cassell asked if Cindy Fields would be looking at information throughout the year. Mr. Bostic said she would. Mike Carrico asked if she billed at an hourly rate. Mr. Bostic said he did not know how she billed. Council Cassell asked if the cost of Ms. Field's service would be guaranteed. Cindy Coates explained that if there were unexpected circumstances that required more time, Ms. Fields would discuss the cost with the Town. Mike Carrico asked if the quote would be variable. Council Hurt asked if the price could be less than estimated. The Council discussed the issue. Council Cassell

asked what would happen if the Council opted not to hire an independent auditor. Mr. Bostic said opting not to hire an independent accountant could likely have adverse financial consequences for the Town. Mike Carrico asked when the particular person needs to be in place. Mr. Bostic said it depends on how fast the Town wants the audit completed. Council Cassell mentioned that Ron Bostic had been the Town's auditor for a long time and asked his opinion of Cindy Fields. Mr. Bostic explained that he has audited Ms. Fields in the past when she was a CFO. Mike Carrico said it was up to the Council to decide and mentioned that the contract was slightly vague. Council Hurt read a section of the proposal regarding cost. Mike Carrico said the Council will receive monthly progress billing statements and could control the amount that was being paid out. He said nothing should have to be paid up front. The Council discussed the computer software. Mr. Bostic explained that he thought the problem with the current software was that no one was there to help BAI with the installation and set-up of accounts and that the set-up was done incorrectly in the beginning. Mayor Jenkins thanked Mr. Bostic for his input.

\*Mayor Jenkins closed the Communications session and opened the Reports session.

## VI. REPORTS

### A. Manager

Cindy Coates discussed property management issues and mentioned that certified letters were sent to the owners of the Scott Motel and the old theater building. She explained that there is one meeting scheduled between Robert Mullins and the owner of the theatre. She said a tentative meeting is scheduled with the owner of the Scott Motel. Council Cassell asked about the Starnes building. Mike Carrico said the building had never been taken off the list. Mayor Jenkins said the list has been compiled and approximately 20 structures have been identified. Cindy Coates mentioned meeting with Andy Miles tomorrow to submit documentation for the planning grant for the water department. She said the Town had received the 911 mapping software from Tim Addington's office at no cost to the town and that it has been very beneficial in identifying properties. She commented that the software has been a big asset to the Town. She also mentioned that the Town maps are in the process of being organized and labeled. Council Cassell asked if there was money available in the aerial photography budget. Cindy Coates said \$5000.00 was budgeted for that item and \$1100.00 was spent. He asked if a laptop similar to the ones used by the police department would be beneficial in the vehicles of the public works department. Stoney Falin said a laptop would be good idea if he could use it. Council Cassell suggested the laptop might be useful.

### 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 explained that the first 5 pages of the report are for the month of December and the remaining pages reflected a yearly report for the year 2007. He discussed several highlights of the yearly report for the police department and mentioned that the report at the end was for the K-9 unit. Mayor Jenkins and Council Perry thanked Jason Cox.

### C. Public Works

Mayor Jenkins asked Stoney Falin about the month of December. Mr. Falin reported that December was a usual month for the department. Mayor Jenkins asked if the public works department liked the new dump truck. Mr. Falin said yes. Mayor Jenkins asked Mr. Falin if he had received any complaints about stopping the double trash pick-up. Mr. Falin said he did not receive any complaints. Mayor Jenkins thanked Mr. Falin.

#### **D. Water Plant**

Loretta Cruby discussed losing 2 main tables of water resulting from 2 main breaks. She explained how April Helbert from the Office of Drinking Water will be putting Gate City on a water conservation notice for 2 weeks while cleaning the clear well. Mayor Jenkins asked how much conservation would be required. Ms. Cruby explained that there will be no car-washing and things of that nature because the water capacity will be slower. She said that April will give plenty of notice (about 2 weeks). Council Hurt asked when the conservation period will take place. Ms. Cruby explained that the plan will be developed in approximately 2 weeks and that she will be contacted. Ms. Cruby said the results from the TOC and alkalinity analyses looked very good. She mentioned that part of the water loss is a result of flushing lines on Manville Rd. and Red Hill Rd. Mayor Jenkins thanked Ms. Cruby.

#### **E. Sewer Plant**

None

#### **F. Planning Commission**

Council Tipton explained how the Planning Commission changed the By-Laws and modified the previous number of 7 members, to 5 or 7 members. She said there is a potential new member and a current member is in the process of moving.

