



**GATE CITY TOWN COUNCIL MEETING MINUTES**  
**OCTOBER 11, 2011**  
**156 E. JACKSON ST.**  
**6:00 PM**

**I. COUNCIL MEETING CALL TO ORDER 6:02 P.M.** Mayor Jenkins

**II. ROLL CALL –** Town Clerk Kathy Riley

**PRESENT:** Mayor, Mark Jenkins  
Council Member, Roger Cassell  
Council Member, Wallace W. Ross Jr.  
Council Member, Frances Perry  
Council Member, Randy Lane  
**ABSENT:** Vice Mayor, Tommy Herron

**Others present:** Town Attorney, M. Brooks, Benny Reed, Areltha & Chuck Newton, Debbie Kindle, Brenda Dishner, Mary & Jacob Mullins

**III. INVOCATION** Roland Hautz

**IV. PLEDGE OF ALLEGIANCE** Sergeant-at-Arms, Chuck Newton

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

**VI. APPROVAL OF AGENDA**

**Motion made to approve the agenda.**

Motion by: Council Member, R. Lane 2<sup>nd</sup> by: Council Member, R. Cassell

**VOTE:** Yeas, 4  
Nays, 0  
Absent, 1-T. Herron

**VII. COMMUNICATIONS - None**

**VIII. APPROVAL OF MINUTES**

**Motion made for approval of Town Council meeting minutes from September 13, 2011.**

Motion by: Council Member, F. Perry 2<sup>nd</sup> by: Council Member, R. Lane

VOTE: Yeas, 4  
Nays, 0  
Absent, 1 – T. Herron  
Abstain, 0

**Motion made for approval of Town Council Special Called meeting minutes from September 20, 2011.**

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Council Member, F. Perry

VOTE: Yeas, 4  
Nays, 0  
Absent, 1 – T. Herron

**IX. APPROVAL OF PAYMENTS**

**Motion for approval for payment of bills for September, 2011**

Motion by: Council Member, F. Perry 2<sup>nd</sup> by: Council Member, R. Cassell

VOTE: Yeas, 4  
Nays, 0  
Absent, 1 – T. Herron

**X. REPORTS**

**A. Engineer's Status Report –**

**Mayor Jenkins** – Andy let us know a little bit before. Basically, what we do have is on hold pending the audits. He opted and I agreed that he didn't need to be here tonight. He has everything ready to go, the only thing that has changed is we are in the process of getting the easements for the sidewalk where we got the grant to extend the sidewalk eastward towards the Post Office on the North side of the street. Everyone that I have talked to is agreeable to sign the easements. That should get under way pretty quickly.

**B. Treasurer's Report –**

**Mayor Jenkins** – Chris has provided the Treasurer's Report.

**Council Member, W. W. Ross, Jr.** – Question. On page 2 of 12, it says Moccasin Hills Water System Improvement, Phase 2, \$1,191,117.00. Now on page 11 and 12 they have Moccasin Hills Water System Improvement, Phase 3, which shows \$1,190,117.00, but the budget is \$1,191,082.00 why did that change?

**Mayor Jenkins** – I have no idea. We’ll have to ask Chris. I would hope those few odd dollars is a typo, but I’m not sure. Wait a minute. There has been \$35.00 spent if you look in the year to date, there may have been some kind of mailings or something that had to be done, I’m not sure, but it has been \$35.00 depleted out of that fund.

**Council Member, W. W. Ross, Jr.** – But, so why would it be in Phase 3 and not in Phase 2? It still is the same amount. Same dollar amount, but, so I can’t understand why one Phase 2 and Phase 3 the same amount but different category.

**Mayor Jenkins** – There is something, I’ll have to ask Chris.

**Council Member, R. Lane** – The equivalent cost of budget for the Phase 3 that is on page 2 is reflected on page 12 of 12 as the VDH Energy Efficiency line item.

**Mayor Jenkins** – That is but I don’t know why it is there. That is about the Hydraulic and Energy Efficiency, so. I will have to get Chris to clear that up because I have no idea what. It’s showing \$35.00 spent out of that so there is a little different amount there.

**Council Member, W. W. Ross, Jr.** – But, so why is it one Phase 2, one Phase 3 why they not the same?

**Mayor Jenkins** – I don’t know. I’ll have to get account number because they are different account numbers.

**Council Member, W. W. Ross, Jr.** – Correct.

**Mayor Jenkins** – I’ll get Chris to issue a written report on so we’ll better understand it anyway.

**Council Member, R. Lane** – The \$35.00 is addressed on page 7 of 10 as a Kingsport Time invoice, \$34.99, under that same account number.

**Mayor Jenkins** – Okay, so that is for

**Council Member, W. W. Ross, Jr.** – Question where, on 7 – 12, I don’t see.

**Mayor Jenkins** - On the very back section, it was probably advertising for the two, but those are two different projects. One is the Moccasin Hills. But I don’t understand the Phase 2 and Phase 3 being listed separate.

**Council Member, W. W. Ross, Jr.** – Well, because it would be listed under the same Phases I would think. Since it’s the same amount, dollar amount, but then the 35 would be for what advertising or just

**Council Member, R. Lane** – Invoiced.

**Council Member, W. W. Ross, Jr.** – Invoiced. Oh for the time

**Council Member, F. Perry** – It says advertising, legal publication.

**Council Member, R. Lane** – Legal publication.

**Council Member, W. W. Ross, Jr.** – I thought that would come out of General Fund, wouldn’t it? For payment? Wouldn’t all advertisement come out of the General Fund?

**Mayor Jenkins** – It probably have to come out of specific line items if it addresses that project. It’s a legal notice for that specific project. It would have to come out of it. .

**Council Member, F. Perry** – That’s why it has the account number there.

**Council Member, W. W. Ross, Jr.** – Okay, but it still got it wouldn’t be for well is that still in Phase 1, Phase 2 or Phase 3?

**Mayor Jenkins** – I’m not sure Wallace. It looks like it’s coming out of the Hydraulic and Energy Efficiency of the Phase 3 of the water. I know that there was a suggestion that we lump all the phases, Phase 1 and Phase 2 together, so I’m not sure. We’ll have to get Chris to clarify it.

**Council Member, W. W. Ross, Jr.** – Was that the suggestion of the auditors to do that or just what you say.

**Mayor Jenkins** – No, that was actually a suggestion from the Virginia Department of Health. But, he’ll have to clarify there is no way I can run through all this and tell what exactly he has done from here. He’ll have the statements and everything behind it.

**Council Member, W. W. Ross, Jr.** – And when you get down to the next one, Phase 3 with a different number it has a different account, so. Those two accounts does not Phase 2 and Phase 3 that not in the same category. Even though we got Phase 3 and this has Phase 3 I know what it doing, but it still would, I mean I'm not accountant, so would that be a confused

**Council Member, F. Perry** – If you had a grant for Phase 2 we had a different grant for Phase 3 it would have to be in different accounts.

**Council Member, W. W. Ross, Jr.** – Well, that I know.

**Council Member, F. Perry** – You can lump them all together, if you have different grants for different projects. That may be why they run it that way. I can't answer that for sure, but that would make common sense to me if it was two different projects under two different grants they would not be lumped under the same account, because we would be accountable to the Virginia Department of Health.

**Council Member, W. W. Ross, Jr.** – But under Phase 2 and Phase 3 does not have any significant bearing on what categories it should be in.

**Mayor Jenkins** – It could possibly have if it's 50-50 match. One of it is under federal

**Council Member, F. Perry** – You have to understand the grant part of it.

**Mayor Jenkins** – One is actually under the federal budget and one is under the town budgeting, so that may be what it is. It looks like we have picked up the advertising expense on our part of it.

**Council Member, W. W. Ross, Jr.** – Okay.

**Council Member, F. Perry** – And that's Chris's job to keep up with that so he really needs to be the one to answer the question, right?

**Mayor Jenkins** – I believe you are right, it is on part loan part grant which is would be pretty close to the matching funds but different categories.

**Council Member, W. W. Ross, Jr.** – Okay, so, but one million going in from Phase 2, Phase 3 is the same amount so why would it be in two different categories, you saying that?

**Council Member, F. Perry** – It could be the same amount of grant.

**Mayor Jenkins** – We'll get Chris to answer that. He's got all the details. I got the account numbers. I'll just get him to give a better explanation. Because I can sit here and guess, but that's about all I can do.

**Council Member, W. W. Ross, Jr.** – Thank you.

**Mayor Jenkins** – Thank you, Wallace. Anything else we need to look at on there?

**Council Member, R. Cassell** – I was just curious on 4-10, Scott County Treasurer Inspection Services. Do you know what that is? It's for contracted services \$2647.00, I don't recall seeing that on there last, I was wondering what inspection services were for. Do you have any idea Michele?

**Town Attorney, M. Brooks** – I really don't. I noticed that, too.

**Council Member, R. Cassell** – I didn't know that we had to pay the Treasurer.

**Mayor Jenkins** – Is that not when they transfer the property tax out to us? I think there is a charge for that. Is there a charge for that (looking at the Town Clerk)?

**Town Clerk, K. Riley** – I don't really know.

**Mayor Jenkins** – I think we had to pay them because the actually do the calculations on the property tax. I think that is what it is. I remember we had to pay them before for part of the bill or something, the way they compiled the bills. But that does say contracted services from and I'm assuming we're the paying them as the contractor.

**Council Member, R. Cassell** – They do farm that out. So it could be our share of the cost.

**Mayor Jenkins** – That's item 11464, we'll find out what it is. We have to have invoices for that.

### **C. Codification Committee/Property Maintenance** –

**Mayor Jenkins** – Amy has provided that report. One thing that she said is we do need Building Code Board of Appeals members. It's a separate from BZA but we may have some members in common, but we do need start looking for members for that board. She has sent three new notices of violation this month. Two are on Richmond Street properties and one is on West Jackson Street property and several court cases that remain on the list and Michele is preparing those cases. A Certificate of Completion will be sent to Mark Chapman for the renovation he has done and has brought his property out of violation.

**Council Member, F. Perry** – It looks good.

**Town Attorney, M. Brooks** – And I will be non-suiting that tomorrow, court cases.

**Mayor Jenkins** – He has worked out what he needed to do and completed what he needed to do to make the building acceptable.

