



GATE CITY TOWN COUNCIL MEETING MINUTES
NOVEMBER 8, 2011
156 E. JACKSON ST.
6:00 PM

I. COUNCIL MEETING CALL TO ORDER AT 6:03 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

III. INVOCATION Cotton Roberts

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.

- **Shoemaker Legos Robotics Team (Techno Logics)** – The team did their presentation on Food Factor with chicken contamination as the topic.
- **Jeff Little – Auditor with Rodefer Moss & Co., PLLC** – Goes over the findings of the Town of Gate City 2009/2010 audit and answers questions from Council after his presentation.

VI. APPROVAL OF AGENDA

Motion made to approve the agenda.

Motion by: Council Member, F. Perry 2nd by: Council Member, R. Lane

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 October 11, 2011 to change ???? on page 21 and 26 to reflect as inaudible per Town Attorney's suggestion.

Motion by: Council Member, F. Perry 2nd by: W.W. Ross, Jr.

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

IX. APPROVAL OF PAYMENTS

Motion for approval for payment of bills for October, 2011

Motion by: Council Member, R. Lane 2nd by: Council Member, R. Cassell

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

X. REPORTS

A. Engineer's Status Report –

Mayor Jenkins – Andy couldn't be here tonight, he's having a bout with kidney stones. There are no new items to report on the Phase I Water Improvements. The water main up grades Phase 1 and 2, the Town as received 2010 audit and has forwarded copies to the VA Dept. of Health Financial Assistant Program and VA Resources Authority and it there for their review. We are communicating closely with them. It appears they are still entertaining the possible loan grant programs. The Town Public Works has finished working on the storm water management the holding basin on Water Street. They still have a little bit of earth removal around the sides of the lot.

Council Member, W. W. Ross, Jr. – I thought that location was in the flood plain, is it not?

Mayor Jenkins – Yes.

Council Member, W. W. Ross, Jr. – You're putting a lake, I know it's to beautify the location, but if it's in the flood plain is it possible being that close to the river the possibility of it flooding in there.

Mayor Jenkins – That's what it's for.

Council Member, W. W. Ross, Jr. – The overflow?

Mayor Jenkins – Yes.

Council Member, W. W. Ross, Jr. – Oh, okay.

Mayor Jenkins – It's a water sink to hold up what is running off the streets, plus it can come back over and take some of the flow from the creek and hold it and disperse it later.

Council Member, W. W. Ross, Jr. – So, it's oh okay.

Mayor Jenkins – It is a retention basin. It's not beautification, it really is water retention. It's what the Army Corp of Engineers and VDOT wanted or required there, for us to redo the streets and take the flow off of Jackson Street because it never was directed properly. That was part of that project was to have a holding to alleviate some of the potential flooding.

Council Member, W. W. Ross, Jr. – So the overflow will go into the river, right.

Mayor Jenkins – Yes, it actually backs up, has a basin and it will slowly drain back into the creek.

Council Member, W. W. Ross, Jr. – Well, would that cause a mosquito problem?

Mayor Jenkins – We will put mosquito rings in it like we do the other basins.

Council Member, R. Cassell – Is Andy going to see that Vic Davis puts the fence back up?

Mayor Jenkins – Yes. They have to come back and do a little bit of paving and to put the fence up. We did get the fluoridation equipment that hasn't been delivered from the manufacturer and the contractor anticipates having the new equipment in operation by November 30th. They did put the new sewer, our secondary sewer flow,

Council Member, R. Cassell – Master meter.

Mayor Jenkins – Yes, the meter has been put in, they have to do the computer programming for it to start getting readings.

B. Treasurer's Report –

Council Member, W. W. Ross, Jr. – I have a question. On this report, even though I'm on the Council and I do not receive a salary, do they have to list that my name as at least a Councilman Member even though I'm not taking any salary? Do they put that in zero to show how that be in the I mean in the audit?

Mayor Jenkins – Do you see that in here, what page is that on?

Council Member, W. W. Ross, Jr. – That's not my name is on I'm just asking that question, should I be put on the Treasurer Report as not taking a salary or I'm a Councilman just leaving I'm being deleted so I just stay out of the off that page?

Mayor Jenkins – I guess so.

Council Member, W. W. Ross, Jr. – Well, with so if you're audited, how would you if you don't put me down as

Mayor Jenkins – I mean there is no, if there is no check drafted, there is no money going out.

Council Member, W. W. Ross, Jr. So, even though I'm not

Mayor Jenkins – It has to be budgeted because of the position.

Council Member, W. W. Ross, Jr. – Right, so that money would even though it be in account accounting process that where it show that I'm a Councilman but I'm not receiving anything so

Mayor Jenkins – Wallace, everybody knows you're not receiving anything so it's fine. I mean it's money

Council Member, W. W. Ross, Jr. – Yes, I'm not receiving, but do I need to be added to the Treasurer Report is what I'm asking.