Council Tipton discussed the matter of an ongoing yard sale on Reed Hollow Rd., from which the Council requested a recommendation from the Planning Commission. She explained that the Planning Commission suggested imposing a \$500 fine for having a yard sale exceeding 3 days a month or 3 consecutive days. She explained that the police department would handle enforcement. She also mentioned the possibility of a business license. Mike Carrico explained the resident could not operate a business in a residential zone. Mike Carrico asked about permits and suggested that residents come to the Town and get a permit to have a yard sale. Council Tipton said the matter is up to the Council for suggestions and input. Mayor Jenkins said the issue needs to be addressed. Mike Carrico asked what the policy for yard sales consists of for other localities. Mayor Jenkins said the resident is basically running a business out of a residential area. Mike Carrico suggested sending a letter to the resident stating that it is illegal to run a business in a residential zoning area. Council Tipton suggested that Mike Carrico write the letter. Mayor Jenkins asked if a public hearing was necessary to adopt an ordinance amendment. Council Tipton said it was necessary. The Council decided to research the item further. The item was tabled until the next meeting.

Council Tipton discussed the signage and zoning issue regarding the Co-op. She explained the history of the issue and how a public hearing was requested in the past but was never held. She said the issue will have to be resubmitted for zoning. Mike Carrico asked about zoning. The Council discussed the Co-op issue of zoning and permits. Mike Carrico said the building permit should not have been granted because it was not in compliance with the zoning. He commented that the Town cannot change things that have already been done. He said the Co-op knew they were not in compliance because he told them they were not. He denied them permission to get a sign because the area is a single-family residential area. Council Cassell mentioned that he questioned the issue before the first cinderblock was laid. Mike Carrico mentioned that the Town Manager signed the zoning permit. Council Tipton requested holding a joint public hearing to get the issue corrected. Mike Carrico said the Planning Commission needs a letter of recommendation stating which area needs to be re-zoned to commercial. Council Tipton said the letter had already been written. Council Perry said the public hearing had already been approved and that a date needs to be set. Mayor Jenkins asked if there needs to be

an oversight process for a zoning request. Mike Carrico said the Town Manager is the zoning administrator for the Town and should not have signed anything that he/she was unclear about. Council Perry asked if there should be a joint public hearing with the Planning Commission and the Council. Mike Carrico asked what area will be re-zoned. Council Tipton read the boundary adjustment. Mike Carrico asked if that was what the public hearing was on. Council Tipton said the public hearing was never held. The Council discussed how the meeting minutes reflected that the north side of Clinch Mountain had been voted on, but there was no mention of the rest of it. Mayor Jenkins said the minutes may have been inaccurate. Council Perry mentioned that it was probably an omission from the minutes and asked if there were any tapes of the old minutes. Cindy Coates said the minutes were probably not recorded on tape at that time. Mike Carrico said there needed to be a joint public hearing.

Council Tipton addressed the Peddlers Ordinance and the Town parking lot. She explained that an amendment would add a penalty charge and the Planning Commission feels that the flea market vendors will be affected by an ordinance amendment. Mike Carrico said the parking lot could have a designated exception in the amendment. The Council discussed the owners of the parking lot/adjoining areas.

Council Tipton discussed the Liquor-By-The-Drink proposal. She said the item is going through the process of getting on the ballot. She explained that there is a 2 month window between Bo Taylor signing the documents and obtaining the required 161 Gate City voters' signatures on the petition. She explained that the part required of the Planning Commission is complete. Mike Carrico said he had a print-out of the registered voters for the Town.

Council Tipton discussed the danger of the intersection at Jones St. and Jackson St. It was suggested to turn the issue over to the resident engineer. She said Cindy Coates had talked to James Parsons about the issue. A study had been done several years ago. James Parsons said he would review the study and get back with Cindy Coates. Council Tipton mentioned that the Town had been denied a traffic signal there before. She explained that the number of vehicles is not necessarily the issue, but the danger of the intersection itself. Mike Carrico said there are more vehicles traversing the intersection than there were 3 years ago. Council Hurt said the intersection is highly traversed.