**D. Police Department Report –**

**Chief Birchfield** –

	August	September	Year To Date
Calls for Service	465	504	3195
Arrest	10	11	93
Summons	71	81	438
Crime Reports	21	28	160
Accident Reports	4	4	59
DUI Arrests	3	3	26

**Significant Activity:**

- Extra Patrol has been requested in Alley by AEP, 218 Woodland Street and Baker Alley behind Commercial Electronics.
- Officers continue to provide extra patrol on Sue Street and Elm Street due to complaints.
- Our department continues to work in a safe manner (no accidents, no sick days and no injuries) during the month.
- Officers continued with Radar Enforcement on Jackson and Kane Street in an effort to slow down traffic and monitoring both traffic lights.
- Officer Templeton completed K9 Training School.
- Officer Whitt attended the Bullet Proof Mind Training
- Working on Vandalism at Grogan Park.
- 99 Patrol car has been stripped and ready for VML to pick up after awarding our insurance check.
- VML Grant approved and copier for office was purchased.
- All GCPD's computers are now networked and can print/fax/scan using one (1) standard network printer.
- Officer CJ Whitt received a MADD Award at the MADD Ceremony for issuing the most DUI's in our department for the year. He issued 26 DUI's this past year ending July, 2011.
- Our condolence to Officer Pat Deskins to the passing of his father.
- Chief attended VML workshop at Wytheville on Sept 29 in ref to Workman's Comp and Auxillary Police under Line of Duty Injury and Death.

**For October:**

- Officer Taylor and Chambers plan to attend the Autism Training Class
- All our Officers and Aux Officers will be re-qualifying at the shooting range this month.
- Officer Matt Taylor plan to attending the Field Training Officer Class
- Officer Templeton delivering training to all our Officers and Aux Officers on Use of Weapon Training and Safety and Survival.

**Chief Birchfield** – We have lost CJ Whitt, he has received notification in the past week so he will be going to the Federal government. We will be in the process of bringing somebody as his replacement. Questions?

**Council Member, W. W. Ross, Jr.** – Emergency early system, has it gone through?

**Chief Birchfield** – I haven't heard anything more since I talked to you about Mr. Brickey and I told you I would serve in any capacity you all would want me to do. But, that has to go through Mr. Brickey the EMA office we cannot apply, we cannot be involved in it except to assist him. He is the only man who can apply for the Federal grant to do that.

**Council Member, R. Cassell** – I was in here the other day when Rodney (Baker) was in here and asked him about what we were talking about the reverse call. There was actually a grant written, ready to be submitted and Mr. Brickey refused to submit it.

**Council Member, W. W. Ross, Jr.** – So we was talking about the software so we could get the, the software to notify

**Chief Birchfield** – The grant was there to pay for it and as Roger said he talked to Rodney Baker from 911 about that. But anything done on this emergency system has to go through the EMA office and Rodney told us that the other day also. So, he confirmed what I told you he has to go through that office.

**Mayor Jenkins** – Through Rodney's office?

**Chief Birchfield** – Through Jeff Brickey's office through EMA.

**Council Member, R. Cassell** – The grant was there, written all that had to be done was to turn it in. Rodney said his hands were tied it had to go through Emergency Management.

**Mayor Jenkins** – Is there a valid reason?

**Council Member, W. W. Ross, Jr.** – Is that state code or federal code for that reason? Is that code state or federal

**Chief Birchfield** – I can only assume without asking him that grant was put out through him as director and they were the only ones who could apply. If not then you would have separate entities applying for the grant. He was the, and I mean whoever the EMA Director is for the county who is the only person who could apply.

**Council Member, W. W. Ross, Jr.** – Okay, so, okay it wasn't addressed how serious the fact is that maybe senior citizens would be home that this software would be to notify them if a tornado or hurricane or severe weather maybe coming to help them be aware of it even though certain technology may come on certain cell phones but for senior citizens.

**Chief Birchfield** – I agree with you totally, but again, it reverts back to EMA he is the only one who has control over it.

**Council Member, F. Perry** – You need to take that speech to Mr. Brickey he's the man who needs to hear it.

**Council Member, R. Cassell** – Remember I told you up there a good month talking to him, that is what Rodney said that he did everything he could it's just stuck in that office. But the technology is there to do a reverse call through 911 to notify

**Council Member, F. Perry** – Is he a county employee, Mr. Brickey?

**Council Member, R. Cassell** – He is, he gets, I don't know where the money comes from, but it is a required paid position through the county.

**Mayor Jenkins** – I'll call Jeff and ask him why we didn't.

**Council Member, F. Perry** – That's probably maybe 50-50 I don't know how county office are, so much from the county, so much from the state. I know at one time they had extra tax on our telephone to pay for the 911. I don't even know if it's still on the bill or not.

**Town Attorney, M. Brooks** – Seems like they add more.

**Council Member, F. Perry** – I just pay for it at the bottom line.

**Council Member, W. W. Ross, Jr.** – We've been paying for that 911 for like 20 years.

**Mayor Jenkins** – Kim, thank you too because the accidents do seem to be coming down as the efforts to control everything is going up. So, it seems that it is showing that it is working.

#### **E. Council Reports** –

**Council Member, W. W. Ross, Jr.** – Can I address the issue or question?

**Mayor Jenkins** – Yes.

**Council Member, W. W. Ross, Jr.** – Alright, about this two hour parking getting a lot of feedback a lot of concern. Is it in stone or is it, a lot of folks are complaining so I don't really know where parking in town, do it gives them enough time to take care of business in the two hour or the timeframe should we evaluate it again or I got a lot of folks who have been talking to me about it. That's one question I needed to

**Council Member, F. Perry** – We have three free parking lots in town. If they don't like the two hour parking in the street they can go to the parking lot.

**Chief Birchfield** – I can add to that. Really the only day that we see a problem is court day. Like today was a busy day. I will tell you if it says two hours and we try to get back there within two hours of that two hour period, but when we're working, like today I was on something, the day shift officer was on something. I can't tell you that we are always going to be there. It's impossible, one you have one man working. We're doing the best we can, but I can tell you that we don't have a lot of violations. We haven't since it started. I think a lot of people like you said were concerned, complained about it, didn't like it, but they know we're doing it so the two hour parking they come out and move their car. They may still not like it, but they are moving their

cars. The first day or two we started the parking against the flow of traffic, got a lot of complaints about that. I haven't had any more complaints about that and I don't think since the first day or two we started it we've had any more violations. It's just a process of getting used to something new. The only days that I see it being a problem is on court days and as Ms. Perry said, we have three parking lots they can use if they just don't care to walk a little extra.

**Council Member, F. Perry** – It's good for the heart too.

**Council Member, R. Cassell** – I have three items I would like to present that I brought back from the VML Conference. Lot of the stuff was geared towards the bigger cities, we tried to split up and go to different sessions for different information. Chris and I talked to the Water Tech Maintenance company who is coming this way in a couple weeks and would be glad to take some pictures and look at our tanks with directions of what he felt we might need knowing that it would have to go out for bid. The gentleman that has done ours in the past wasn't there with few companies that do tank maintenance. This gentleman I talked to will be in this area in the next few weeks and hope to hear from him. Last year Sturnberg and Phillips Lighting both was there with Sturnberg offered the better products. I got to talk to Phillips a little more and they offer ten year financing plan. He's supposed to call us back, but until you ask, you don't know if it's doable. There a possibility we may be able to replace some of our decorative lights with more energy efficient. Ever since I saw Kingsport doing it was the prescription drug card. I went to a session on that and what County is offering is what the Town would offer. They way it works is whatever your dues are is based on per capita and you get an unlimited amount the discount cards with no cost to the Town or County. We could still do it, but it's the same thing, the county is doing it. That is official for anyone who needs it. It can't be used with insurance, but for those who have no prescription drug plan it's at least a 20% discount. The government liaison from New Port News set theirs up with no charge to the municipality. The person does not have to show identification. You get a card, show it. Chris checked and every pharmacy in the county is on it. If you know anyone who needs it, it is there through the county. Our dues would be about \$200-\$300. If the county doesn't go through with it that would be a service we could offer to the citizens fairly cheap. I heard you talking about electronic items, Randy, Chris and I talked about this going up. If you look at the paper we use to print every month and the costs. I went to a session called paperless agenda's and was surprised at how many cities have gone to I-Pads or the Notebooks with each Council Member issued a Notebook or I-Pad versus paying your clerk to do all this, she could type it up and send it to us and bring your I-Pad and sit right here with information in front of you can bring it up and look at it. It's doable and I didn't realize Randy was IT and we got talking about the different options of doing it. The more I see with the I-Pads, people were there with some with cameras and they were filming the awards, sessions, taking notes and check your email. It would be easy to set up with each could move around on your own screen or Mark could be the facilitator with a lot of options. The costs wouldn't be what you would think with most with 32 GB with case and depending on which way you go is \$500-\$600 each and get a keyboard where you can type like a computer. All these municipalities have researched this regarding the savings in man hours and paper with those who have it like it. Between the three of us, we'll do some research. See costs, if it's doable and possibility of a grant. Like Randy and I were talking, it's not if, but when. It costs a little to go, but you make contacts and you learn a lot. These are a few items I brought back and will work on.

**Council Member, W. W. Ross, Jr.** – One of the seminars I attended was moving May election into November. At first I thought it would be a pretty good idea but after the seminar I thought that it wouldn't because local elections would be overshadowed with the bigger elections in there. That was the back and forth discussion where they would probably save some money, but for local elections you would probably would get into some politics where you would be called as to what side of the fence and by bending to the May elections it does not, it doesn't add to that it kind of



keeps it just by who people voted for. So that's one of the things that they are basically looking at. On Wednesday on Richmond Times, it says that there will be more budget cuts so there's a lot of things that will come down the pike.

**Council Member, R. Cassell** – To go along with that and we've discussed this and I don't know what it would take to do it, but I found out we're one of the minorities of two year terms on Council with a lot of them being four year terms. The point was brought up with projects you are doing, you can't get anything done in two years. You start it, but if you don't get re-elected you don't get to see the projects through. So I don't know what big of a deal it would be to get through the legislator.

