



**GATE CITY TOWN COUNCIL MEETING MINUTES**

**October 12, 2010**

**156 E. JACKSON ST.**

**6:00 PM**

**I. COUNCIL MEETING CALL TO ORDER - Mayor Jenkins**

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

PRESENT: Mayor, Mark Jenkins      ABSENT: Council Member, Frances Perry  
Vice-Mayor, Rita Tipton              Council Member, Tommy Herron  
Council Member, Roger Cassell  
Council Member, Wallace W. Ross Jr.

Others present, Town Manager, Steve Templeton, Ron Kindle, Debbie Kindle, Tommy Quillin, Chad Giles, Don Hanshew, Jon McConnell, Joe D. McConnell, Roger A. Brooks, Daris Hartsock, Nell Hartsock, Helen Smith, Diane Davis, Billy Giles, Marvin Lane, Ron Cole

**III. INVOCATION - Don Hanshew**

**IV. PLEDGE OF ALLEGIANCE - Mayor, Mark Jenkins**

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

- **Terry Kilgore-1<sup>st</sup> Delegate** – Discusses:
  - Thanks Council for opportunity to meet in hometown. Wants to provide information of what is going on, if there are any concerns or ideas or things that need to be put into legislatively for the Town.
  - Commends Town regarding progress beautification of Town, Clinch Mountain Fest, marketing on the Crooked Road.
  - Put into legislation last year to discuss with Dept. of Transportation to open up over by the by-pass. VDOT is being hard to work with, with them saying it will set a precedent for other parts in the state. May need a letter for a resolution from the Town in November/December asking and saying it is okay with Council that the limited access be broken.
  - Encourages Council to get some businesses in Town stating they have worked with the Towns of Pennington and Jonesville on some of their projects and with the Tobacco Commission would be willing to work with you to create jobs or tourism, things of that nature.

- If you need anything, to call, drop a line. I wanted to show up and let you know we're here, we want to help and will continue to follow through on the limited access on the by-pass.
- Council Member, R. Cassell** – States he and Mr. Ross have talked and are on Street Committee, questions about the former King Ford location, property going to waste and would make a beautiful picnic site. Land was purchased for the road with no progress. Suggests repositioning of historic signs and make a little park where people could stop and read them.
- Terry Kilgore-1<sup>st</sup> Delegate** – States recent audit with VDOT, money may become available, with the by-pass coming sooner than thought it would be. Sees his point and states there still will be property left at old King Ford, not a bad idea.
- Council Member, R. Cassell** - States we have signs Welcome to Gate City and going out to Weber City, but nothing saying this is historic entrance to Moccasin Gap, but need to tie that in with the Tourism that we are promoting.
- Council Member, Wallace W. Ross, Jr.** – Asks if there is a way to get money to enhance this area for tourism?
- Terry Kilgore-1<sup>st</sup> Delegate** – Understands we have been recipients for T-21 grants with more dollars in that when authorization occurs. Need to get with him to get with the Commonwealth Board of Transportation to get it on his list. States to come up with a good plan and he feels could get something funded.
- Council Member, Wallace W. Ross, Jr.** – States there are no signs overhead giving any direction to Gate City, along with signs notifying travelers of businesses and restaurants.
- Terry Kilgore-1<sup>st</sup> Delegate** – States they have them in Big Stone, doesn't understand why we couldn't get some coming in this way.
- Council Member, Wallace W. Ross, Jr.** – States to Mr. Kilgore understands he is on a high level committee, i.e., Chairperson on Transportation, can he provide any insight on that.
- Terry Kilgore-1<sup>st</sup> Delegate** – Informs Council the various committees he serves with his 18<sup>th</sup> Session coming up and provides information when they go into the redistricting session. He responds to Mr. Ross's question regarding possible assistance for start up money, encouraging attendance of the reception during the June Assembly could lead to good contacts and leads to funding. Let him know so he can set up meetings with different agencies.
- Town Attorney, M. Jenkins** – Mentions the new law that was passed that effects how we fill vacancies. You may have already heard about this with Clinchport and Duffield that it does put an extreme cost burden on the towns having to do another special election. It was just passed and when laws do that you kind of work out the kinks afterwards, but
- Terry Kilgore-1<sup>st</sup> Delegate** – May need to put a town less than 2,500, doesn't know the costs to run an election but it mounts up.
- Town Attorney, M. Jenkins** – Technically you don't budget for it during an off year election. Gate City will be fortunate to be able to do that, but I know Clinchport and Duffield are in worst situation than we are. I have no solution but maybe you can look into that and see what you can do so it doesn't cost the town a lot of extra money.
- Council Member, R. Cassell** – Questioned his receipt of his email to check into what needs to be done to change for amount of signatures to run for council.
- Terry Kilgore-1<sup>st</sup> Delegate** – States he will check on that.
- Council Member, Wallace W. Ross, Jr.** – Asks for information from Terry (Kilgore) regarding the budget, will it be lean and what can we do to stay afloat.
- Terry Kilgore-1<sup>st</sup> Delegate** – Responds, about the surplus money, but all has been spent explaining where it was spent. He states the economists have predicted another bad year and provides a revenue history from 1993 to current year of 2010, with it being around 2012 before we get out of the wood work on this.
- Council Member, Wallace W. Ross, Jr.** – Has one more question regarding the ABC Store privatizing, what effect will that have on us if that happens?