## **G. Street Committee**

The Council received and reviewed a map from Steve Whiten of Cleveland St. and the right-of-way. Mr. Whiten wanted to know if it would be legal to put up survey markers on the Pendleton's property. Mike Carrico said it would be legal. Council Perry asked if some of the minutes were lost in Mr. Carter's fire. Council Hurt commented that a lot of documentation was lost in that fire. Council Perry asked if she could ask Mrs. Pendleton about the survey markers. Mike Carrico suggested asking the Pendletons about the right-of-way. Mayor Jenkins thanked Mr. Whiten and suggested he wait on putting up survey markers until Council Perry spoke with Mrs. Pendleton.

## **H. Sanitation Authority**

None

## **I. Economic Development Committee**

Council Tipton explained that the Economic Development Committee had met and discussed the gateway signs more this month. She explained that the Economic Development Committee had reviewed workshop suggestions about branding signs, crosswalks, festivals, the Crooked Road, the farmers market, etc. She said the Committee plans to advertise and meet with the Planning

Commission on the first Tuesday in February to see what each group does and work together on some things. She said the Committee discussed the Block Grant and ways the Committee might help with it. She said the Committee made several suggestions and is going to try and attend some meetings and workshops and continue to get work done effectively and in a cost efficient way. She mentioned the possibility of working with the Southwest Virginia Community Foundation. She said she updated the Committee on what was going on with the Town as far as the other committees are concerned.

**J. Water Committee**

Council Hurt asked if the Council needed to meet with the PSA to set up a meeting regarding the extension on Manville Rd. Mayor Jenkins said yes. Council Hurt asked if Mayor Jenkins wanted him to talk with Dan Danko. Mayor Jenkins said yes.

**K. Park Committee**

None. No quorum was held. Council Tipton said she was under the impression that Mr. McClellan was going to call each Park Committee member to set up another meeting time since he could not make it to the meeting. She said no one had heard from him. Mayor Jenkins suggested getting another Park Committee member through the Civitan.

**L. Council Reports**

None

**M. Treasurers Report**

Cindy Coates stated that everyone had a copy of the report. Council Perry mentioned that there was a good percentage of taxes collected. Cindy Coates said it was a good percentage for this time of year and she will wait until the end of the month to send delinquent notices. Mayor Jenkins asked about feedback regarding businesses not paying for their business licenses. Cindy Coates said she is working on getting letters out to those businesses. Mayor Jenkins suggested setting up meetings with individuals as the next step.

\*Mayor Jenkins added 3 items to go under New Business including: a joint public hearing on zoning for the Council and the Planning Commission, consent for the Mayor to sign authorization forms for the VDH grant applications, and to advertise for a Town Manager.

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

<b>VII. PUBLIC COMMENT</b>
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**A. Joe Maya Jr.**

The Council received a communication from Joe Maya Jr. regarding several concerns and issues. He discussed how he was able to maintain his father's store and how he gave up a fortune for the Town. He commented about a dispute with his sister. He disagreed with the proposed yard sale ordinance. He commented about getting Kellie's Florist back in Town. He claimed that he will continue to clean up the corruption as far as a Federal level and get rid of the buddy system. He mentioned owning the land behind Kellie's Florist and asked if a theater was going in the parking lot. Mayor Jenkins said that the concept had been proposed. He mentioned using the FOIA to get information on what he wants within 5 days. He said he will let people use the lot behind his building for free. He mentioned losing Daugherty Bros., The Style Shop and Virgil Sampson. He requested a plan on the revitalization of Gate City with facts and figures. Mayor Jenkins explained

that a grant paid for the Revitalization Plan and that the Council does care about the Revitalization of Gate City. Mr. Maya Jr. and Mayor Jenkins discussed some issues. Mr. Maya Jr. suggested the Town needs to be improved faster. He apologized for sounding aggressive. Mayor Jenkins said some of his comments sounded accusatory. Mike Carrico explained that the Revitalization Grant will be applied for again this year, and the Town has a better chance of being awarded the grant. Council Cassell explained how he had called John Kilgore Jr. and asked if the Town could do anything to save Daugherty Bros. Council Cassell said that he was told that the matter was already past that point. Mr. Maya Jr. told the Council that he appreciates everything that they have done. Council Cassell told Mr. Maya Jr. that if he could encourage the other merchants to be as enthusiastic as he is, then the Town would have far better chances of receiving grant money. Mr. Maya Jr. said he is trying to fill every vacant store in Gate City. He brought up the proposed tobacco tax and mentioned that people come from Tennessee to Virginia to buy tobacco products. He said a tobacco tax would be detrimental to Gate City. He brought up the due date for county and city taxes, and suggested the due dates for both be moved up to February or March to avoid interference with holiday shopping. He suggested that there is still a problem with parking in Town. Mayor Jenkins suggested that the Council should be doing more. Mr. Maya Jr. claimed that he has not seen anything being done and more loss is occurring. He commented about lost potential in regard to the Scott Motel, the empty car lot on HWY 23, and the old theater. Mike Carrico said that the Revitalization Plan Grant is a stepping stone for the grant that is being re-applied for. He discussed the Liquor-By-The-Drink and potential citizens' votes. Mr. Maya Jr. suggested separating religious facilities from retail zoning areas. He suggested that the Town needs the Liquor-By-The-Drink. He suggested the Christmas parade be scheduled at 11 a.m. next year. He suggested that economic development always be a priority. Mayor Jenkins suggested to Mr. Maya Jr. that he should deliver his message to the business owners of vacant stores. Mr. Maya Jr. apologized if he offended anyone. Mayor Jenkins thanked Mr. Maya Jr. for his comments.