**Council Member, F. Perry** – It's a charter change, isn't it?

**Mayor Jenkins** – It would be better to go with the four year terms, I mean my opinion.

**Council Member, R. Cassell** – Even the small town of St. Paul couldn't believe that we were two year terms and they are four year terms. I don't know if that is something you want to pursue.

**Council Member, W. W. Ross, Jr.**- I got the opportunity to meet the Mayor from St. Paul, the Vice Mayor and some other folks with their market if you want to get with them to see how they got things going they'd be willing to help us for guidance, directions or any information that we may need to try and go forward.

**Mayor Jenkins** - Maybe something that we can put on the agenda next time if it's okay. Just take a vote and try to get it moving. We'll have to have a Public Hearing.

**Council Member, R. Lane** – Just to tie into what Roger was I attended one session on blighted buildings which was very interesting with the efforts of Gate City has been having recently. Also, went to one regarding getting ready in natural disaster. Virginia has had it fair share of disasters was a topic they talked about with response and how it is linked with FEMA and we have a state coordinator that actually led that. I went to the Freedom of Information Act session. I feel that we do a good job and it was a very interesting session as well.

**Council Member, R. Cassell** – Randy did not get any of the books that he was supposed to get except the Mayor and Council Handbook. Whoever we need to go through, VML or whatever, but he didn't get the Freedom of Information Book or any of the other books.

**Council Member, R. Lane** – I did get that one.

**Town Attorney, M. Brooks** – Kathy is the one that takes care of all that.

**Council Member, R. Lane** – I'll talk to Kathy.

**Town Clerk, K. Riley** – Randy, just let me know what you did and didn't get and I'll go get them for you.

**Council Member, F. Perry** – I have a few items, Mr. Mayor. I've had some complaints from our constituents. One is about the dogs running loose in our neighborhood. It's a continuing problem big dog with small kids in the neighborhood. She said she had called the town and the town told her to call animal warden. When she called the animal warden he told him that he did not enforce that, that was a town thing and he was hired by the county. We need to look into that, how is that supposed to be enforced?

**Council Member, R. Cassell** – That was one thing I had talked to David Redwine the other night. I told him I didn't want to go that route, but how do I go about getting on your agenda and explained to him what was happening and was told it couldn't be enforced we didn't have a leash law now we adopted a leash law and still getting complaints that they are being told can enforce it.

**Council Member, F. Perry** – This was as late as today.

**Council Member, R. Cassell** – He said to start out with Sally Kegley and take the notice and take a look at it because she's the County Attorney. She's down there all the time and she would be glad to help. To come and see her and she could tell if it was enforceable by the Dog Warden. David said he did not see any reason why it was not.

**Council Member, F. Perry-** Well, I told her if it had been me I would have said okay I won't pay my county taxes since I'm not part of the county. That would get your attention fast.

**Council Member, R. Cassell** – I don't know if it's the same neighborhood but I was informed the same dog nips people in the town that are known has been running loose for quite some time the principal had to call the schools cause it has been up there growling at people.

**Council Member, F. Perry** – It's not that one, but I know which one you're talking about.

**Council Member, R. Cassell** – It actually came to the soccer game and hiked on a lady's chair and all over her. We need to get this nailed down with Sally or whoever.

**Town Attorney, M. Brooks** – If you would like me to get with Sally and take care of it I will.

**Council Member, F. Perry** – That would be probably the thing.

**Council Member, R. Cassell** – I would also ask, if we could, the county has never run it in the paper the Times News did, but the county never did do an article in the paper. I don't know if that would help if we were to buy an ad in the county paper that we passed it. Maybe there's not a lot of people aware of it. David said if it came down to it we were more than welcome to come to a meeting and address it with the board. I'm glad you brought that up, I've been meaning to ask how to do it and he said Sally should be able to tell you real quick if it was enforceable.

**Town Attorney, M. Brooks** – I have court tomorrow in the morning, I call her tomorrow afternoon.

**Mayor Jenkins** – We do need to send someone to the town meeting we'll get a delegate and send them.

**Council Member, F. Perry** – Well, I think it would be really good.

**Town Attorney, M. Brooks** – Sally is very reasonable.

**Council Member, F. Perry-** That's a professional way to go about it. We have an attorney, they have an attorney and you two should be the ones to converse and work it out for us and found out the answers. That's my opinion. Another thing is, have we spent any money for any kind of pothole repairs this year?

**Mayor Jenkins** – I don't think we have.

**Council Member, F. Perry** - Are we going to? There's one that I reported 3-4 months ago that is getting worse and worse. In fact, it has grown from a small place to about 2/3<sup>rd</sup> of the road now.

**Council Member, R. Cassell** – He did tell me the other day that Stoney was planning on buying some asphalt we just didn't have the money at the time. There's another road or two that we have talked about that he was planning on getting some patching and he was going to get some. Wallace's street that he's requested and he was going to do some patching as the money comes in.

**Council Member, F. Perry** – It's Anita Street for the record.

**Council Member, R. Cassell** – I put that on the list that you had requested it, it still hasn't got done.

**Council Member, F. Perry** – Another one is the loading zones that is marked in town. The no parking which we failed to put loading zones on. I think we need to put loading zones on those things. I talked to Chief Birchfield about this and that is what he suggested, as a Council, ask that our Public Works put loading zones in those places. Particularly at the bakery because of the (addresses Chief Birchfield) what did you tell me, it had to be so many feet?

**Chief Birchfield** – The loading zone signs have been ordered for the area down by the newspaper and one at Commercial Electronics is clearly what you all wanted was a loading but failed to put the signs up and the markings.

**Council Member, F. Perry** – But over at the bakery when we

**Chief Birchfield** – The area in front of the bakery you can't park there because it's state law and you can't.

**Council Member, F. Perry-** You can't even park there to pick up phone in orders or anything?

**Chief Birchfield** – No, it's at an intersection.

**Council Member, F. Perry**- I know you told me it was so many feet.

**Chief Birchfield** – It is on a normal intersection, but that traffic light and also we just marked the side of the building. Cars were parking on the side, it may be just pick something up but it turned that two lane street into a one lane. We were getting a lot of complaints. But Stoney and his crew had marked that and all we need is some signage on that to be.

**Council Member, F. Perry** – But that is state law?

**Chief Birchfield** – It's at a traffic light, an intersection controlled by a traffic light.

**Council Member, F. Perry** – I'll get that back to Mr. Cotton. Drainage of the parking lot across from the courthouse, when it rains heavy the water is running into Mr. McCarty's building and he has requested we look at that and divert the run off and if we can't put up some kind of post or railing at the side of the building. People parking there is running into the side of his building and he had to put up a railing on his steps and someone parked at that place, ran into it and knocked it loose. So it needs to be something there too. Does the county have interest in that lot.

**Mayor Jenkins** – The County owns that lot.

**Council Member, F. Perry** – The County owns it.

**Mayor Jenkins** – The County paid for the paving of it.

**Council Member, F. Perry**- Is that something that we need to discuss with their County Attorney?

**Mayor Jenkins** – Yes, because they left a hole at the corner of the building. I guess a curb would work, but that would be the County's responsibility.

**Town Attorney, M. Brooks** – Do you know that address there because Sally will ask me.

**Council Member, F. Perry** – I don't have any idea.

**Mayor Jenkins** – It's that little narrow building at the corner of the parking lot. I don't know why they paved up there and left a hole like they did. I don't know what has changed to make it start flooding, but something has.

**Council Member, W. W. Ross, Jr.** – On that Manville Road at the courthouse, I noticed at times when they cut the grass they don't rake it and when it rains real hard it goes down and then bogs in the drain and backs up and overflows down in both of those and I noticed cause I've cleaned it out just my several times myself and I did and I noticed that it's a lot of it's a lot of the you know problems, a lot of the when the grass is getting cut those drains sometimes get covered up with grass when it overflows.

**Council Member, F. Perry** –Then, I have one other item. I think you've heard me say, all of you heard me say before that we need to do something about the side of the Police Station building. If we are going to require other people to do that then we need to do that too. I have had several people comment to me just that fact, particularly since Mr. Chapman has started working on his building. He's not the one who has made that statement.

**Mayor Jenkins** – It doesn't matter who said it we deserve it.

**Council Member, F. Perry** – It's true whoever said it and I liked what he done to the side of his building. We need to do something. Do you think we can look into having someone give us an estimate to fix the side of that building? Whether we do the Police Station there or we do something else, that building belongs to us and we still to have it done. We need it fixed.

**Mayor Jenkins** – We can get an estimate on it. That would be little or no cost, I would say no cost.

**Council Member, F. Perry** – It didn't take them very long to do that and it looks really nice. Okay, that's all I have.

**Mayor Jenkins** – Thank you, Frances.

**Council Member, W. W. Ross, Jr.** – I have one more small question I need to ask. I guess I need to talk to Chris about this. It dates back April the 30<sup>th</sup> of 2011 and when Roger said that we didn't have any money when they before they approved the budget we had a street from \$30,000 I

thought we had a sum of \$16,000 left in the street improvement from did that money go into a different category or do we was that money spent or went into was used for something else?

**Mayor Jenkins** – Last year’s budget did you say?

**Council Member, W. W. Ross, Jr.** – You had 20 12 that’s the last knowledge I have of April 30<sup>th</sup> of 2011 I’m sorry and before they approved the budget

**Council Member, F. Perry** – If it’s April that would be last year’s budget.

**Council Member, W. W. Ross, Jr.** – So we had that and they approved the budget of \$25,000 which we had \$30,000 at that time, but they approved it to \$25,000 so did that money go into another category or what happened to it?

**Mayor Jenkins** – I’d say it was rolled into the New Year.

**Council Member, F. Perry** – You don’t carry money from one budget to the next.

**Mayor Jenkins** – No.

**Council Member, W. W. Ross, Jr.** – You don’t?

**Council Member, F. Perry** - No.

**Council Member, W. W. Ross, Jr.** – So it just deletes into whatever it needs to go into.

**Mayor Jenkins** – Yes.

**Council Member, F. Perry** – The budget is for the fiscal year and anything not spent in the fiscal year, you still have the money but it’s not in that category, maybe.

**Council Member, W. W. Ross, Jr.** – So, okay, so they don’t have a line item. They just start over with everything and everything is totally wiped out and they start over. So, if you don’t spend something

**Council Member, F. Perry**- If you have a particular designated gift, you could carry that over but just your regular general fund money you don’t carry over.