Mayor Jenkins – Not if you are not receiving anything, I don't think you do. If you die and someone else sits there, they might want a dollar. That has to be budgeted for.

Council Member, F. Perry – A lot of people we're not paying, but want to put their name on the Treasurer report.

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

Mayor Jenkins – You're welcome.

C. Codification Committee/Property Maintenance –

Mayor Jenkins – Amy continues sending out clean up letters as our inspector goes out and verifies the lots or building that are dilapidated and need cleaning. We have several properties set for court action. Some of the properties have come into compliance. This is what we will need to continue in order to meet some of the terms of the grants that we do have to clean up dilapidation. Any questions on that?

D. Police Department Report – Chief Birchfield goes over his report.

GATE CITY POLICE ACTIVITY SUMMARY
October, 2011

	September	October	Year To Date
Calls for Service	504	487	3682
Arrest	11	21	114
Summons	81	67	505
Crime Reports	28	23	183
Accident Reports	4	12	71
DUI Arrests	3	6	32

Significant Activity:

- Officer Taylor and Chambers attended the Autism Training Class
- All our Officers and Aux Officers re-qualified at the shooting range this month.
- Officer Matt Taylor attended the 3-day Field Training Officer Class
- Officer Templeton delivered training to all our Officers and Aux Officers on Use of Weapon Training and Safety and Survival.
- 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 even though we had 4 sick days and 6 bereavement days 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.
- Instrumental in helping the County solve several burglaries in Gate City, Weber City and Scott County. Officers solved a burglary on E. Jackson Street, recovered the property and made two arrests.
- Officer Templeton seized a car from a distribution of narcotics charge.
- Our condolences to Officer Templeton for the passing of his Grandfather.
- All burglaries in the town are solved.

For November:

- Officer Taylor plans to attend a 2-day training class for Investigating Child Sexual Exploration Offenses
- Office Manager plans to attend a 3-day conference hosted by Southern Software in Myrtle Beach

Mayor Jenkins – Is there anything specifically that caused the accidents to go up?

Chief Birchfield – Speed, normally is one thing. We've written a lot of citations and accidents in prior months have come down. This month are just back up.

Town Attorney, M. Brooks – I can attest to the fact that we were in court for 4 ½ hours with officers writing a lot of speeding tickets. I think they are doing an excellent job.

Council Member, W. W. Ross, Jr. – Again, about the solution been looked at for the parking, two hour parking around the courthouse. I'm getting people are concerned that when they have to go to court they have to be at the courthouse and parking find somewhere to park is a major thing and a lot of folks who

may be handicapped are be on two hours of parking they feel like they are going to get a ticket. So, I think it's I know that you mentioned once before it was a good idea to increase of car moving around but during the time of courthouse and other people don't want to park so is that maybe looking at a solution.

Chief Birchfield – Well handicap is different, they have four hours instead of two. So most business is handled within that four hour time, if not they go to lunch and move their car. I don't see it as a problem with handicap. It is a problem on court days that is the day that we have the biggest problem down there. If they'll just park in one of the two parking lots on either side of the courthouse or just down the hill in municipal parking lot, there's plenty of parking. It's just the folks who want to park right at the front door of the courthouse and spend more than two hours. That causes to get a citation. That is the direction Council gave us with the two hour parking ordinance and that is what we are doing. I don't see any other option at this time, except the four hour on handicap instead of two.

Council Member, W. W. Ross, Jr. – Well now, some concern that maybe down at the Water Street where the parking lot that some folks was not going to park because they were afraid they may the car maybe broken in and that's the

Chief Birchfield – I haven't had any complaints of any suspicious activity. We patrol that. As a matter of fact the flea market is down there and we are through there several times a day. I know I am myself and the other officers. I have not received any information of anyone hanging around that area to cause a suspicion on that. I think, and I have been just as guilty in the past myself, is we get used to parking where we want to park, as close as we can park and when there is a change we don't like it. I think that is the biggest problem we've encountered.

Council Member, F. Perry – You hit the nail on the head, everyone wants front door parking and there's only about three parking places in front door.

Chief Birchfield – And if you can do that and be gone in two hours, fine.

Council Member, W. W. Ross, Jr. – Has any complaints been from the Methodist Church where people have been parking up in their parking lot.

Chief Birchfield – I haven't received any complaints whatsoever. No, sir. Thank you.

E. Council Reports –

Council Member, W. W. Ross, Jr. – I have several I want to bring up. One is, being a Councilman is my concern is a lot of things come in the newspaper and I don't have any prior knowledge of this thing. So, people may ask me about certain things an article that comes in on those papers because they think I'm a Councilman but I don't the only time I know about it is when I read about it in the paper. I just kind of feel like I'm in left field, I don't want to be answering about something that may come be in the paper and I don't have any knowledge of it so I don't know where you all may have at least let the Councilman know that I'm putting an article in the paper about something or I'm going to talk to the newspaper so we would have some prior knowledge to know you know what's what may come in the paper if somebody asks me. Cause I've been asked

Mayor Jenkins – Usually they call me the evening before and I have to answer questions then, but I'll be glad to call you and let you know what they asked me about.