**Terry Kilgore-1<sup>st</sup> Delegate** – Responds if ABC Store left, wouldn't get any tax revenue out of it, but the Governor has called off the special session on ABC privatization. He discusses the short fall if it is privatized and where would you make up the money.

**Mayor Jenkins-** States they will be approaching him and informs him about the purchase of the Theater.

**Terry Kilgore-1<sup>st</sup> Delegate** – Encourages they look at Pennington's and see what they have done.

**Town Attorney, M. Jenkins** – Asks if there are separate applications to submit to the tobacco commission?

**Terry Kilgore-1<sup>st</sup> Delegate** – Responds that would be a SW project further explaining where to go to get an application.

**Council Member, Wallace W. Ross, Jr.** – Questions about advertising for Weber City and area.

**Terry Kilgore-1<sup>st</sup> Delegate** – Responds, sure you could. Closes with thanks for letting him come to the meeting, offering assistance by calling or emailing him and encourages coming to Richmond. Good event where you can meet and talk to people.

## **VI. COMMUNICATIONS - None**

## **VII. APPROVAL OF MINUTES**

Motion for approval of Town Council meeting minutes from September 14, 2010

Motion by: Vice Mayor, R. Tipton 2<sup>nd</sup> by: Council Member, Roger Cassell

VOTE: Yeas, 3  
Nays, 0  
Absent 2

## **VIII. APPROVAL OF PAYMENTS**

Motion for approval for payment of bills for September, 2010

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Vice Mayor, R. Tipton

VOTE: Yeas, 3  
Nays, 0  
Absent 2

## **IX. REPORTS**

### **A. Treasurer's Report –**

**Town Manager, S. Templeton** – Discusses the Treasurer Report, stating 15.62% in Revenues with 7.66% in expenditures. Appears we spent more than we have taken in, but he explained multiple grant amounts to be reimbursed that will put us in good shape financially.

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

**Town Manager, S. Templeton** - Discusses the presented report stating nothing new to report other than cases have been sent to court. Met with the owner of the Scott Motel and there is progress on that as well with it soon to be torn down.

### **C. Council Reports – None**

#### **D. Economic Development Committee –**

**Town Manager, S. Templeton** – The committee has wanted to meet with someone to clarify the tax incentives. He recaps information when a couple committee members went to Marion for instructions and to see results of the Economic Development in Marion. He was informed Mr. Maya is out of the county, but would be willing to come down here, or we could go to Marion for an explanation. Ms. Tipton has a current handout regarding tax credit information that provides percentages of credits from Federal and State on eligible properties.

#### **E. Engineer's Status Report –**

**Town Manager, S. Templeton** – Discusses the Engineer's Report regarding projects and their status. Explains a contract has been signed with a roofing company for a new roof for the water plant and Town Hall facility to start in a couple weeks. Discusses the requests to secure funding, and it was agreed it would be easier to secure the funding by combining the Phase I and II of the water main upgrade is currently at Richmond right now.

**Council Member, R. Cassell** – Questions the Phase I audit, is that going to hold us up?

**Town Manager, S. Templeton** – Replies, it is holding us up. He and Town Treasurer have left voice mail messages with Ron Bostic of Bostic and Associates and Cindy Fields, Town Auditor, last week and they have not returned his calls. Due to the contract, we have little to no leverage and have let them know the ¾ million dollars water project is contingent on them providing these audits.

**Town Attorney, M. Jenkins** – Asks to be provided a copy of the contract.

**Town Manager, S. Templeton** – Replies can provide copy of contract previous to last one, because we do not have a signed copy and he does have the contract with Ms. Fields. Previous contract states he would attempt to have our audit prepared by the 15<sup>th</sup> of November of each year. Due to being under 2500 population, it is not required by law to have that. That is the hold up right now in getting the audits to them and they wanted them up to 2010 and we haven't even got 07 and 08.

**Council Member, R. Cassell** – Asks how long to we have before we lose this?

**Town Manager, S. Templeton** – He feels it is getting close, because there is a lot of competition for these grants and with each week that goes by puts us in risk of losing it. Discusses the revitalization downtown is almost done, paving began today with goal of it being finished tomorrow, work site will be cleaned up, our crew will begin working on the sidewalk immediately, damage to the parking lot and company will resurface where there is major damage, but no provisions in contract requiring them to resurface where they have been. States he and Mayor have discussed this and there may be some grants for green asphalt and this will be researched.

**Council Member, R. Cassell** – Asks if there is any money that can be tied into this.

**Town Manager, S. Templeton** – Responds, unless we have some under runs on money, don't know where it would be.

**Council Member, R. Cassell** - States several years ago it was \$25,000-\$30,000 to repave.

**Town Manager, S. Templeton** – Replies, won't touch it now. Provides measurements of the lot and informs of receipt of one bid regarding the paving advertisement with \$1.50 per square foot or \$113,000 to pay the whole thing.