**Mayor Jenkins** – Anything else from Council?

#### **F. Economic Development Committee** –

**Mayor Jenkins** – They are still not meeting and will start back again next month because of sickness and other reason they have suspended meetings for a while.

#### **G. Façade Committee** –

**Mayor Jenkins** – We did not meet due to the holiday. We do have another six month extension with the grant program. It was recommended by VHCD that we do go ahead since we are making progress and the town is starting to see the movement with the buildings being repaired. But we are extended for six months. I sign a paper Thursday of this week.

**Council Member, F. Perry** – Just as a matter of information, I guess a lot of people in here know who Jeff Baker was and if you don’t know, Jeff had cancer. When they discovered it, it was all through his body and he chose not to take any treatments and he just died yesterday. He lived in Florida but one of his last wishes was to come back to Gate City and see his home town one more time. I talked to his brother and he said that Jeff was really surprised and pleased with the town that it was really looking good and was glad that he got to come home and see it one more time.

**Mayor Jenkins** – Thank you, Frances.

#### **H. Historical Committee** – None

#### **I. Manager-**

**Mayor Jenkins** – I met with VDOT and SCTC where they are redoing the building they are going to some leech bedding, tiling and VDOT will let them do the road cuts. The Co-Op volunteered to

do all the work to state code with it not costing the town or the state a thing. They will send inspectors, they issued them and us a permit to go ahead with the leech bed where we are having a problem down here. They will haul the riffraff for us and it will just cost us the rock, no haul bills and they are putting in three new tiles, put in a new section sidewalk and the state has approved all that work. The Co-Op is taking on the expense of that with completion, hopefully, in three months. The states said if they were taking on the expense they would issue the permit and do the drawings for nothing. Met with Angie Sproles and she is looking at some projects in town for some low income housing. She will help us work through Lenowisco to maybe get some projects going I town of either replace or repair some homes for the elderly or under privileged. I did meet with the County, Lenowisco and DHCD on getting other grants for the theater project. Lenowisco is applying, we're applying and the County is taking over the Tobacco Commission money to apply towards the theater. Rob Jones has done asbestos studies and hasn't received the results yet and, hopefully, the project is not dead yet, if we can get all the monies and there is still a potential private donor on that.

**Council Member, F. Perry** – Has John done anything on that, sketching or anything?

**Mayor Jenkins** - It is Lane Engineering who is doing the actual structural drawing. The County has them under contract. It's part of their job, like Andy does ours. It's good to have the County and Lenowisco and us working together.

**Council Member, F. Perry**- It's a good thing. We may be able to move forward a little bit.

**Council Member, W. W. Ross, Jr.** – Question. You had the piece in the paper about the audit and auditors so we missed the deadline. So, where are we at status with that right now.

**Mayor Jenkins** – The auditors are still working with the grant holder. They expect the audit to be done Monday. Not sure that it's going to be a totally clean audit. The grant loan is still available. They are still extending it, but it is still on the table.

**Council Member, W. W. Ross, Jr.** – They going to extend it for 30-60 days or more?

**Mayor Jenkins** – They put no deadline. They said as long as their auditors were staying in communication with them they haven't set a deadline. The paperwork is still out there and still valid. They said ours was a good project and we are trying. They are bending over backwards to help us. It's still out there unless something goes wrong.

#### **J. Park Committee –**

**Council Member, F. Perry** – We did not meet, because for the third month in a row nobody showed up but me. I don't know what to do because one of the Park Committee members caught me at the grocery store to talk to me about something and I told him we needed to talk about it at the Park Committee meeting and that's next Wednesday at four o'clock. He said he'd be there. Nobody showed up. What do we do, how do we

**Council Member, R. Cassell** – Do you think it would help if, hate to add anymore on Kathy, but if she'd would call.

**Council Member, F. Perry**- She does, she sends out an email. She does.

**Mayor Jenkins** – I know who you're talking about, he was up here earlier that day talking to me.

**Council Member, F. Perry** – I even talked about them getting some new members because there are only three of us. If only two show up, how do you get a quorum with three? Maybe something we need to talk to the Civitan Club about. But Rita was a part of the Civitan Club and she was there to egg that on.

**Mayor Jenkins** –We'll try to get some more members, we need to get 6-7 more.

**Council Member, F. Perry** – I don't know who, who is the President.

**Benny Reed** – I don't know who is right now.

## **K. Planning Commission –**

**Council Member, R. Cassell** – Michele will have to report that one, I was in Richmond.

**Town Attorney, M. Brooks** – They met. We are waiting to hear back regarding the old Ford King property. Last time we discussed contract and haven't heard anything back, but dealing with the state, it may have to go up to the Attorney General and back down, so it may take some time to get that. But I think they need some more projects, Mr. Mayor, they are asking for work again.

**Council Member, W. W. Ross, Jr.** – I got a suggestion, on the Planning Committee, I guess this would come under the heading. Roger had mentioned that maybe the Daugherty Brothers place would be a place for a center because we don't have anything to have any activity like weddings or meetings that might be a project for them to look into.

**Council Member, R. Cassell** – I know he had asked when Steve was here if anybody could use it. I don't know a good Community Center, but it was also pointed out it would be a good Economic Development for the Town and County too. That could be something to weight the options on.

**Mayor Jenkins** – I'll ask Angie Sproles to come and talk to you all too at the next Planning Commission meeting. You're talking about a Community Center? That is one project we talked about today about possibly going to Abingdon and look at theirs.

**Council Member, R. Cassell** – It would be real easy, it's a shame we have no where. We have nothing in Town to really have any party.

**Benny Reed** – That's a good place to go and look (Abingdon) they have a nice Community Center.

**Mayor Jenkins** – Coon's Center, that's where she asked me to go and look. That is what she has in mind.

**Council Member, R. Cassell** – It wouldn't be that hard to convert that. If you can take a gas station and do what Rhonda did it would be real easy.

**Council Member, F. Perry** – What used to be the Clinch Mountain Merchants, the back of that has been remodeled and that would make a nice place for receptions, parties and things like that. They're not doing anything right now due to Jay's illness, Willow Street Hall, parking, remodeled and ready to go. They have seating for about 70 people.

## **L. Public Works –**

**Mayor Jenkins** – Brush pick up was up a little bit to 23,000 pounds. Trash pick up down to 178,000 pounds and recycle was up 12,000 pounds with 90 work orders. They have been continuing to work down at the municipal parking lot with the catch basin and ditch digging down there. We applied for an extension on the permit from the railroad and they will try to get the part where they will be within 15 feet of the center of the tracks and work on the rest if the weather turns bad.

**Council Member, W. W. Ross, Jr.** – Question. What they widen that ditch there behind the bank they brought the dirt to overflow to the property there at Chestnut Street.

**Mayor Jenkins** – Yes.

**Council Member, W. W. Ross, Jr.** – It's concerning that the dirt part but it had a lot of trash in that property. Were they just going to put the trash there with the dirt?

**Mayor Jenkins** – We'll probably rake it out. I'm going to ask them to get as clean as fill dirt as they can up there.

**Council Member, W. W. Ross, Jr.** – Well they had bottles and all kinds of stuff in there. There was a lot of bad trash in there.

**Mayor Jenkins** – We'll just rake it down and clean it out.

**Council Member, W. W. Ross, Jr.** – Well, I hope so because a lot of folks were complaining, looked at it and said

**Mayor Jenkins** – I haven't been up there and looked at it.

**Council Member, F. Perry** – Have we heard anything from the guy who was go

**Council Member, W. W. Ross, Jr.** - Something said to me about it.  
ing to do the recycle pick up?

**Mayor Jenkins** – He has started picking up schools. He told me that and was in the process of getting his boxes.

**Council Member, F. Perry** – I just wondered if it had died or whether if he was proceeding with it.

#### **M. Sanitation Authority –**

**Mayor Jenkins** – I guess we don't have anything to report.

#### **N. Water Plant –**

**Mayor Jenkins** – They're still doing really well with only 21.52% loss. They have the new telemetry for the tanks last month where Loretta can access it from any computer or a smart phone to see how the water conditions are.

**Council Member, R. Cassell** – Asks question under Sanitation. Did you ever get to check to see if the master meter has been put in?

**Mayor Jenkins** – No, I haven't. I know they were first waiting on the electric drops, but they don't need an electric drop. It is totally battery operated. It's gone from in here, so it may be.

**Council Member, R. Cassell** – I need to mention this, they are starting to be lax on their billing again. The last one was 30 days late and I think he got two together again which is quite hefty.

**Mayor Jenkins** – Yes, he got two big bills again. But he did say a lot of the stuff that we had bucked on in the past on paying they deducted off. We've made headway one way.

**Town Attorney, M. Jenkins** – My last call into Mr. Danko was probably two weeks ago. I'm still trying to get him to come to the Sanitation Meeting.

**Council Member, R. Cassell** – One of the agencies had contacted that they were getting ready to add on again. Do you remember the conversation about us paying a part of that? Chris told him no because they are putting sewer in everywhere else, we're not going to pay for anymore than what our addition was. I need to find out a little more about that. He said the state called of where they are putting all this sewer in the County, they're going to have to pay them again, apparently. So, we need to watch that. They'll be tacking that on us. I don't know what the whole gist of it was. We didn't have much of a discussion last month.

**Town Attorney, M. Jenkins** – We have new members who are eager to do stuff too.

#### **O. Street Commission –**

**Council Member, W. W. Ross, Jr.** – What is the progress on the hand railing?

**Mayor Jenkins** – He has not given me an estimate yet and I have not been out to talk to Randy to do that. He came over and did his measurements, but he has not provided an official estimate.

**Council Member, W. W. Ross, Jr.** – And I asked last time about the, where the alley way street way I was discussing between Chestnut and Gravel Street that property there did you deed that property to any of the owners.

**Mayor Jenkins** – No. It is still showing as a R-O-W for the town.

**Council Member, W. W. Ross, Jr.** – So, the town owns that part of

**Mayor Jenkins** – A 30’ swath is what the town owns. It goes up and connects to the 20’ R-O-W for Cleveland Street. There is no record of that being deeded back to anyone.