Council Member, W. W. Ross, Jr. – Well yeah cause sometimes I get asked and I say well I don't know.

Mayor Jenkins – Well, that's a fair question because there are times they will call right before paper deadline ask me questions and I'll do my best to answer them. I told them I'll either answer them or just tell them, I don't know. But, I'll be glad to call you.

Council Member, W. W. Ross, Jr. – Another concern with the report with the audit report and other information. I know it's been a long time and we went, I guess I have to bring this up again. I looked back and I started from March of 11 up to now. At the time, we talking about the Job

Corp now Mr. Cassell had mentioned the Chris building I guess over here where the windows about maybe putting windows up there because that looks bad but street where that coming up right there at Jackson and Kane that finished part of the sidewalk is not finished and I was hoping that we could get the Job Corp come back and finish this at least make that look more presentable cause people still drive up there somebody park but that still is the first thing that they see the sidewalk I mean by that building over there. But in the meantime, never did get an answer yes or no about them coming and my concern is that the information when I asked a question that the records should reflect what was done, should have had an answer you know list in 48 hours because records should reflect what the labor was and what the cost vice a versa to that job position and everything. So, I couldn't understand why it's taking from March up to now to have an answer yes or no. Cause they were trying their best to come in to complete that to try to enhance the City of Gate City. They wouldn't benefit they was trying to get it the right level and I see that you had another a lot of other the crew our Town crew was busy and I felt it would be an opportunity for them not to be so heavy involved in so many jobs but they could focus on a couple jobs and had somebody else come in and do some improvement in the town.

Mayor Jenkins – I was going to ask the Job Corp to do a job for us and if you would like to coordinate that you can.

Council Member, W. W. Ross, Jr. – Well, right now they I mean it took so long a little bit of hostility they now I don't know whether I can get them to come back. Because

Mayor Jenkins – Well, now I will approach them.

Council Member, W. W. Ross, Jr. – Well, and another individual thing I notice that as a Councilman another point I want to bring up I seen at the last minutes, I mean of the last agenda when you came that I want to bring up I went the Safety Committee has disappeared off the agenda. I wasn't notified that I was being taken off it. I didn't nobody said one thing just left it off and when Tommy Herron was on it you took him off of it and put me on it and when I got on it I asked for the manual which I couldn't find and you all wrote one and I asked is this the manual you all are gonna approve I hadn't got that straightened out I'm still waiting on how I'm going to handle it you put me on the Safety Committee but I'm still on left field and all of a sudden I'm being taken off the agenda without even being told. Why?

Mayor Jenkins – Because I didn't even notice it wasn't on there.

Council Member, W. W. Ross, Jr. – Well it wasn't on there last time and it's not on it this time. So, I thought it was a mistake but I see it's not on here again.

Mayor Jenkins – Thank you, you'll be back on.

Council Member, W. W. Ross, Jr. – Well, I just like to know what was the reason for it being taken off?

Mayor Jenkins – Evidently, it was just dropped off because I hadn't noticed it and I don't know if I would have noticed this time if you hadn't said that.

Council Member, W. W. Ross, Jr. – Well, I noticed it the first time but I didn't say anything so I just wanted to be sure that it might it was an oversight so I waited and I looked at this again and I see it's off here again so I'm not taking any chances maybe it was

Mayor Jenkins – A good thing to do would be when we approve the agenda if you notice something like that to ask that it be added if you are noticing something that someone isn't and we would be glad to put you on the agenda.

Council Member, W. W. Ross, Jr. – Alright.

Mayor Jenkins – It was an oversight on somebody's place and I should have caught it reviewing the agenda, I didn't. You should have caught it during the agenda the last time and brought it to our attention then as far as I'm concerned.

Council Member, W. W. Ross, Jr. – Alright, I'm that's what I was doing this time because I wanted to be sure I thought it might have been a just a mistake and I didn't want to react on it until I be sure that it was a mistake. So, I'm bringing it to change tonight. Thank you.

Mayor Jenkins – Thank you. Any other council reports?

F. Economic Development Committee –

Mayor Jenkins – They are still having health issues with some of the members and have not been meeting.

G. Façade Committee –

Mayor Jenkins – We met last night. There is a six month extension on the grant to complete the façade projects. We do have several other businesses that have applied for, some of the buildings have changed hands, and several projects haven't been completed. I think there is \$138,000 left, but I'm not positive on that number that we can use on the buildings. We do have the six month extension to complete the projects.