**Council Member, Wallace W. Ross, Jr.** – Asks why this was overlooked?

**Town Manager, S. Templeton** – States it was before his time and can't answer that question.

**Council Member, R. Cassell** – Interjects he thought, at the time, the Performing Arts Center was going in over there.

**Council Member, Wallace W. Ross, Jr.** – States that was two years ago.

**Town Manager, S. Templeton and Mayor Jenkins** – Responds they are still hopeful and still active.

**Council Member, Wallace W. Ross, Jr.** – Asks why are we buying the theater?

**Mayor Jenkins** - In hopes of saving it and with grant monies available to buy. If we work out a deal with them regarding a long term lease, they will most likely drop that project in the parking lot.

**Council Member, Wallace W. Ross, Jr.** – Asks if that project in writing they have it to lease, the property was given to them?

**Mayor Jenkins** – Asks which, the parking lot? Explains the parking lot is under control of SW Virginia Community Foundation.

**Council Member, Wallace W. Ross, Jr.** – Asks, the Town gave it to them in writing?

**Mayor Jenkins** – Yes, contingent on it being developed, if not developed, it reverts back to us.

**Council Member, Wallace W. Ross, Jr.** – Would like to see contract.

**Mayor Jenkins** – States you can get a copy of that.

**Town Attorney, M. Jenkins** – States she thinks they did it as a deed, it should be recorded.

**Council Member, Wallace W. Ross, Jr.** – Repeats Terry Kilgore’s statement of tight budget and we’re trying to move forward with enhancements to the Town. Are we going to put us in a financial tizzy?

**Mayor Jenkins** – Informs him he is sitting up here with us and you can help figure that out.

**Council Member, Wallace W. Ross, Jr.** – Responds he is glad he has the knowledge.

**Town Manager, S. Templeton** – The remainder of the Engineer report deals with different proposed water system improvements. The pumps have been received for the Moccasin Hills pump station and are currently at the dealer, waiting on the people who will do the installation.

**Council Member, Wallace W. Ross, Jr.** – Asks has it been cleared as to who owns the land?

**Town Manager, S. Templeton** – States he believes a deed has been found to that portion of the land where the building sits.

**Council Member, Wallace W. Ross, Jr.** – Asks, you said we own the land and the building?

**Town Manager, S. Templeton** – Responds, if we own the land, then I think the building would probably go along with it. But he believes he has been told we have found it, but hasn’t had his hand on it.

**Council Member, Wallace W. Ross, Jr.** – What is the concern, if we own both of them, should be no problem. Asks, is it a problem, legally?

**Town Manager, S. Templeton** – No, will install those pumps, just a question of when.

**Council Member, Wallace W. Ross, Jr.** - Asks, so we still have to honor the contract and what about the other divisions, are they in an emergency process? Are they up to standard?

**Town Manager, S. Templeton** – Explains the pumps at the west end are in good shape.

Discusses the software and the possibility of putting in all new telemetry.

**F. Façade Committee** – Has not met, will set up a meeting in next few days.

**G. Historical Committee** –

**Vice Mayor, R. Tipton** – States not a whole lot in regard to it. Received an email from Mike Pulis today said all the information passed out is still correct and what they are going by. If we have any problems we can contact him by email until their phones are running.

**H. Manager-**

**Town Manager, S. Templeton** – Discusses:

- The water department for the first time in six months failed the 30% threshold due to various leaks that have been repaired.

- Council Ross and I met with Mark Roper with Job Corp and looked at some things they can help with physical property maintenance and concrete and looked at some of the things they may try to do this year. He came on another day looking at areas down stairs to paint.
- Previously discussed about Rob Bostic and Cindy Fields
- Did have a Board of Zoning Appeals meeting which discussed a handicap ramp, approving a variance for that to take place
- Hired a Part-Time Officer who was a former Deputy Sheriff and is still currently certified in Virginia who will work on the weekends.
- Will soon begin parking enforcement with ticket books that will be printed. There are few places that actually print them and we have put it out for some bids
- Last month the Planning Commission brought a request to the Council for their consideration of a citizen's request to have the County consider an ordinance which would eliminate shooting with a certain distance of the Town limits. That issue was brought up to Rufus Hood and he said the proper way to get that done would be for the persons wishing for that to take place to bring it to the Citizen's Expression time next Board of Supervisor's Meeting. If the Town specifically wished for such an ordinance to be written we would need to pass a resolution to that affect.

**Vice Mayor, R. Tipton** – Asks, you mean it is the Town's resolution, not the county?

**Town Manager, S. Templeton** – Responds to County would have to pass the ordinance, because the area concerned would be outside Town limits and if the Town specifically wanted that they would need to pass a resolution to take to the County Board of Supervisors for them to consider it.