**Council Member, W. W. Ross, Jr.** – I mean to any of those property owners. That who says is private property there right there and I didn’t know

**Mayor Jenkins** – There is private property

**Council Member, W. W. Ross, Jr.** – Yes, but that alley way separates the I guess part of that private property there and that belongs to the town part of it.

**Mayor Jenkins** – Yes.

**Council Member, W. W. Ross, Jr.** – And yeah, well Cleveland Street that runs all the way down are they or was it confused about cutting that no more or was that Cleveland Street run all the way down go all the way back behind the church and comes off so that part connected to my father’s property is Cleveland Street that runs right down through there from here. They didn’t cut it, is that

**Mayor Jenkins** – We need to cut it. I got the drawing in there. Steve Whiten brought them, so we do need to cut it.

**Council Member, W. W. Ross, Jr.** – Well, I know from prior that they had talked about it before and the Council way back and to at least cut it twice a year. Now, I know it was mentioned when Daugherty was Mayor.

**Mayor Jenkins** – The Public Works crew needs for me to go up there with them so the direct path because it is a pretty straight line off the bottom off Cleveland Street.

**Council Member, W. W. Ross, Jr.** – Well, that would be the job of the foreman wouldn’t it?

**Mayor Jenkins** – Yes, but I need to go up there because I have all the plats and drawings which I could give them to him to go up there and do it. But, we don’t want, we just want them to be careful about getting on someone’s private property. Because getting into a lawsuit for being on private property.

**Council Member, W. W. Ross, Jr.** – Well, I pretty much know where private property is up there. I’ve been up there all my life. So, I know where it is and where it’s not.

## **XI. PUBLIC COMMENT**

**BENNY REED** –167 Poplar Street. Discusses the senior center in Abingdon as being a nice place and it would be a good place to look as a model and compliments the Police Chief and Police Department for doing a good job and cooperation between all the law enforcement agencies in the County.

**RON BAKER** -153 W. Jackson Street. Discusses the Property Manager’s Report regarding David Baker’s property on East Jackson Street with the issue of no notice was sent. Request Council to issue a decision to remove from Property Management.

**Town Attorney, M. Brooks** – Asks how he would know he doesn’t have notice?

**Ron Baker** – He’s my son.

**Council Member, R. Cassell** – That’s one of the one’s you kept getting the letter back for being out of town.

**Town Attorney, M. Brooks** – I won’t discuss on-going litigation. Would be happy to discuss it with Town Council.

**Council Member, F. Perry** – I know that there was notice sent to his proper address because I got the address for them to send notice to him before Michele came on board.

**Town Attorney, M. Brooks** – The goal of the Town Council is for the properties to be cleaned up. If the property is cleaned then the problem is taken care of.

**Ron Baker** – Asks if this one of the first reviews issued or has he missed all of them?



**Mayor Jenkins** – They have been issued monthly for several months.

**Town Attorney, M. Brooks** – Asks if he would accept service for him?

**Ron Baker** – No. I can't.

**BRENDA DISHNER** – Discusses being listed on Property Manager Report as Donovan, 115 W. Jackson Street. Address the letter received on the property was for blighted conditions which she has taken care of and questions the court actions.

**Town Attorney, M. Brooks** – Asks what actions she has taken to fix the situation?

**Brenda Dishner** – Bank has been sprayed.

**Mayor Jenkins** – It is clean. We'll Amy take another look at it.

**Town Attorney, M. Brooks** – We don't want to do anything if it has been taken care of.

**Mayor Jenkins** – It has been taken care of.

**Council Member, F. Perry, Mayor Jenkins, Town Attorney, M. Brooks** – Discuss the property on the Property Manager's Report under the name of Maddux.

Mayor Jenkins closed the public comment session at 7:34 P.M. and opened the consent agenda session.

## **XII. UNFINISHED BUSINESS - None**

## **XIII. NEW BUSINESS**

- **Ron Baker – Water Bill**

**Ron Baker** – Addressing the issue at 153 W. Jackson Street concerning the water bill. My comment is the adjustment that the Council issued is not legal to begin with because policy is not law. Secondly, the main issue I have to discuss this evening is concerning the water bill which is inclusive of the water adjustment and it was due and I don't have copies, but I would be happy to pass it around to all of you. It was due on 8/18/2011. This is the copy of the bill. On the Friday the 12<sup>th</sup> of August, I came into Town Hall and tried to pay the bill. There was a comment to me they couldn't take payment on the bill. So, I waited to the first of the week again and I came in and there had to be a clearance, but they refused to take my check to pay for the water bill at that point of time. A hour or two later I received a call from Kathy saying she had contacted Mark and Mark said it was okay to take my check for the water bill. The water bill essentially wound up being paid on August 16<sup>th</sup>. This bill that I was issued and had and the Town cut the water off to my building on 8/12, on Friday. That is six days prior to the billing coming due. As a result of that it caused a hardship for my tenant and myself. They had been doing missions in Haiti they had minister here from Haiti and they had drawn a special service to have him address the congregation the water was shut off where they had no water for the church at that time. I came up here on the 16<sup>th</sup> to pay it and I was given notice that there was a \$100 tampering fee and a \$25 reconnect fee. One of the church members went and turned the water on. Now, this is totally unjustified. Right there is the bill that you can read and you can look at it yourself. When I came in here on the 16<sup>th</sup>, I think Gwen, if I'm not mistaken gave me copies of two pieces here and I have them in my hand and dated them, that is when I received them. The only time that I have ever seen them on the 16<sup>th</sup> the day that I paid the bill, there was no other notice that I got on it. And therefore, I feel that the Council in particular needs to refund me the \$100 tampering fee and the

\$25 connection fee. Because I complied, I've not settled with the adjustment issue yet, but this in particular is adding insult to injury.

**Mayor Jenkins** – And you want what?

**Ron Baker** – Refund on the water tampering fee and the \$25 reconnect.

**Mayor Jenkins** – I'm not going to recommend that.

**Ron Baker** – Given your past actions I wouldn't expect you to.

**Mayor Jenkins** – No, I won't cut you no slack.

**Ron Baker** – You what?

**Mayor Jenkins** – I said I won't cut you any special slack, no.

**Ron Baker** – You're not putting me in a special class, I'm just asking you to do what's legal and right and since you don't want to do that apparently.

**Mayor Jenkins** – I can't decide what is legal. I'll do what I feel is right.

**Ron Baker** – What is it an issue of yours anyways? It's this Town Council that runs this town not you Mark.

**Council Member, F. Perry** – I have a question, Mr. Baker.

**Mayor Jenkins** – They can do what they want, but I said I'm not recommending.

**Ron Baker** – You can't serve to intimidate them because they are the ruling body.

**Mayor Jenkins** – I don't try to intimidate them.

**Council Member, F. Perry** – Can I ask a question?

**Ron Baker** – Yes.

**Council Member, F. Perry** – Did a member of the Town Council employee, a member of the Town Public Works Department did they cut your water on?

**Ron Baker** – No.

**Council Member, F. Perry** – It was your renter who turned it on?

**Ron Baker** - Apparently, one of the church members turned it on.

**Council Member, F. Perry** – As property owner do you not realize you are responsible for that action?

**Ron Baker** – Well, it's like this.

**Council Member, F. Perry** – Answer my question.

**Ron Baker** – No. I won't answer that question because it was improperly asked. The fact is that the water was cut off six days prior to the time that the bill came due and I even paid the bill two days prior that the bill came due. Now that's within compliance with any body's law and for you to come down there for you or whoever you sent down or whoever sent them down whether you want to take account of it or not

**Mayor Jenkins** – It was at my direction, yes.

**Ron Baker** – I figured as much.

**Mayor Jenkins** – I told them to do

**Ron Baker** - And that's exactly why I'm addressing you because it was illegal to do. Right there's the bill in front of you there was not call for it.

**Mayor Jenkins** – If you feel like it's illegal, then you can take it to court.

**Ron Baker** – I have been a paying customer, in this town, with water services and everything for much longer than you've even been around. And therefore, there is consideration that is on that. Never having to gather a bill from me, never having a delinquent bill from me or anything else I'm asking for no special treatment but there's the bill and you cut the water off on it on the place before the bill was due. Now you give me justification for that.

**Mayor Jenkins** – Sue me.

**Council Member, F. Perry** – Was this a

**Ron Baker** – I will Mr. Jenkins, I will.

**Mayor Jenkins** – You're welcome to it.

**Council Member, F. Perry** – Could we act in a respectable manner here, please? I request that both of you act in a respectable manner.

**Ron Baker** – Well he's the Mayor and he started in a little intimidation factor here.

**Council Member, F. Perry** – Well, you didn't have to pick it up.

**Ron Baker** – Well, probably not, but I have put up with his shenanigans long enough.

**Council Member, F. Perry** – I have another question to ask.

**Ron Baker** – Yes, ma am.

**Council Member, F. Perry** – The bill that was due, was there any past due charges on that bill?

**Ron Baker** – I'm not aware of any. I took it for what the value on it was

**Council Member, F. Perry** – Mr. Baker, we can't make any kind of determination on this if we don't get some answers to the questions that we have as a Council.

**Ron Baker** – I'm answering them Frances. What else do you want me to do?

**Council Member, F. Perry** – Like I said, first of all, I'd like you to act in a respectable manner. We want to do what's right but we can't do anything until we get this straight of the matter.

Okay?

**Ron Baker** – Well, respect, yes respect.

**Council Member, R. Cassell** – This amount \$425.26 July 22<sup>nd</sup> is it paid prior to the August 16<sup>th</sup>?

**Ron Baker** – The what now?

**Council Member, R. Cassell** – After we made our adjustment \$425.26 was due July 27<sup>th</sup>.

**Ron Baker** – That's what was paid until August the 16<sup>th</sup> because that's when I got the bill that it was due and I complied.

**Council Member, R. Cassell** – Was that \$425 the disputed past due amount to start with, right? I'm just reading

**Ron Baker** – No, I paid the water bill as far as the actual water bill that it has always been my billing of \$40. I continued to pay that even through the disputed water leak and all.

**Council Member, R. Cassell** – But the \$425.26 is what was left of that big bill after the adjustment.

**Ron Baker** – That was the total bill that was sent. That's the only bill that I received for that month which would have been for July I guess the August billing is for July so that was all the bill, total. Then when I came to pay the bill is when I was given notice about \$100 tampering fee and \$25 reconnect fee.