H. Historical Committee – Did not meet.

I. Manager-

Mayor Jenkins – I have met a couple of times with the County's Economical Development, the County Administrator and Lenowisco and we are pursuing funds for the theater, other grant funds and some private funds. On November 2, 2011 we received notification receiving a planning grant that was worked through Angie Sproles for a community block grant. We are going to focus on the Courthouse hill area for potential needs of some housing improvements there. There is a \$3,000 planning grant and Angie will probably do most of the head of it. She's with the AppCAA and will have to have a volunteer committee set up and that will be taking place in the next few weeks is to get some spark plugs in the area of who needs the attention most and I'll be asking some of the town's staff and Council to serve on these committees. That is a grant that is in the works.

J. Park Committee –

Council Member, F. Perry – We did meet this time. We have been approached by Scott Jeral. The Master Gardener Program wants to coordinate a walkway and some picnic tables in the new section of the park. This is a requirement that this program has to carry out a project and that is what they chose to do. If there are no objections, of course they work with the town in any way and the Little League Baseball wants to build a picnic shelter with some small storage attached to it and add some more bleachers at the little league park. So that would enhance the park some. Jeff Stapleton is our project director and he's going to meet with the Master Gardener Program and see that everything fits in with the scheme.

Mayor Jenkins – That's great. Thank you, Frances.

K. Planning Commission –

Council Member, R. Cassell – We didn't have a quorum, but we have received tentative lease agreement to review for the King-Ford property.

Town Attorney, M. Brooks – I spoke with Juanita this afternoon she asked if we received information and comments on it.

Council Member, R. Cassell – Can you ask her to send one without all the changes, kind of hard to read.

Town Attorney, M. Brooks – I think I can convert it.

Council Member, R. Cassell – It's there for Michele to review and the Planning Commission and if we see fit, I'm assuming it's ready to sign if the Council wants to pursue it. We are that close to having it if that is the Council's desire.

Mayor Jenkins – I'd say at the next meeting you all make a recommendation to the Council.

Council Member, R. Cassell – We'll do our best if we can get, I don't know what happened to everybody the last time.

Mayor Jenkins – Thank you, Roger.

L. Public Works –

Mayor Jenkins – Brush pick-up has increased significantly this last month. Trash pick-up is down about 6,000 lbs. Recycled boxes stayed about the same. We did have 14,200 lbs. of recycled newspaper this time and they had 108 work orders. They have been doing the retention basin down at the municipal parking lot. So, they have been staying pretty busy.

M. Sanitation Authority –

Council Member, R. Cassell – Nothing to report.

N. Street Commission –

Mayor Jenkins – There's been a lot of patching and paving going on, I guess you all know the details.

Council Member, R. Cassell – Pretty much.

Council Member, W. W. Ross, Jr. – I don't have a list with me. (Asking Roger), do you have a list with you?

Council Member, F. Perry – I know Bowen and Anita Street had been done and both of the customers were very pleased.

Council Member, R. Cassell – His plans were Back Street, Ezra McNutt, Anita which is the one you had requested, Cardinal Lane and partial on Bowen Street that you had pointed out. I have to get out and look at I think there was some question on some additional work on Bowen and Francis, Eva and some on Shoemaker.

Council Member, W. W. Ross, Jr. – Question. On Back Street there was a hole there that they came up there and paved which makes it go over there. The water problem is still there but not as bad. What I wanted to the question is that that property that when they when you all that house was there when you all rented sold that house for taxes and they came in and took a bulldozer and leveled that land but that property doesn't is not part of the house it's that property owned by Dee is it still Dee Minute property?

Mayor Jenkins – I haven't looked to see who is.

Council Member, W. W. Ross, Jr. – Well, the reason I'm saying is was that property that property didn't go through with the house and they came and they made that higher so when the property owner be responsible because they made that higher to call for the water to come back in when it never before it was lower and they went in did they get permission. The thing did they get permission to go for somebody property and level it off or move it around?

Mayor Jenkins – We were not involved in giving any permission. When I went and looked it looked like the elevation of the surrounding yard is higher than the road it's been filled.

Council Member, W. W. Ross, Jr. – Yeah, right.

Mayor Jenkins – In the last few years, but we didn't know when it happened or who did it.

Council Member, W. W. Ross, Jr. – Yeah, I remember

Mayor Jenkins – I think that is what created the problem.

Council Member, W. W. Ross, Jr. – Yeah, they came in and brought a bulldozer and they elevated that up, but by them doing that and it wasn't their property and they was on somebody's property wouldn't they be responsible because they caused a problem there? I mean they went on somebody else's property.

Mayor Jenkins – I would assume you are not supposed to work on somebody else's property like that.

Council Member, W. W. Ross, Jr. – But I because I was thinking you know at the time I when they did it I wasn't on the Council I thought the property was on was part of that property but I found out it's not, it's still under Dee Minute I think and when they went in they just so that's one of the things

Mayor Jenkins – But Dee is deceased, correct?

Council Member, W. W. Ross, Jr. – Well, that's what I'm saying does the son, that's what I'm trying to is it under his son or under him? But I'm going to try and get a chance to with the state and have them look at it and see if another problem why that developed if it can do it we need to solve that water problem. But thank the crew for coming up and putting cause there was a hole there and I'm afraid the cars going in would damage the cars going through there.