#### **I. Park Committee** – Did not meet.

#### **J. Planning Commission** –

**Vice Mayor, R. Tipton** – Discusses:

- What Steve was talking about the possible resolution regarding the use of fire arms in the proximity of the outskirts of Gate City
- The purchase of the Theater and what was planned for the future of it
- Went over the National Historic District, looking at and discussing the new maps
- We have not received the length of terms for the new Planning Commissioners set up yet. We have to have staggered length of terms for these new people set up so we are checking into that

**Council Member, R. Cassell** – Asks if you have a full board for that?

**Vice Mayor, R. Tipton** – Responds yes for right now. The next meeting, because of the election will be on first Thursday, which is the fourth of November, so that will have to be advertised.

#### **K. Police Department Report** –

**Town Manager, S. Templeton** – Discusses:

- Hiring of the Part Time Officer
- Significantly fewer calls for service, arrests and summons and DUI's were about same, crime reports more than doubled, accident report almost identical
- Matt Taylor received first place with Adam Templeton placing second place in the MADD Program, receiving a plaque for that recognition
- Two officers attended the basic Rifle Shooting and provides reason for attendance, will be sending an officer to the four day field training later this month and the annual

qualification for officers on all their weapons is scheduled for the 25<sup>th</sup> and 26<sup>th</sup> at the Bristol range required by the Commonwealth of Virginia

- Still down two officers and still searching for those

#### **L. Public Works –**

**Town Manager, S. Templeton** – Discusses:

- Total of 80 work orders this month, busy with brush removal
- Our crew will begin building the sidewalks which will be a priority before cold weather
- Easement has been agreed on behind bank

**M. Sanitation Authority** – Will meet tomorrow night

#### **N. Street Commission –**

**Council Member, R. Cassell** – Spoke with two lighting vendors at the VML Conference regarding a light study with current light bulbs against LED bulbs. Discusses they may be able to use current posts, retrofitting the lights to our posts. States would like to speak to this gentleman and if he would be willing to come here and do a light study, would like to pursue it stating it has been astronomical what we are paying.

**Vice Mayor, R. Tipton** – Asks is this just on Jackson Street?

**Council Member, R. Cassell** – Responds, the ornamental lights. States the gentleman is eager to come down and take a look at it.

**Town Manager, S. Templeton** – States, now would be the time if Council is interested in that to let him come down, because once we finish the concrete work, we will be moving poles.

**Council Member, Wallace W. Ross, Jr** – Asks, when will you be moving these poles and will you be doing that yourself or get Mr. Roper and his crew to come and try to help?

**Town Manager, S. Templeton** - We're contracted to do that, it's their obligation to do that, so any help we get and he responds to Mr. Wallace that nothing has been finalized with Job Corp, still discussing. He discusses the building of concrete sidewalks, along with pier that has to be built and the electrical work is already stubbed in. Responds to Mr. Cassell if we use our posts we would be fine.

**Council Member, R. Cassell** – States LED draws less current feels the wiring will match what we have would be more than adequate. Mr. Templeton agrees.

**Town Manager, S. Templeton** – Stated he spoke to the same gentlemen and he thinks he could retrofit so it would work which would be a lot more energy efficient and decorative.

**Council Member, R. Cassell** – Discusses savings in man hours with changing bulbs.

**Council Member, Wallace W. Ross, Jr.** – Asks about during the weekdays cut down on the post's lights or weekend, would that be a problem? Maybe cut on so many or just leave them off?

**Town Manager, S. Templeton** – Replies, if you leave them off, you have some safety issues and liability issues.

**Council Member, R. Cassell** – Stated when the lights hadn't been reset by 8:00/8:30 p.m. with all the kids coming out and the Karate Studio, it gets really dark. You'd be surprised how much light they put out, it's pretty dangerous.

**Council Member, Wallace W. Ross, Jr.** – Asks again, so you can't stagnant some of the lights from different locations or are you saying you need them all.

**Town Manager, S. Templeton, Mayor Jenkins, Council Member, R. Cassell** all discuss all wired on the same circuit, meter and a timers on it. R. Cassell states only on 4-5 hours at the most and wouldn't be in favor of it after seeing how dark it is.

**Council Member, Wallace W. Ross, Jr.** – Asks about progress with VDOT regarding railings.

**Town Manager, S. Templeton** – Spoke with Juniata Wells doesn't seem to have a problem with it that she is aware of. Need to get her a rough design, getting Andy to do that, and the area that is to be affected, along with the type of railing we want to put up. Spoke to Ms. Wells about the turn lane across the Thriftway. She informed me it has been sent above, but she didn't see a problem. He will follow up every time he sees her. Has to go through the bureaucracy first

**Council Member, Wallace W. Ross, Jr.** – Asks if we got any bids and will any streets get done before it gets cold? Streets paved?

**Town Manager, S. Templeton** – Well, that is up to you guys. I just received the bid. Got one bid for \$1.50 per square foot for two inch topping. If Council wants to go with that one bid, of course we don't do procurement on it, we've advertised and contacted some personally just to see if they would bid. You have to decide and I have been where you want paved, but we are ready to start paving if we sign a contract with him for the \$30,000 that we have in our budget. We've had two truckloads that we have done spot paving, the majority of the \$30,000 is still there. He's ready to start next week if we are ready to go. Asks if they want to hold any of that back to pave any portion of the front of the parking lot, wait another year or see if we get a grant. So we'll start paving whatever you guys are ready to pave.