**Council Member, F. Perry** – It says that the meter was read July 18<sup>th</sup> and bills were sent out on August July the 22<sup>nd</sup> and

**Council Member, R. Cassell** – The amount due because that was the past due amount.

**Council Member, F. Perry** - Yes, the amount due and if it is after the due date the amount was \$476.29.

**Council Member, R. Cassell** – That's what she's referring back to because that was that past due amount and we agreed to adjust it, you have two days after that to pay it.

**Ron Baker** – Well, I knew nothing about that and I relied on the bill that they sent me as they normally do to go and that's exactly what I complied with.

**Council Member, R. Cassell** – According to this,

**Council Member, F. Perry** – The water was cut of when?

**Ron Baker** – The 12<sup>th</sup>.

**Council Member, F. Perry** – Of August?

**Ron Baker** – Of August, yes ma am.

**Council Member, F. Perry** – Okay.

**Council Member, R. Cassell** – I could see where it's misleading because. According to this, there was a letter sent out Certified Return Receipt that came back notifying about the two day from our decision to pay it.

**Ron Baker** – I got that letter that is right in front of Mark right now from the girl in the office when I paid the bill is the only time that I got a letter.

**Town Attorney, M. Brooks** – Did you refuse mail from the Town?

**Ron Baker** – Pardon me?

**Town Attorney, M. Brooks** – Did you refuse mail from the Town?

**Ron Baker** – I never received any mail from the Town. I got that right there from Gwen, I think is her name, the Office Manager when I was in on the 16<sup>th</sup> to pay the bill.

**Town Attorney, M. Brooks** – So you didn't refuse Certified Mail from the Town?

**Ron Baker** – I didn't get any mail from the Town.

**Town Attorney, M. Brooks** – So you never refused

**Council Member, F. Perry** – Did you get notice of the Certified letter?

**Ron Baker** – Pardon me?

**Council Member, F. Perry** – Did you get notice of a Certified letter?

**Ron Baker** – I have been running so much to Castlewood with my parents who have been in bad shape that I've had very little time to even pick up my mail maybe once a week.

**Town Attorney, M. Brooks** – Did you refuse service?

**Council Member, F. Perry** – Well they hold them more than a week.

**Town Attorney, M. Brooks** – Did you refuse

**Ron Baker** – Well, whatever that may have been, I received nothing other than what I got of when I came into the office.

**Town Attorney, M. Brooks** – Did you refuse service by Officer Matt Taylor?

**Ron Baker** – No, I didn't.

**Town Attorney, M. Brooks** – You never received to take anything

**Ron Baker** – No, I did not. I'd like to have my papers please.

**Council Member, F. Perry** – We got it, we're looking at it.

**Ron Baker** – Okay, you're still using it.

**Town Attorney, M. Brooks** – Did you instruct the church member to turn that water back on?

**Ron Baker** – Say it again?

**Town Attorney, M. Brooks** - When the water was turned back on, did you instruct it or did you encourage someone to turn the water back on?

**Ron Baker** – No, I did not. I wasn't aware of anything being out of kilter other than we had been discussing this bill. So, when a church member said do you know anything about the water being off? I said no, I don't know anything about the water being off, I'm still in dispute with the town concerning the water bill to get the water bill straightened out. Then he said, well you know we didn't, what should be do about it and so on? And I said, I don't know. I don't know if there is anything that you can do but turn on.

**Council Member, F. Perry** – How would they even know where to turn it on?

**Ron Baker** – Ugh?

**Council Member, F. Perry** – How would they even know where to go to turn it on?

**Ron Baker** – Well, everyone in the building is familiar with where the water, I mean the preacher and the guy, I guess you would be called the assistant he does all the cleaning and repairs on the church know because they've had occasions that they're been down where I go through the door my meter is right in front of the door where I go into the building. So, I'm sure they've seen it.

**Council Member, F. Perry** – Why would they have any reason to be down there?

**Ron Baker** – What?

**Council Member, F. Perry** – Why would they have any reason to be down there, they use the front?

**Ron Baker** – Many reasons, Frances, the oil tank that fills for the furnace in the church is down there you go right beside it to go in there and fill them.

**Council Member, F. Perry** – They still on oil tank?

**Ron Baker** – No, they have to go down there to instruct the people where it was at, so I'm sure they've seen it. They're not you know blind and impossible of realizing what's going on. If you walk down the alley, there's only a meter there that you see and I think if I'm not mistaken there's one over there with what used to be the Style Shop or whatever it was on the corner.

**Council Member, F. Perry** – But you don't really see them unless you know what you're looking for. Do you?

**Ron Baker** – Do what?

**Council Member, F. Perry** – You don't see them unless you're looking for them, do you?

**Ron Baker** – Frances, do you know of anybody in this town that has water subscription to this town that doesn't know what a water meter looks like?

**Council Member, F. Perry** – I can't answer that.

**Mayor Jenkins** – The church has no subscription to this town.

**Ron Baker** – Do what?

**Mayor Jenkins** – They don't have one or didn't have one at that time.

**Ron Baker** – Who?

**Mayor Jenkins** – The church. The property owner did not inform us there was another renter in the building so they had no service.

**Ron Baker** – The building is one building, Mark.

**Mayor Jenkins** – It is multiple services by ordinances and code.

**Ron Baker** – And that has already been addressed and you added \$20 to my bill.

**Mayor Jenkins** – That's right you made us aware you have another vendor accidentally, evidently.

**Council Member, R. Cassell** – Is there anybody else pick your mail up?

**Ron Baker** – Do what?

**Council Member, R. Cassell** – Does anybody else pick your mail up? Is there any chance somebody else, cause it says the return of course if you're not checking your mail it was returned after the time limit unclaimed, but it was sent through regular mail and did not come back. Does somebody else pick your mail up by accident or by chance and you didn't get that or are you the only one who has access?

**Ron Baker** – All I can tell you is that I didn't get it.

**Mayor Jenkins** – I'll tell you how it is, every one that Ron deals with is a liar with the exception of Ron. Our Police Officer is a liar, I'm a liar every body but you are a liar.

**Ron Baker** – You certainly are, you most certainly are. There's no question about that.

**Mayor Jenkins** – I'm afraid not. I don't feel a bit bad about what I heard you said.

**Ron Baker** – About you lying? Yeah, I know you don't.

**Council Member, F. Perry** – Please, gentleman. We don't need to bring personalities before this Town Council. Okay.

**Council Member, R. Cassell** – Did Matt say anything to you about refusing.

**Council Member, W. W. Ross, Jr.** – You (Inaudible) cut the water off because the bill was delinquent, right?

**Ron Baker** – Yes, sir.

**Council Member, W. W. Ross, Jr.** – So you said six days prior I mean it was what six days

**Ron Baker** – Six days prior to the time that the bill was due to be paid here at the office.

**Council Member, W. W. Ross, Jr.** – And you

**Council Member, F. Perry** – Roger had asked a question of Chief Birchfield, and he's come to answer it, could we hear that answer?

**Council Member, R. Cassell** – I had asked if Matt said anything to Chief Birchfield about this.

**Chief Birchfield** – I was asked to send out the letter by Matt for service. I did and know at one time he spoke with Ron. I cannot stand here and tell you the conversation, I don't remember it.

It's been too long. But, I do know that they spoke and he'd have to tell you what was said because I wasn't there. But that is easy enough, we could, I can get that information for you. I just wouldn't want to say because I'm not sure.

**Council Member, R. Cassell** – Right.

**Mayor Jenkins** – I still like to grin at you.

**Ron Baker** – Say again?

**Mayor Jenkins** – I still like to grin at you.

**Ron Baker** – So do I.

**Council Member, W. W. Ross, Jr.** – So, you went in to make an offer to pay the bill. You went in to offer to pay the bill.

**Ron Baker** – Yes.

**Council Member, W. W. Ross, Jr.** – Yes.

**Council Member, W. W. Ross, Jr.** – And when you went in it was extra charge to that bill, right?

**Ron Baker** – Yes.

**Council Member, W. W. Ross, Jr.** – And you didn't want to pay the extra charge? Right?

**Ron Baker** – Well, I was told that the water wouldn't be turned back on unless I paid the initial \$125.

**Council Member, W. W. Ross, Jr.** – So

**Council Member, F. Perry** – That's policy.

**Council Member, W. W. Ross, Jr.** – So, when by whoever turned the water on, after that was done did they go back and turn it off again?

**Ron Baker** – After

**Council Member, F. Perry** – After the church member turned it on.

**Council Member, W. W. Ross, Jr.** – After the church member cut it back on, did it go back on?

**Mayor Jenkins** – I suppose they cut it off because they go back and check. After they cut the water off they usually go the next day and cut it off or check to see if it has been cut back on. So, several times in different situations it has been.

**Council Member, W. W. Ross, Jr.** – So when

**Mayor Jenkins** – Usually they'll lock out or remove the meter completely then. I don't know what they did for sure in this case. I know in other ones they've actually removed, physically removed the meter.

**Council Member, F. Perry** – I have a question.

**Council Member, W. W. Ross, Jr.** – Well

**Council Member, F. Perry** – Can we table this until our next meeting and that Officer Taylor and Mr. Ducker attend this meeting?

**Council Member, W. W. Ross, Jr.** – Well

**Council Member, F. Perry** – Mr. Ducker, if this says, Mr. Ducker informed Town employees that he was instructed by Mr. Baker to turn the water on. Mr. Ducker

**Ron Baker** – He was not instructed by me, Frances. He asked me if he could and I said that there was no reason I knew that he couldn't, because the water should not have been shut off.

**Council Member, F. Perry** – Do you object to

**Ron Baker** – Waiting another term, yes I do, because every time that I've been here before I've had to come back at least for the second meeting each and every time.

**Council Member, F. Perry** – Well, you said, she said and they said and we said and we need to know whether Officer Taylor tried to get you to take this letter or not. We need to hear that from him. We're hearing you, but we have the right to hear what he has to say.

**Ron Baker** – Well you don't have to even ask Taylor I can tell you that he came over to me and talked. He and I were talking and the Chief said something to him and he came over and he had a letter, but I never got a letter.