Mayor Jenkins – Yes, it's best that it's repaired. But we're limited on repairs because if we elevate the road much then we're running water into the church basement. It's going to have to be corrected on the other side, but if the Minutes own that there may be a potential of an easement and taking care of the problem.

Council Member, W. W. Ross, Jr. - Well when it rains that's what helps it helps from keeping it made a puddle but it helped keep the water from running into the church. It with that hole being there it was low but now being up to a certain elevation water still runs over but it didn't run back into the church so it helped it in that point.

O. Water Plant –

Mayor Jenkins – They produced 8,965,000 gallons of water last month and we're accounted for 7,995,100 gallons so we were at a 33.58% loss last month which is up 10% from the prior month. We are starting to see some season change water line breaks again. Hopefully, we can locate them quickly. It is still much better than it was, but it is something that we will need to keep an eye on.

XI. PUBLIC COMMENT

Cotton Roberts – Discusses the detriment of the two hour parking and the yellow paint lines that has taken two parking spots in front of his business (Family Bakery), has created for his business. Asks if it is a must, should or could by VDOT that it is painted and if that is the case, it has been in violation since the new light was put in. States the two hour parking creates problems when he has a meeting in his back room and the parking behind his building belongs to Broadwater Drugs. He needs VDOT to tell him it is a must situation and VDOT is destroying his business.

Mayor Jenkins – Informed Mr. Roberts of people parking beyond the light could not see if light was green. It was a safety issue. VDOT provided us the guidelines. States he had received complaints of people parking in the alley.

Vicki Roberts – Questions why all handicapped parking is in front of the court house and none at this end of the town. Asks if handicapped parking can be placed in front of Chris' Department Store?

Mayor Jenkins – Responds, that may be possible.

Council Member, F. Perry – We are not aware of problems until someone like you brings them to our attention and that is good. That is why we like people to come to these meetings to learn what we need to do to improve. Thank you, Vicki.

Mayor Jenkins closed the public comment session at 7:52 P.M. and opened the consent agenda session.

XII. UNFINISHED BUSINESS

- **Ron Baker – Water Bill**

Ron Baker – 153 W. Jackson Street. Last time I had asked the Council about refunding this water meter tampering fee and reconnect fee that was charged and since that time you have this little booklet here that proudly has my name in front of it. I also discovered you owe me more money from the billing that you calculated here. It is incompetent and incorrect. I paid \$425.00 when the amount I could have paid was \$234.36 and I have cancelled checks to show that, plus your own letter showing me the penalties and interest had been withdrawn from the bill when it was adjusted.

Council Member, W. W. Ross, Jr. – I have a question. It says on July 13, 2011 the adjusted amount that was made for at the time that the board voted for \$308.04 was that correct? But he didn't get, he left before that decision alright. Now, again, I'm trying to understand this on July 18, 2011 a letter was certified sent about it was it wasn't accepted by Mr. Baker and returned to the Town Hall, they claim. It says, look at attachment, now Mr. Baker came in to make a payment of \$425.00 he made a payment of \$425.00 right

Ron Baker – and 26 cents

Council Member, W. W. Ross, Jr. – 26 cents alright now if the bill was just \$380.00 and they added \$100.00 here down on August 15, 2011 \$100.00 of tampering fee was applied on August 15 of 2011 so from that time that would just make that \$408.00

Council Member, R. Cassell – There was \$308.00 taken off and left the \$425.00.

Council Member, W. W. Ross, Jr. – Left \$425

Council Member, R. Cassell - Yes

Council Member, W. W. Ross, Jr. - and he came in and paid the \$425.00 right?

Council Member, R. Cassell – A month later, yes.

Council Member, W. W. Ross, Jr. – And then during that time \$125.00 was added to it right? Correct? It says \$125.00 alright now okay in the letter here now let me get this straight Matthew Taylor was asked to deliver a sealed envelope from the City Hall, Gate City Town Hall to Ron Baker. Now from this when the policy when the \$308.00 was given he had two days to respond to pay that bill, by the policy. He has two days to pay the bill which he didn't have if he left out of here which he didn't know about but he had two days and then from the from the two days which would start what the next day how would two working days so if he was here on Tuesday it would mean that Wednesday and Thursday had to respond but you all sent him a certified letter on August 15, 2011 but now what I so what the meter was checked by the Town Crew and the water service had been turned back on or the Town Crew then turned off the water and locked off the meter alright this applied the \$100.00 applied to the on August 15 now what time did they come and do this on August 15th to go back and have a letter sent out by August the 15th

Council Member, R. Cassell – It was July 15th, Wallace.

Council Member, W. W. Ross, Jr. – Okay, July the 15th, alright. Okay, let me see here, now I want to double check

Council Member, R. Cassell – That was the one that was returned unaccepted explaining the two day policy. So, therefore, it was unaccepted, Mr. Baker didn't know it cause he refused to accept it. It was attempted to deliver again, personally, by Officer Taylor and was refused again.