#### **O. Water Plant/Water Committee –**

**Town Manger, S. Templeton** – New roof on that building within two weeks. Arrangements have been made with a company who does on line credit cards so we can take payments on line and also here at the office with two credit card swipes. People have been asking if we do that at no cost to us. The person who wants to use that will be advised there is a small fee for that service. That will be available in about a month.

**Council Member, Wallace W. Ross, Jr.** - Questions with all the leaks we have, do we qualify for a whole water system?

**Town Manager, S. Templeton** – Grants now, basically, to make sure every household has clean drinking water. Most grants are being given to rural areas that have not been served yet. Grants are given out for the reconstruction of severely damaged which is the main pipeline between Kane Street and the water plant is. If we get the two main installed to Kane Street we will have replaced a great bit of the old system. Getting the accountability down, for five months in a row, to be under 30% is really good. Sounds like a lot, but that is the acceptable threshold by Virginia Department of Health.

#### **X. PUBLIC COMMENT**

**JOHN MCCONNELL** – Asks how far out the buffer zone is regarding the shooting? States we are asking for it, what are we asking for?

**Town Attorney and M. Jenkins** responds nothing that we have the ability to do it's going to be the county.

**Vice Mayor, R. Tipton** – States the county will set it

**Mayor Jenkins** – We have not made a resolution to ask for anything.

**John McConnell** – Asks if the people in the vicinity that will try to impose something on their property that they cannot hunt anymore?

**Town Attorney, M. Jenkins** – We are not asking for that, at this point, the people that have approached the Council about that.

**John McConnell** – Brought up Frances Perry's name.

**Mayor Jenkins** – States, she verified the incident and her name is not on anything.

**John McConnell** – Re asks you have informed the people around that you are going to do this?



**Mayor Jenkins** – Re states it will be the County’s responsibility and informs Mr. McConnell to be at the next County meeting and see what they request, because we have not passed a resolution.

**Town Attorney, M. Jenkins** – Reiterates, the Town is not requesting it. There are some residents in the Town, can’t remember his name.

**Mayor Jenkins** – States it’s like to you came to request the four lane to be open and we are trying to do that. We passed a resolution that is solid. This has no resolution with it.

**John McConnell** – States will close the four lane if the dirt is not moved to move the cattle with four trucks on the road. **Mayor Jenkins** responds he can’t stop it.

**John McConnell** – Questions the timeline on cleaning up the theater, and you all made the people sell it in auction, right. McCarty bought it having it for years before you bought it and you didn’t force him to do anything. Mayor Jenkins responds we are just getting where we

**John McConnell** – Asked how many days to you have before you clean it up?

**Mayor Jenkins** – Responds that he didn’t know.

**John McConnell** – If you don’t do it, you can’t force someone else to do it, right? You’re no different than anyone, right or wrong!

**Vice Mayor, R. Tipton** – It’s not Mark

**John McConnell** – Okay, the Town, if they don’t fall in that, then you can’t force anybody else to do anything.

**Town Attorney, M. Jenkins** – The Judge would enforce the ordinance as he or she saw apply to each and every situation. Because every situation is different, the Judge may feel that the ordinance would apply to certain situations that is why it would ultimately it would be his or her decision to make. The Judge would determine whether or not the Property Maintenance Code has been violated if the person has come in compliance with it and that would be the Judge’s decision. Of course when the Town is taking someone to court, their position is that the Property Maintenance Code has been violated and they have not maintained that. However, the other side, of course, has a different opinion that is why the Judge would be the ultimate decision on whether or not it has been violated.

**John McConnell** – Asks if he can file a complaint against the Town.

**Town Attorney, M. Jenkins** – States, technically, you can sue anybody you want to at anytime.

**John McConnell** – I’m not going to sue.

**Town Attorney, M. Jenkins** – You can take that to Property Maintenance to Mr. Mullins.

**DIANE DAVIS** – States her problem is with the water bill with a major water leak. She called Mayor Jenkins asking if he would turn her water off and for several days turning it on and off so she could bath her children, feed them and do dishes. Landlord had a plumber come out to fix the plumbing. She spoke to a man in the office asking for a reduction and was told to wait until next bill would run. She provides a breakdown of her bills. States she called multiple times to speak to Mr. Templeton. She states when she spoke to Mr. Templeton she explained her bill was running outrageous she had a leak asking what she could do about it? She speaks about talking to a pastor regarding her water being cut off for \$55.32. She states this has been going on since March, with her saying Mr. Templeton asked her hasn’t he given her a reduction once before? Where she stated she never had a reduction and her bill has never been that outrageous, living her for six years. She provides the amounts of monthly bill totals, stating she didn’t feel it was right, never been gave a deduction, with Mr. Jenkins know the water was messed up. States she has a plumber thing from the plumber, pictures on camera with 2 inches of water, feels she should not have to pay for the sewer anyways, never went through no sewer line and doesn’t think she should pay for that water, that much.