**Council Member, F. Perry** – Do you have a reason to object to Officer Taylor’s testimony before us?

**Ron Baker** – Not a bit, not a bit. I didn’t take anything from Officer Taylor because unless I and any situation with business and any man any businessman will tell you the same thing that I will tell you, that you don’t accept anything like that unless your first of all given knowledge of what you are accepting. I won’t and I don’t know anybody else in their right mind that will.

**Town Attorney, M. Brooks** – So, you did refuse it?

**Ron Baker** – Do what?

**Town Attorney, M. Brooks** – You did refuse it. You just basically said you don’t take things from

**Ron Baker** – I refused to take a letter from him.

**Town Attorney, M. Brooks** – So, you did refuse it and I asked you this earlier.

**Ron Baker** – I had no idea what he was trying to give me.

**Town Attorney, M. Brooks** – Alright.

**Ron Baker** – He never said, he didn’t tell me what it was. I asked him what he was trying to give me and he didn’t give me any answer. So, I have no idea what it was so I just refused it. I’m not going

**Town Attorney, M. Brooks** – I asked you a few minutes ago and you said no.

**Ron Baker** – I did not. I said I had not received any information.

**Council Member, F. Perry** – And I wanted to ask a question was that voluntary or involuntary that you didn’t receive it?

**Ron Baker** – I can’t tell you that because the only thing that I can tell you is I wouldn’t accept any letter from anybody because I wouldn’t do that unless I knowing what I was getting into.

**Council Member, F. Perry** – Have you got a good attorney?

**Ron Baker** – Pardon me?

**Council Member, F. Perry** – Have you got a good attorney?

**Ron Baker** – I do.

**Council Member, F. Perry**- Well, you need to ask him if you accept papers does that put you under any obligation except the knowledge that you accepted the notice of something. That doesn’t put you under

**Ron Baker** – Without being given knowledge of what you’re accepting you are not required by law to accept it. Now that’s the law.

**Council Member, F. Perry** – Then how are you going to get any notice? The best way to do it is to send it by register mail return receipt requested.

**Ron Baker** – Whatever method you want to use or whatever, that’s not the case I mean, that’s not the case to me. I didn’t get any direct information concern it until I walked right in there because

**Council Member, R. Cassell** – Because you didn’t take the letter.

**Ron Baker** – I was in there on a Friday, prior to that time and didn’t receive any either when the water was cut off. Now, again,

**Council Member, W. W. Ross, Jr.** – So you, you, you wanted to pay the amount of how much the amount you came into the office to pay.

**Ron Baker** – I came into pay what that what this bill right here said I owed.

**Council Member, W. W. Ross, Jr.** - \$425?

**Ron Baker** – That’s exactly what I did. I complied with what I have been billed and I complied with that.

**Council Member, W. W. Ross, Jr.** – Alright, so you come in but it has been once you come in it was you were asked another charge of \$150 connecting fee?

**Ron Baker** – Yes, that, Mr. Jenkins over there had put a \$100 meter tampering fee on me that I had tampered with the meter and it was a \$25 reconnect fee because he had pre he had previously cut the water he cut the water off six days before the bill came due.

**Council Member, F. Perry** – Mr. Baker, Mr. Jenkins, Mayor Jenkins did not put that on you, if you read a copy of our Water Policy you will see that that is stated in the policy and Mayor Jenkins did not write that policy.

**Ron Baker** – Again, I will remind you policy is not law.

**Council Member, F. Perry**- Well, do you want to go to court?

**Ron Baker** – Yes and do you want me to have all of you there?

**Council Member, F. Perry** – I would love to be there.

**Ron Baker** – Alright, if that is the way you want to address it then that's the way we'll address it. But, you had no right to cut the water off and do what you did because here you sent me a bill which clearly states how much I owed you. I came in prior to the time that it was due. I paid you. And before it was ever done the water was cut off causing a hardships that it did and there was no call for it whatsoever. None.

**Council Member, F. Perry** – Is a motion in order?

**Town Attorney, M. Brooks** – You can make a

**Council Member, W. W. Ross, Jr.** – But you

**Council Member, F. Perry** – I move to table this matter to the next meeting and we request Officer Taylor and Mr. Ducker to be here at that time and we get their testimony in this

**Council Member, W. W. Ross, Jr.** – Question.

**Council Member, F. Perry**- I need a second before you can question.

**Council Member, W. W. Ross, Jr.** – But he, question

**Council Member, R. Cassell** – I'll second that motion.

**Motion made to table this matter to the next meeting and we request Officer Taylor and Mr. Ducker to be here at that time and get their testimony in this.**

Motion by: Council Member, F. Perry 2<sup>nd</sup> by: Council Member, R. Cassell

**Council Member, W. W. Ross, Jr.** - Question

**Mayor Jenkins** – Now you can question now.

**Council Member, W. W. Ross, Jr.** – Thank you. He offered to pay the \$425.26 correct? And the office refused to take that money

**Ron Baker** – At the time

**Council Member, W. W. Ross, Jr.** – That amount. They said that you owed more.

**Ron Baker** – No, they, the first time they refused to take my money because they said they couldn't take my check which I had always used to pay this for thirty years that I've been here.

**Council Member, W. W. Ross, Jr.** – So, why didn't they take, why was it refused?

**Ron Baker** – That's why I asked about. Oh, it's something about an adjustment she said that you'll have to pay in cash. I said you can forget it. I don't pay my bills with cash and I won't pay you a bill with cash.

**Council Member, F. Perry**- Which one told you that?

**Ron Baker** – Ugh?

**Council Member, F. Perry** – Who told you that?

**Town Clerk, K. Riley** – It was me? Can I explain what happened?

**Ron Baker** – It was Gwen I suppose. Asking Town Clerk, K. Riley, was it Gwen who told me or you who told me that?

**Town Clerk, K. Riley** – I can explain since you were talking to me.

**Ron Baker** – Okay.



**Town Clerk, K. Riley** – You came in and you said you wanted to pay on your water bill. You wanted to write a check and I told you that and you wanted to get your water turned on. I said you cannot get your water turned on until the full amount is paid. I said your water has been cut off and you have to pay the full amount and you said when did my water get cut off. I said your water was cut off, I guess it was that day or the day before.

**Ron Baker** – No, it was on the 12<sup>th</sup> is what I come to find out back searching.

**Council Member, F. Perry** – So, that goes back up and answers the question that I asked to start with, was there charges besides the actual water bill? Yes.

**Town Clerk, K. Riley** – What he wanted to do, he wanted to make partial payments

**Council Member, F. Perry** – Right.

**Town Clerk, K. Riley** - and I said you can't make a partial payment

**Council Member, F. Perry** – Right

**Town Clerk, K. Riley** - because the water has been cut off. If you wanted to come in prior to the water being cut off

**Ron Baker** – That was on Friday as I recall.

**Town Clerk, K. Riley** – But, we made several attempts through certified return receipt mail and we sent it regular mail. We do that for the purpose, if the person chooses to not accept notification through the mail, the certified letter, the regular mail goes through. If the regular mail does not come back it is the assumption and I think it is the same with courts if the regular mail does not return back then the party has received that piece of mail. So it went certified and it went regular mail.

**Ron Baker** – You will find that in an assumption there not acceptable in the course of the law and everyone else out here with common sense knows that assumptions make an ass out of people who take them and make them. But that takes care of assumptions as far as that part goes.

**Town Clerk, K. Riley** – May I finish what I was saying?

**Ron Baker** – Pardon me?

**Town Clerk, K. Riley** – May I

**Ron Baker** – I didn't know that you were in the Council, Kathy.

**Mayor Jenkins** – You brought her into the minutes.

**Council Member, W. W. Ross, Jr.** – No, not, not actually, legally, she's not

**Ron Baker** – She volunteered to jump in. She's not

**Council Member, W. W. Ross, Jr.** – She's not, well maybe I'm wrong. But, she's not, she's not

**Council Member, F. Perry** – I asked who, I asked who refused to take your check and she

**Council Member, W. W. Ross, Jr.** – She's here to take the minutes, she's not really

**Mayor Jenkins** - She is here because Ms. Perry, she is participating because Ms. Perry asked her to clarify

**Council Member, W. W. Ross, Jr.** – She's not allowed to, she's not allowed to because she's taking minutes. She participating she cannot be writing the minutes.

**Mayor Jenkins** – She can be writing minutes

**Ron Baker** – She can't

**Mayor Jenkins** - because we have five tape recorders running.

**Council Member, W. W. Ross, Jr.** – She can't, she's not, well okay.

**Ron Baker** – Needless to say, regardless of that. There wasn't any call for the water to be cut off in the first place.

**Mayor Jenkins** – Policy, as far as I'm concerned,

**Ron Baker** – The bill was established here

**Mayor Jenkins** – policy was followed, we can go from there. If it takes your attorney to do it, whatever you want to do, I feel like policy was applied properly.

**Ron Baker** – Policy is not law.

**Council Member, F. Perry** – First of all

**Mayor Jenkins** – It don't matter.

**Council Member, F. Perry** – First of all

**Mayor Jenkins** – It works.

**Council Member, F. Perry** – First of all, there's a motion

**Ron Baker** – It was not and is not law.

**Council Member, F. Perry** – First of all, there's a motion and a second on the floor. Any discussion needs to be among the Council. You don't need to be in the discussion here.

**Ron Baker** – Well, neither does the mayor over there and his concern either.

**Council Member, F. Perry** – So be quiet and he will too.

**Ron Baker** - So if he's the one who fired me. If he's the one who's going to fire me and want an answer out of me, I'm giving him one.

**Council Member, F. Perry** – Well, I'm asking him to be quiet too, Mr. Baker.

**Ron Baker** – Well, you haven't been very successful.

**Council Member, F. Perry** - I think you all need to get you some swords and your selves a duel somewhere and get this over with

**Ron Baker** – I'd accommodate anything you'd like.

**Council Member, F. Perry** – Would you ask for discussion anymore from Council and new things

**Mayor Jenkins** – No, I think the discussion done, you all can vote.

**Council Member, F. Perry** – I called for the questions.

**Town Attorney, M. Brooks** – Ask for a vote, Mark.

**Mayor Jenkins** – Is there a vote, all in favor of Ms. Perry's motion.

**Council Member, W. W. Ross, Jr.** – To table? Repeat the motion, please?

**Council Member, F. Perry** – To table the matter until the next regular business meeting and that we will ask Officer Taylor and Mr. Ducker to be here and at that time that Kathy Riley can speak her part as a participate in this discussion.