Council Member, W. W. Ross, Jr. – Okay, now we have a statement from Matthew Taylor he said that he went to talk to Mr. Baker, and he delivered a letter but he didn't have any dates or

times when he did that process so I was just wondering but under this on July 15, 2011 the letter the total amount was \$405.26 right? This amount must be paid within two working days.

Ron Baker – Can I say something?

Council Member, W. W. Ross, Jr. – Go ahead.

Ron Baker – I think what you're getting at is exactly the same thing I'm getting at and so on. Is that even sending out a certified letter it wouldn't be on the two day limit of paying this according to quote policy and even breach what you had and it would be wrong from there. But, furthermore, what I showed you last time is the bill that you sent me for this matter. Now if you're going to send me a certified letter and that be the only source and everything why did you send me a bill that states on the bill that it is due the 18th? And a better question, why did you come down and cut the water off, something like 4-5-6 days or have it cut off something like 4-5 days or six days or have it cut off I should say, Mark, before the bill was even due. You had no justification I don't care how long you try you have no justification other than one and everybody here knows exactly what that is including you.

Mayor Jenkins – You're going to have to tell me.

Ron Baker – I'm going to have to tell you?

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

Ron Baker – Nevertheless, go back to this sheet that you have at the last of this pamphlet. The one that has the bill printed up here. And the penalties and interest stated in your letter were taken from the bill. The bill had been in dispute ever since the first time it came out. So therefore, there is no justifiable way to put penalties and interest which is what you got here penalty and interest, interest penalty interest penalty into this bill. There's no justification for that you already sent one letter that you had already adjusted and that was taken out that's how you the sum of this is how you got the total of \$425 plus you come down here further and you got a 94 10 and a 94 10 and a \$10 for trash. I have a copy of the check, check #3612 which was \$40 paid on that bill and there is nothing here showing where that \$40 credit was applied. Furthermore, go down to the next one, same thing go down to the one and how do you justify putting two extra trash charges on this bill also? There's a \$10 and \$10 on commercial garbage. How do you justify that? And then go to the last addition of 15 and 15 and 10 and there was check #3616 paid that on 7-16-11. So, one the total that was put here that I had to pay in this situation was wrong, second the fact that the water was cut off prior to the bill coming due and then a \$25 reconnect fee for hooking the water back up was wrong and the accusation in here that I instructed Mr. Ducker to turn the water back on is also very inaccurate because there was no way of knowing anything about even about the water being off. No notification was given to me and the water was turned off and when I was hit with the question like I told you the last time I was here, when I was hit with the question did you know the water was off? I said no, is it? Yes. Can I turn it back on? I said as far as I know, you can. And that is exactly what I said when I was here the last time. Cause there was no justification for this water to being cut off. Therefore, I'm asking the Council to refund the \$100 tampering fee, the \$25 reconnect fee and to adjust and bring this bill into proper focus here on correct math and make a refund of a \$190.90 to me on the bill that I paid \$425 because it was demanded of me to get the water back on.

Council Member, R. Cassell - What months was that \$40 paid, Ron?

Ron Baker - It was paid for April on the 29th day of March 2011.

Council Member, R. Cassell - This just goes back to 4-21 that's why it don't cover.

Ron Baker - Well, that look at the look at the that the 4-21 that you go there Roger is in concern with the I don't know what I don't know how that we even got to April on the thing but the bill was disputed throughout the time after the first I paid I paid the first initial bill of \$117 and change when I got that one then it was a \$40 bill and then a big one hit then after that one apparently the pipe blowed out completely after it thawed the ground, whatever the case, I don't know. But, then come down here on 5th of May, 2011, and another \$40 is paid because I kept the bills up to date even during the time that this was in dispute of what my normal billing had always been. Not to

have anything that could be said about it me allowing it to go into arrears. To down to the 7/22, Roger, 7/22 and 7/22 two more garbage fees added on \$10 each and you have a garbage fee in that three set of 8/22 before that and you have a garbage fee in that 7/22 set on that on the bottom and you have a garbage fee up here at the top on the 5/24 24 24.

Council Member, R. Cassell - Is that \$10, the second \$10 going in conjunction of multiple tenant?

Mayor Jenkins - Yes.

Council Member, R. Cassell - Is where that comes from?

Ron Baker - No, it's not.

Council Member, F. Perry and Mayor Jenkins - Yes.

Ron Baker - No, it came into play after this bill was settled.

Mayor Jenkins - It came into play after we realized that you have multiple businesses.

Ron Baker - I have the letter that you said that it came into play and would be placed in the billing after this water bill was settled. It came from you.

Mayor Jenkins - Once we are aware of multiple businesses there are multiple charges.

Council Member, W. W. Ross, Jr. - You all, let me this Council had known that he had a multiple business all this time? I mean with the water department and checking the meters and all

Mayor Jenkins - There is one meter, that is the property owner's option. Some property owners have opted to put in multiple meters.