**Vice Mayor R. Tipton** – Asks if her water has been fixed.

**Diane Davis** replied yes with it being the second time he’s had to come out and fix the pipes. Not the same pipes, different pipes, has it on camera if she would like to see it. Just asking for a reduction, can’t get it, just gets \$600 a month, no way can pay.

**Vice Mayor R. Tipton** – Asks, what is it you own now?

**Diane Davis** - \$462.22, states for two months

**Town Manager, S. Templeton** – Asks if he can respond to some of that?

**Mayor Jenkins** - Let's not discuss her payment schedules and bills unless you just want (Ms. Davis).

**Diane Davis** – States it doesn't bother her.

**Town Manager, S. Templeton** - States he has spoke with her on more than one occasion and was told you had been in the hospital five days.

**Diane Davis** – States, yes sir I was.

**Town Manager, S. Templeton** – The next time I talked you, you said you had been in the hospital twelve days.

**Diane Davis** – State, I was.

**Town Manager, S. Templeton** – This is for the same period.

**Diane Davis** – States, no it was two different periods.

**Town Manager, S. Templeton** – You told the girls who answer the phone out front you had been on vacation. You told me you had a plumber up there who said there were no leaks. You had told the girls you had two feet of water in the basement. I told you if you had a plumber who was licensed and bonded in Virginia and was willing to come into this office and let us swear him in by the clerk of the town, swear him in under oath that he would say there were no leaks on that, then I would work out some kind of arrangement with you. No one ever came. Now you say you have a plumber who said he fixed some leaks. I honestly don't know what the truth of that situation is up there. By policy I can only make an adjustment if there is a leak that is found between your meter and where it enters your house. That is all I am allowed by policy to make any adjustments anything else, I am not allowed to do. When I am unable to determine what's happening, and I haven't seen that where you said you had some leaks, don't know where your leaks were fixed at, don't know where it took place.

**Diane Davis** – States, you were never in.

**Mayor Jenkins** – States time limit is up on this. If we need to discuss it, we can put it on the agenda the next time. He (Mr. Templeton) is bound to do just what policy allows him to do.

**Diane Davis** – Understand, but getting charged for sewer when it is going on the ground, how do you charge me for sewer when not going into the sewer line?

**Mayor Jenkins** – Asks her to provide proof.

**Diane Davis** – Provides document from plumber. Shows pictures from camera stating Ms. Tipton can see these are new pipes.

**Mayor Jenkins** – States if this is not settled to your liking before the next meeting, we'll put you on the agenda.

**BILLIE GILES** – Questions about signing a contract and let them tear the parking lot with no responsibility to fix it back? Is that what Mr. Ross said.

**Mayor Jenkins** – Asked, Is that what you said Mr. Ross?

**Council Member, Wallace W. Ross, Jr.** – States, Well no, I didn't quite, I just tried to ask the question that the parking lot would not be refurbished and didn't know why they didn't put that into the plan when they were going to redo the streets. So, I guess, in a sense.

**Billie Giles** – Asks, so you signed a contract where they tore up the parking lot and they wouldn't have to fix it back up?

**Mayor Jenkins** – No, I don't think we did do that. Not sure what the contract says, will need to look at the contract.

**Billie Giles** – You talk about the cost of fixing it back up, who is going to have to pay for it?

**Mayor Jenkins** – Guess we will.

**Town Manager, S. Templeton** – States, the contractor said he would take care of the part where he had the heavy equipment and it broke the pavement. Contract stated we would provide them a

place to assemble all their equipment, but don't know what the contract said beyond that because that is something that was prepared by the engineer and submitted to our previous Town Attorney. Didn't know what the exact terms were, until yesterday we did the walk through contractor stated they were not bound by the contract to repair anything, but would repair the heaviest damage and clean up the rest.

**Billie Giles** – Asks cost to do that?

**Town Manager, S. Templeton** – Provides costs with repaving.

**Billie Giles** – Responds that it was costly mistake, did Mayor have anything to do with it and whenever anything is mentioned it's, "A grant, grant, grant, when is the Town going to pay for something on their own?"

**MARVIN LANE** - Presents himself and states he runs a church food bank in Hiltons, VA, states he has know Diane (Davis) 10-11 years and asks questions does it take a license and notary to determine whether water has gone through the sewer, is that a requirement?

**Town Manager, S. Templeton** – He will re-explain why he made that request. Heard many versions from Diane don't know which is the truth, explains the policy regarding adjustment, he was lead to believe there was leak in house due to Ms. Davis saying her basement was full of water, re-explains his request regarding a statement from the plumber's statement regarding where they found that leak and to this day, does not know where that leak took place. He refers to the documentation Ms. Davis provided stating this is the first time he has seen this and reads what is on the document. Questions where was the leak? Not written on letter from Albright Plumbing. But when he is told several different versions of the same story, then he has a hard time filtering out what the truth is. Respects your opinion of her, but there are some things he needs some proof on.