**Council Member, W. W. Ross, Jr.** – I'm well, she's, I'm against that. Go ahead.

VOTE: Yeas, 3  
Nays, 0  
Abstain, 1 – W. W. Ross, Jr.  
Absent, 1 – T. Herron

**Mayor Jenkins** – What is your reason for abstention?

**Council Member, W. W. Ross, Jr.** – The reason for abstention on it is to abstain because the fact is that I'm still don't understand parliament procedures rules. I can't understand that how are you gonna spend the emotion or the rules to allow a secretary to be involved in the emotion, discussion?

**Mayor Jenkins** – She will be here as a member of the office staff and we will have a substitute clerk.

**Council Member, F. Perry** – If we need to. I don't think that's necessary.

**Council Member, W. W. Ross, Jr.** – For legal action. For legal (Inaudible), I guess, I think. I'm just trying to understand the Robert Rules how everything works. I'm still new at this so you all may have to guide me a little on this stuff.

**Council Member, F. Perry** – You got a copy of Robert Rules?

**Council Member, W. W. Ross, Jr.** – Well, I know some, some of the things. I know that that attend some of the meetings that

**Council Member, F. Perry** – The County Library has a copy, I suggest you go down there and read it.

**Council Member, W. W. Ross, Jr.** – I have a book. But, even since you are expert, as they say,

**Council Member, F. Perry**- Thank you, Wallace.

**Council Member, W. W. Ross, Jr.** – I can learn, that, that because this is a small board I throw this out to you that since it's less than five people under 20 people you don't have to you second you can just you don't have to because this is you can suspend the rules.

**Council Member, R. Cassell** – Robert Rules of Order is not a law. You want to talk about law that's just an understood

**Council Member, W. W. Ross, Jr.** – Yeah, that's right you can understand anything and do don't have to have a second to a small body.

**Council Member, F. Perry** – The matter is

**Mayor Jenkins** – It is tabled till next

**Ron Baker** – So, essentially, and once the clarification you saying that Officer Taylor tried to serve me what you say these, I'm taking is what you're saying, am I right? That you're saying that Officer Taylor attempted to serve these to me?

**Council Member, F. Perry** – I don't know what he was, that's what I'm going to get into.

**Ron Baker** – Well, that's exactly what I'm saying to you. I don't know what he was trying to serve me with.

**Council Member, F. Perry** – No, because you wouldn't accept to see what was inside.

**Ron Baker** - And as anyone else in their right mind would do, would not accept service without knowing what you're being served with. So that's it as far as I'm concerned and I already acknowledged that. So, if you want to try to get me to come back before this Council when I've done, I feel like as much as any one person can do to try to get this rectified in a reasonable manner which you have the power and the right to do, that there's not much use of me wasting another Council session.

**Council Member, F. Perry** – That's your choice, but that's what we voted to do was to hear it at the next meeting. If you want to be here to present your side and rebuke what they have to say then my suggestion to you would be that you show up.

**Ron Baker** – Well, like I said, why do you need to bring a witness in to, and you can, don't say that I'm trying to talk you out of it. I'm not

**Council Member, F. Perry** – Because, Mr. Baker, you have stood there and said that

**Ron Baker** - But I have said that I wouldn't accept any letter from the Town Officers which I knew nothing of what it contained.

**Council Member, F. Perry** – Well, you stood there and tried to make us believe that you were telling the truth, the whole truth and nothing but the truth.

**Ron Baker** – I am telling you the truth.

**Council Member, F. Perry** – Well, do you not feel like

**Ron Baker** – I told you exactly what it is and I have the proof that you put on paper right here.

**Council Member, F. Perry** – Do you not feel like the other people have that right to come in here and defend themselves?

**Ron Baker** – Who?

**Council Member, F. Perry** – Are you calling them a liar?

**Ron Baker** – Who? Who?

**Council Member, F. Perry** – Officer Taylor and Mr. Ducker.

**Ron Baker** – Why are you saying that I'm calling him a liar, Frances?

**Council Member, F. Perry** – Because it stated that he tried to give you that.

**Ron Baker** – He, the chief told you right there,

**Council Member, F. Perry** – Right

**Ron Baker** - in his own words, that he gave an envelope to have Taylor talk to me. I told Taylor I didn't know what it was. I asked him what it was and I got no answer. And not know what it was, I didn't accept it. I won't accept it. That's a simple acknowledge, I'm acknowledging it, I'm given you clear cut acknowledgment.

**Council Member, W. W. Ross, Jr.** – Mr. Baker, I know you're a little upset, I would be, but right now the board already voted to table it, so.

**Ron Baker** – Okay. That's fine. Thank you.

**Council Member, W. W. Ross, Jr.** – That's all.

**Mayor Jenkins** – The next item under new business, is, if you all want to talk you probably need to go outside. (Addressing Ms. Dishner and Mr. Baker)

- **Amendment regarding cashing CD #127383 for full amount of \$88,832.79.**

**Mayor Jenkins** – This is the one that we were going to leave \$20,000 in and they recommended that we just go ahead and break the whole CD at the bank and re-invest it as the funds come in.

**Council Member, F. Perry** – As it was explained to me, when you cash a CD in, you have cash the total the amount in, if you want to reinvest a part of it. You reinvest it, but it's not, you just can't take part of it.

**Mayor Jenkins** – Part of it out.

**Council Member, R. Cassell** – Part of it was originally being held for another loan and she was able to release that amount.

**Mayor Jenkins** – Yeah, because none of it would have been able to release if it had not been for that.

**Council Member, W. W. Ross, Jr.** – Are you getting penalized for this for taken it out so early?

**Mayor Jenkins** – We were penalized a total of \$832.70 for both CD's on what would have be earned over the life of those.

**Council Member, F. Perry** – No, what she told me was our penalty would be about the amount of interest the CD's have already drawn.

**Mayor Jenkins** – So, okay

**Council Member, F. Perry** - So, actually we didn't lose anything but we didn't gain anything.

**Mayor Jenkins** – Yeah, we didn't it over. So we need an amendment in taking that full amount of that CD.

**Motion made to amend the original motion to allow the full amount to be withdrawn.**

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Council Member, R. Lane

**Council Member, F. Perry** – I have a question first. Are we going to go ahead and keep that \$20,000 in our General Fund or are we going to reinvest it or just wait until we get reimbursements to see what happens then.

**Council Member, R. Cassell** – He told me the other day that he used it, he needed

**Council Member, F. Perry** – He used it

**Council Member, R. Cassell** - it for some bills he was holding until the grant money comes back.

**Council Member, F. Perry** – Oh, okay.

**Council Member, R. Cassell** – I think what he originally requested just got us by and this gave him a little more breathing room. I just kind of feel like being on the Finance Committee I try to keep up with Chris about what goes on and

**Council Member, F. Perry** – Well, before we do anything like that again, we need to talk with the people at the bank.

**Mayor Jenkins** – Yes, because they recommended shorter term CD's and have them in rotation instead of getting everything in a big pile.

**Council Member, F. Perry** – And I asked her or I did ask about line of credit. She said that would be a good way to go.

**Council Member, R. Cassell** – It would be better once we get the audit.

**Mayor Jenkins** – Anymore discussion?

VOTE:	Yeas,	3
	Nays,	0
	Abstain,	1 – W.W. Ross, Jr.
	Absent,	1 – T. Herron

#### **XIV. PUBLIC COMMENT – NEW BUSINESS**

**Benny Reed** – Questions the cashing in of the CD's. Remembers prior meeting there is some work that was done but did not get reimbursed for it.

**Council Member, F. Perry** – Replies we haven't been reimbursed.

**Benny Reed** – Is it held up because of the audits.

**Council Member, R. Cassell** – States, part of that grant money.

**Benny Reed** – It's not tied into the audits.

**Council Member, F. Perry** – No.

**Benny Reed** – That's all I wanted to know.

**Council Member, F. Perry** – It's money we had to pay out, but the grant will reimburse. But we had bills to pay in the meantime.

**Benny Reed** – Questioned if it being held up with the audits that should have been done a long time ago.

**Council Member, F. Perry** - No. Is it?

**Council Member, R. Cassell** – It's tied in with that water main upgrade.

**Town Attorney, M. Brooks** – Part of it will be reimbursed out of the grant that we are waiting on because of the audit. At least partially.

**Mayor Jenkins** – Pieces of it is tied into that audit.

**Benny Reed** – Expresses his concern about the audits and not accountability for why there were not completed on time.

Mayor Jenkins closed the public comment session for new business at 8:13 P.M. and opened the consent agenda session.

#### **XV. CLOSED SESSION**

Mayor Jenkins opened the closed session at 8:13 P.M.

**Motion for Council to enter into closed session to discuss Human Resource (Personnel) and Legal issues.**

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Council Member, R. Lane

VOTE: Yeas, 4  
Nays, 0  
Absent 1- T. Herron

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

Council returned from closed session at 9:01 P.M.

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

Motion by: Council Member, F. Perry 2<sup>nd</sup> by: Council Member, W.W. Ross, Jr.

VOTE: Yeas, 4  
Nays, 0  
Absent 1 – T. Herron

### **CERTIFICATION OF CLOSED MEETING (Read by Mayor Jenkins)**

**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.

VOTE: Yeas, 5 - W. Ross, Jr., F. Perry, R. Cassell, R. Lane, M. Jenkins  
Nays, 0  
Absent 1 – T. Herron

**XVII. MOTIONS FROM CLOSED SESSION:** No motions coming out of Closed Session.

## **XVIII. ADJOURN**

### **Motion to adjourn the meeting until the next regularly scheduled Council Meeting, November 8, 2011, at 6:00 P.M.**

Motion by: Council Member, R. Lane 2<sup>nd</sup> by: Council Member, R. Cassell

VOTE: Yeas, 4  
Nays, 0  
Absent 1 – T. Herron

\*Mayor Jenkins adjourned the meeting at 9:04 P.M.

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Mark Jenkins – Mayor

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Kathy Riley – Town Clerk