Council Member, W. W. Ross, Jr. - Well, was that within the policy of the water, water policy?

Mayor Jenkins - Yes, yes it is.

Council Member, F. Perry - Yes.

Council Member, W. W. Ross, Jr. - for the water policy that they can do that?

Council Member, F. Perry - Yes

Council Member, W. W. Ross, Jr. - put in one meter and

Mayor Jenkins - Yes

Ron Baker - Well, that certainly isn't the property owner's responsibility to install the water meter, that's your responsibility as a utility.

Mayor Jenkins - If you want a second tap, we will put it there to the property line. That is the option.

Ron Baker - Here we go changing again.

Mayor Jenkins - No, you can read the policy.

Ron Baker - Anyway, anyhow, this is unjustified. You gave me the letter saying you was going to start applying the commercial rate on the deal and upping it to \$60 and that does not come into play at this day because it was done after the whole entire water was supposedly settled. So, that does not justify to be on this bill or on this bill whenever I was told there was no other way. And I and I rushed to do this simply because of the pretty much the same situation that they have experienced down here. I have one tenant down there who's in a one building, it's one building, it's not two buildings and I have one tenant and the vast majority of the town has no tenants. And to lose that tenant is something that I can't afford nor any other property owner who has a tenant in any building down here in this town. So, I followed through and did the \$425.25 with you guys and then had you to stick me with another \$125. That was all unjustified and right here when you do the math and anyone with a capability of adding or if you have to use a calculator add it and it comes to \$234.36. Meaning I over paid on the initial bill, \$190.90 and the additional \$125 for the meter tampering fee and the reconnect fee. Now, I'm asking you respectfully and kindly to go about correcting this situation. So, we can put this to rest here tonight.

Council Member, R. Cassell - I can, the only thing recourse that I see, Ron, is would be easy to if you had accepted the letter you would have known July and I can see how you could misunderstand where getting a bill coming out and says August

Ron Baker - Say what now?

Council Member, R. Cassell - If you had received the letter in July you would have known then, but you refused it. But, I since you didn't get the letter I can see how you would be mistake thinking you had until August, whatever that says.

Ron Baker - The bill that you sent me

Council Member, F. Perry - Did you not get the letter that was mailed just regular mail on July 21?

Ron Baker - No, ma am. I did not.

Council Member, F. Perry - And you didn't get you didn't get either letter that was

Ron Baker - No, I did not.

Council Member, F. Perry - Well, they didn't come back to the town, wonder what happened to them?

Ron Baker - Whenever, Frances, you had Officer Taylor to come over and or let me take that back whoever had Officer Taylor bring an envelope over to me that had Ron Baker on it made no disclosure whatsoever what was in that envelope. Now, there's not anybody on this Town Council or the Mayor, only possibility, the Town Attorney who doesn't me if you had wanted to hand that paper to me anyone of you or otherwise in an open document could have walked over just like I have here and handed it to me. And had I known what it was I could accepted it. So, don't you got no grounds to come back at me about not accepting something

Council Member, F. Perry - I'm not talking about that letter

Ron Baker - You didn't reveal what you were trying or you could have you

Council Member, F. Perry - You didn't listen

Ron Baker - You've seen me out on the street almost all the time why didn't you say something to me if nothing else?

Council Member, F. Perry - You didn't answer the question that I asked.

Ron Baker - What question did you ask?

Council Member, F. Perry - I know that you did not accept the registered letter, the certified letter.

Ron Baker - Right

Council Member, F. Perry - But, you were also mailed the same letter by regular mail

Ron Baker - And I told you I didn't receive any letter that came

Council Member, F. Perry - and it didn't come back to the town.

Ron Baker - through regular mail. I did answer.

Council Member, F. Perry - It didn't come back to the town.

Ron Baker - Well, I don't know where it went.

Council Member, F. Perry - Two of them and they didn't come back is that not odd to you that that you didn't get them and they didn't come back to the town?

Ron Baker - No, it isn't odd not with what I've had happen with the mail and it certainly is not. And I have personal contacts with people who work for the Post Office and

Council Member, R. Cassell - Mark, are you available to entertain a motion that I'm going to do this and if Council wants to vote. I'm going to make a motion and this is only because you got, I really have no sympathy that you didn't accept the letter. But, I'll give you the benefit of the doubt in handling the bills in the past that you got a bill saying it was due in August that you thought you had till August, I'm going to make a motion we refund the \$125 because you thought you had till August and if you ever not accept a letter again I'll

Ron Baker - Don't make a threat to me, Roger. If you're going to make a motion, make a motion, but don't threaten me.

Council Member, R. Cassell - I'm just saying I'm gonna say it this time because you didn't receive the letter. It really wasn't our fault, but I can see you saying that you got the bill saying it was due in August that you thought you had till August. But,

Ron Baker - And I paid it.