**Marvin Lane** – Asks what are the rights policies? Can you talk about this to anybody, like about my business.

**Town Manager, S. Templeton** – States, we don't

**Marvin Lane** – Point to lady on his left (Kathy Riley, Town Clerk), stating she was there when he came in to pay Diane's water bill of \$55.32 to keep it on until this hearing to determine refund or get some slack. He starts saying, this lady was sitting at her desk

**Town Clerk, Kathy Riley** – Interjects, she wasn't there, it was my day off when he came in.

**Marvin Lane** – Questions, was that your day off? Then proceeds, whoever was in the reception that day took his money. Who she was he don't know, I thought it was you. States the lady sat there saying Diane has a history, stating there were about five people, counting the other workers, so on and so forth. He states he thinks his dealings with Diane, with him being in the ministry for 46 years, pastored churches, did alcohol recovery in Fall Branch, working with people all his life stating he is a pretty good judge of character and he states he believes Diane will tell you truth if it meant her going to jail tomorrow. He finds her that way with him. She tells him the truth, finding no reason she lies. Doesn't believe this is fair, with pictures of plumbing, thinks you need to look at this thing, stating the lady is down on her luck with everyone having a history and shouldn't have been discussed before everyone else in there.

**JOE MCCONNELL** – Questions parking tickets and trying to get people to come to Gate City and give them a ticket.

**Town Manager, S. Templeton** – Explains merchants who violate parking every day, making it difficult for people to come and shop.

**Joe McConnell** – Are they really violating? Discusses when he was in court one day , several years ago, explaining an individual had a bunch of tickets regarding parking on a state highway and Judge throwing them out. He further stated same individual brought up Town not cleaning the drains out with Judge saying it was County's responsibility. Brings up why one of our cruisers were wrecked in Weber City wanting to know why he was there, explaining how the accident

occurred to assist one of the County cops. Asks why wasn't there a Weber City cop assisting the County cop, should have been in town directing traffic with it being night of the Homecoming football game.

**Town Manager, S. Templeton** – States he is addressing that. He was supposedly delivering a paper to a Weber City officer. That's routine and we also gas up there, only place we have the key cards to gas up. If the officer is following a vehicle and haven't established possible cause to pull them over. Regarding him pulling out in front of two lines of traffic without his emergency equipment operating, there will be disciplinary action taken, because that was outside of policy.

**Joe McConnell** – States no excuse for him be pulling out ahead towards state line.

**Town Manager, S. Templeton** - States he was asked to back the officer on an alarm at Holston Medical Group where they have stored narcotics there. Does not know how many other Weber City officers were working, they should have backed him. But he is addressing that.

**Mayor Jenkins closed the public comment session at 7:40 P.M. and opened the consent agenda session.**

## **XI. UNFINISHED BUSINESS**

- **Hope House – Has Town Attorney received decision from Attorney General**

**Town Attorney, M. Jenkins** – Spoke to the Attorney General's office on 8/29, 9/14 and 10/2/10 with Mr. McCollup has not received confirmation that the opinion he prepared was sent up the chain of command to be reviewed with not receiving confirmation that he has been sent out yet. Has also been checking with Mike's (Carrico) office as well to make sure if he does get it because it should come to him when it does come. We don't have anything yet.

- **Fire Department – Does Town continue to pay Fire Department water bill or turn this over to Fire Department**

Refer to Hope House comments

- **Heritage Video Funding**

**Mayor Jenkins** – Asks if anyone has had a chance to go on line to look at it? Any opinion on it, if not will get you the details on it.

**Council Member, Wallace W. Ross, Jr.** – Reiterates costs to be involved in this is \$2,500.00, questioning the video will deal with information to enhance our city, not a tourist type of video and is it a one- time fee?

**Mayor Jenkins** states will receive matching \$2,500.00 grant and video is explaining the history and historical events of the town. Hopefully it will promote tourism, but it is not a tourism video. It is a short video running continuously while at the center in Abingdon. The first round is full with a lot of participation and yes a one- time fee. It will be best to wait until we are well under way with the façade, because you will be seeing town background in the video. Does anyone want to make a decision on this or do you want to wait for a later meeting? The second round of funding hasn't started. Does someone want to make a motion to table this until the next meeting?

**Council Member, R. Cassell** – His first question when this was set out, it says in his information to be sure we are where we need to be before we request it. When he watched it for the city of Galax it is a really nice video. Not sure we are at the point to.

**Mayor Jenkins** – Agrees, we are not at the point to do it that is why I want to keep it on the table. The more we learn about it, the more we'll know if we want to do it or not. So, if you'd like to

table to the next meeting we'll put it on the agenda under Unfinished Business until we can say Yea or Nay.

Motion to table Heritage Video Funding until the November meeting.

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Vice Mayor, R. Tipton

VOTE: Yeas, 3  
Nays, 0  
Absent 2

- **Information regarding the purchase of a Police Dog**

**Town Manager, S. Templeton** – At the request of Council from information they gained from a newspaper article regarding Rogersville Police dog they were going to dispose in some manner because they couldn't afford to keep it. In checking with the Rogersville PD, the dog is 3-4 years old, with 4 more years of useful service. They decided to sale by sealed bid having already sold it for \$5,100.00. Did not put it in budget for police dog, would have to Council authority to put a sealed bid in, along with the officer who wanted to be the handler of the dog, may not want to do that right now.