## **B. Wallace W. Ross Jr.**

The Council received a communication from Wallace W. Ross Jr. regarding two issues. He commented on the grant that the Town had been denied. He suggested that part of the reason the Town was denied the grant was a result of the Council not taking in enough public input/involvement. He also brought up the sign that had been donated by the DECA Club. He commented that the sign should be moved. Mr. Ross Jr. and Mike Carrico discussed the legalities of moving the sign. Mr. Ross and Council Perry discussed the gift aspect of the sign donated by the DECA Club. Council Perry explained that the Town is working on getting permission to put a sign across the bridge at HWY 23. She said steps are being taken to install signs at the edges of Gate City. She asked why the sign bothered him. Mr. Ross Jr. brought up a welcome sign at Weber City and explained that he is unhappy with the location of the sign donated by the DECA Club. Mike Carrico asked Mr. Ross Jr. if he wanted the sign removed completely. Mayor Jenkins and Mr. Ross Jr. discussed Gate City as a copyrighted title. Mayor Jenkins explained that even though he and the Council represent Gate City, they do not own the name. Council Cassell explained that the Town wants to keep the sign from the DECA Club and add another sign at the entrance of Gate City. Mr. Ross Jr. commented that some people have privileges and others do not. He explained that he served on the Planning Commission 20 years ago and the Council could have done things at that time that have not been done yet. Mayor Jenkins said he is disgusted that past meeting minutes reflect things that should have been done in the 1980s that have not been done. Mike Carrico questioned Mr. Ross Jr. if he believes the current Council is trying to move forward. Mr. Ross Jr. asked what progress had been made so far. Council Cassell explained how 2 or 3 people in Town own the majority of the property in Town and will not do anything with it. He said the property owners will not sell the property or offer to sell the property at exuberant prices. He said the Council is trying to achieve progress. He commended Mr. Ross Jr. and Mr. Maya Jr. for their enthusiasm. Mayor Jenkins thanked Mr. Ross Jr. for his comment.

**C. Lisa Mann**

The Council received a communication from Lisa Mann regarding an old water bill. She explained that the bill was in her name but the water use was from a renter. She explained that when the renter moved out, she called and spoke with Heather. She claimed that Heather told her the final bill had been paid. She said she did not receive another bill at the time, but she would have paid the balance if she had been sent a bill. She said she does not feel that she should have to pay for the renter's water use that she was told had been taken care of. The Council discussed the issue. Ms. Mann also discussed having paid a water tap and 2 sewer taps. She explained that one trailer is tapped onto the main sewer line, but the other trailer is hooked onto the first trailer's line. She said someone previously told her that she would receive a reimbursement regarding the second tap. She explained that she does not feel she should have had to pay for the second tap. Mike Carrico asked whose line she tapped into. Mike Carrico suggested that he would discuss the issue at the Sanitation Authority meeting tomorrow night. Mayor Jenkins said the problem with the old water bill was that she had been told the bill had been paid. Mayor Jenkins said that there was possibly a phone log being kept during the time Ms. Mann referred to and it could be checked to see if there was a documented call from Ms. Mann to Heather regarding the balance on the account. He said a decision would be made after the phone log possibility was looked into.

**D. Katherine Taylor**

The Council discussed an old water bill in Katherine Taylor's name. Ms. Taylor had previously explained to Cindy Coates that she paid the final bill that was in her name and then the water service was put in a tenant's name. She adamantly denied that she owed the amount due and explained that she would have no problem paying for a bill that she owed. The Council discussed the issue.