## XII. NEW BUSINESS

- **Ordinance regarding sale of synthetic marijuana**

**Mayor Jenkins** – Do we want to have a Public Hearing to potentially adopt an ordinance regarding the sale of the K-2 and Spice?

**Town Attorney, M. Jenkins** – Suggests you may want to develop a possible ordinance first. This is a very hot topic with several different opinions about it. Suggests we have a proposed ordinance

**Council Member, R. Cassell** – States Amy (Page) read the ordinance to him and it is vague on what you can include, but you know how we need to handle this. Another big topic, and we came close to having one in Weber City is a methadone clinic. Asks if there is any way we can cover that.

**Town Attorney, M. Jenkins** – It's possible, this is a hot topic. It is not an illegal substance it has to be crafted differently when you are working with something that is not illegal. Through the Local Government Attorney's Association there are a lot of thoughts swirling around about this and has no doubts that hopefully by the next meeting we can have some sort of draft with some ideas to go from that point. But, she suggests not jump in doing a Public Hearing when you don't have an idea developed.

**Mayor Jenkins** – Will table that until the next meeting.

**Town Attorney, M. Jenkins** – Will try to have a draft written up at that point.

- **Decision regarding how to advertise for bids for Regional Water Main Phase 1 and 2, together or separately**

**Town Manager, S. Templeton** – It has been put to the Health Department as combined project. It is a mute issue.

## XIII. PUBLIC COMMENT – NEW BUSINESS - None

Mayor Jenkins closed the public comment session for new business at 7:50 P.M. and opened the consent agenda session.

### **XIII. CLOSED SESSION**

Mayor Jenkins opened the closed session at 7:50 P.M.

Motion for Council to enter into closed session to discuss Tommy Quillin property per Code 2.2-3711A-3 and legal Council regarding the Scot Co-Op and the Code is 2.2-3771A-7

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Vice Mayor, R. Tipton

VOTE: Yeas, 3  
Nays, 0  
Absent 2

### **XIV. RETURN FROM CLOSED SESSION**

Council returned from closed session at 9:02 P.M.

Motion for Council to return from closed session.

Motion by: Council Member, Roger Cassell 2<sup>nd</sup> by: Council Member, Wallace W. Ross, Jr.

VOTE: Yeas, 3  
Nays, 0  
Absent 2

### **CERTIFICATION OF CLOSED MEETING**

**WHEREAS**, the Gate City Town Council has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-7312 of the Code of Virginia requires a certification by the Town Council that such closed meeting was conducted in conformity with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED**, that the Gate City Town Council hereby certifies that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in closed meeting to which this certification applies and (2) only such business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Gate City Town Council.

VOTE: Yeas, 4  
Nays, 0  
Absent 2

### **XV. MOTIONS FROM CLOSED SESSION:**

Motion for the Town of Gate City to purchase the Starnes building at 2010 Tax Assessed value, contingent upon title search, completion and review of the historical designation

Motion by: Vice Mayor, R. Tipton 2<sup>nd</sup> by: Council Member, R. Cassell

VOTE: Yeas, 3  
Nays, 0  
Absent 2

Motion to go back into closed session for Personnel issues per Code 2.2.13711A-3.

### **XIII. CLOSED SESSION**

Mayor Jenkins opened the closed session at 9:05 P.M.

Motion for Council to enter into closed session to discuss Personnel issues.

Motion by: Vice Mayor, R. Tipton 2<sup>nd</sup> by: Council Member, Wallace W. Ross, Jr.

VOTE: Yeas, 3  
Nays, 0  
Absent 2

### **XIV. RETURN FROM CLOSED SESSION**

Council returned from closed session at 9:07 P.M.

Motion for Council to return from closed session.

Motion by: Vice Mayor, R. Tipton 2<sup>nd</sup> by: Council Member, Wallace W. Ross, Jr.

VOTE: Yeas, 3  
Nays, 0  
Absent 2

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VOTE: Yeas, 4  
Nays, 0  
Absent 2

### **XV. MOTIONS FROM CLOSED SESSION:**

Motion to advertise for Full-Time Town Clerk

Motion by: Vice Mayor, R. Tipton 2<sup>nd</sup> by: Council Member, Wallace W. Ross, Jr.

VOTE: Yeas, 3  
Nays, 0  
Absent 2

## **XVI. ADJOURN**

Motion to adjourn the meeting until the next regularly scheduled Council Meeting, November 9, 2010, at 6:00 P.M.

Motion by: Council Member, Wallace W. Ross, Jr. 2<sup>nd</sup> by: Council Member, R. Cassell

VOTE: Yeas, 3  
Nays, 0  
Absent 2

\*Mayor Jenkins adjourned the meeting at 9:09 P.M.

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Mark Jenkins – Mayor

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Kathy Riley – Town Clerk