MOTION: Motion by Cassell, Seconded by Hurt  
To abate Katherine Taylor's water bill.

VOTE: Yeas, 4  
Nays, None  
Absent, Council Herron

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

**VIII. CONSENT AGENDA**

**APPROVAL OF CONSENT AGENDA**

MOTION: Motion by Perry, Seconded by Tipton  
To approve the Consent Agenda.

VOTE: Yeas, 4  
Nays, None  
Absent, Council Herron

- A. Approval of Town Council meeting minutes of December 11, 2007.
- B. Approval of bill payments for December 2007 in the amount of \$111,019.57.

\*Mayor Jenkins closed the Consent Agenda and opened the Unfinished Business session.

**IX. UNFINISHED BUSINESS**

**A. Tobacco Tax Proposal**

Mike Carrico explained that Weber City did not have a meeting in December and the Weber City Town Council will probably discuss the item next week. The item was tabled until the February Town Council meeting.

**B. Amendment to overtime policy regarding call-in pay.**

The Council discussed what had been voted on at the last meeting regarding the overtime amendment. It was clarified that this amendment would include a minimum of 2 hours of pay and time and 1/2 for call-in overtime.

MOTION: Motion by Hurt, Seconded by Cassell  
To amend the overtime policy to include time and 1/2 and a minimum of 2 hours pay for call-in overtime pay.

VOTE: Yeas, 4  
Nays, None  
Absent, Council Herron

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

**X. NEW BUSINESS**

**A. Hiring independent auditor as required by the GASB.**

The Council discussed the options pertaining to the hiring of an independent auditor. The wording of the proposal from Cindy Fields was discussed. It was agreed upon that hiring an independent auditor was necessary. Cindy Coates explained that the cost of Ms. Fields services would be less expensive than other independent auditors. Mike Carrico explained that it would be necessary to inform Ms. Fields that the Council would pay up to the amount specified in the proposal and anything over the proposed amount would have to be voted on by the Council.

MOTION: Motion by Tipton, Seconded by Cassell  
To hire independent auditor Cindy Fields in agreement that any amount to exceed that in the proposal must be voted on by the Council.

VOTE: Yeas, 4  
Nays, None  
Absent, Council Herron

**B. Resolution for Rural Development police car grant and Code of Conduct Approval.**

Mike Carrico asked if the funding had been decided on yet. Cindy Coates said that nothing has been decided on yet and this step is just to show Rural Development that progress is being made. She said the next step is to do RFPs. Council Perry asked about the wording on the form regarding Town Manager and Mayor. The Council discussed the Resolution and Code of Conduct forms.

MOTION: Motion by Perry, Seconded by Tipton  
To pass Resolution and Code of Conduct with corrected spelling and titles.

VOTE: Yeas, 4  
Nays, None  
Absent, Council Herron

**C. Joint Public Hearing for the rezoning of the property near HWY 72 for the Council and Planning Commission at the next regular scheduled Council meeting at 6:00PM.**

MOTION: Motion by Tipton, Seconded by Perry  
To hold a Joint Public Hearing for rezoning of property near HWY 72 on February 12, 2008 at 6:00PM.

VOTE: Yeas, 4  
Nays, None  
Absent, Council Herron

**D. Consent for Mayor Jenkins to sign the VDH Grant applications.**

MOTION: Motion by Perry, Seconded by Tipton  
To approve consent for the mayor to sign the VDH Grant applications.

VOTE: Yeas, 4  
Nays, None  
Absent, Council Herron

**E. Advertise for Town Manager with an application deadline of March 3, 2008.**

**The Council discussed a deadline for applications.**

MOTION: Motion by Tipton, Seconded by Cassell  
To advertise for a Town Manager with an application deadline of March 3, 2008.

VOTE: Yeas, 4  
Nays, None  
Absent, Council Herron

\*Council Perry suggested having a discussion regarding time limits on public comment. The Council discussed time limits and structure for the Public Comment session. Council Perry suggested making a point before the Public Comment session of the meeting that Public Comment is to pertain only to matters directly related to the Town/Council matters.

XI. ADJOURN

MOTION: Motion by Hurt, Seconded by Tipton  
To adjourn the meeting.

VOTE: Yeas, 4  
Nays, None  
Absent, Council Herron

\*Mayor Jenkins adjourned the meeting at 9:15 PM.

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Mayor Mark Jenkins

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Town Clerk Jessica Kaarlela