Council Member, R. Cassell - Right, and this is one time I'm saying I won't do it again because you don't accept your mail. That is what I'm saying. I'll make a motion we refund the \$125 because of the misunderstanding of the August date. That's my motion.

Mayor Jenkins - Rogers' made a motion.

Motion made to refund the \$125 because of the misunderstanding of the August date.

Motion by: Council Member, R. Cassell 2nd by: Council Member, F. Perry

Mayor Jenkins - Any other discussion?

Council Member, W. W. Ross, Jr. - Discussion. Will you be satisfied with that?

Ron Baker - No. I get that portion but after the discovery of this and the initial billing that I overpaid by \$190.90 I'm asking the Council to also refund that because that was an overpayment when it was calculated. Your accounting department, whoever handles that, should have more option in that.

Council Member, R. Cassell - We had all that settled when that adjustment was made and my motion stands on the \$125. If somebody else wants to go beyond that they can do it. We had everything settled up to here, had all the documents in front of us and we agreed to make that motion and I'm making the motion of \$125 give you the benefit of the doubt because your bill said August.

Mayor Jenkins - We have the motion and second we need to vote if there is no other discussion

VOTE: Yeas, 3
Nays, 1-W.W. Ross, Jr.
Absent, 1-T. Herron

Mayor Jenkins - Three ayes, one nay, motion passes.

Ron Baker - Now I'm asking of the Council, to hear tonight to make a motion to correct this mathematical error, if that is what we are going to call it, and the initial bill that was \$425, that mistake.

Council Member, F. Perry - So, how far are you saying we need to go back, Mr. Baker?

Ron Baker - Pardon me?

Council Member, F. Perry - How far are you saying we need to go back to start this calculation? So, we can see it down in on black and white and follow it.

Ron Baker - You have it in black and white, it's in your report.

Council Member, R. Cassell - That only goes back

Council Member, F. Perry - No, that's not the whole thing.

Ron Baker - That's the bill that I paid on Frances, \$425.

Council Member, F. Perry - I understand that. But, I want to see the whole thing that is in question here. The bills from the time that you're in question, the payments and the charges that were adjusted off. That's what I want. Okay?

Ron Baker - I don't possess so. I

Council Member, F. Perry - No, but the treasurer does.

Ron Baker - I possess the checks that I paid on this that I can give you the check numbers on.

Council Member, F. Perry - We can get that, we can get that from the office. You have this bad habit of interrupting me and I really don't appreciate it.

Ron Baker - Well, you have a bad habit of not letting me finish before you start to interrupt me. So, let me finish and then you can talk, I don't mind at all.

Council Member, F. Perry - I realize you don't have this information. We can get that from the office. Okay?

Ron Baker - And so, you're saying what?

Council Member, F. Perry - I'm not doing anything else

Ron Baker - Another meeting, is that what we're saying?

Council Member, R. Cassell - Frances, we had all this settled up to here, we had all that paperwork in front of us then. We looked at it and agreed on that adjustment and that's where we come up with the \$405 after, he had all that to start with when we came up with that adjustment.

Ron Baker - No, I didn't. You never presented me with it with what you did on it.

Council Member, R. Cassell - You brought it to us. You had a whole list of what you thought was right

Ron Baker - No.

Council Member, R. Cassell - what was right and

Ron Baker - No, I asked you that I would pay the \$69, Roger. Is your memory that bad?

Council Member, R. Cassell - We agreed on all that when you didn't want to accept it, but we agreed to adjust the bill

Ron Baker - You said and then come out and write me a letter telling me that penalties and interest have been removed from the account since it has been in dispute, what's this first column saying in this receipt.

Council Member, R. Cassell - There was none after July there is no penalty and interest on there after July.

Ron Baker - It started with the dispute, period, Roger. Not a selected time of the dispute. And here also, in what you have here, I have no credit on here for what I already paid.

Council Member, R. Cassell - That was back before this started.

Ron Baker - No, man.

Council Member, F. Perry - That was my question. When, how far do we need to go back? To what date?

Ron Baker - Here, you have, look at this back sheet on the receipt, gives you all the dates.

Council Member, F. Perry - That's the first dispute?

Ron Baker - That's the dispute on the amount.

Council Member, F. Perry - Is that the first, is that the first dispute?

Ron Baker - No, this is I'll have to look back. I got mine stating of when I first brought it to Mr. Jenkins. It was back, well, let me see if I don't have it in my briefcase.

Council Member, R. Cassell - I know we had all this in front of us when we came to that amount.

Council Member, F. Perry - Right.

Council Member, R. Cassell - And the penalties stopped after that.

Ron Baker - Here's a letter from Mr. Jenkins dated, note I should say, looks like a letter, its date is 3-11-11 which goes on about me and this bill. You sent to me or had the girls to give it to me. So, that's when, at least you have documentation that I first questioned this bill and had a problem with it.

Council Member, F. Perry - Okay, on here, it says on July 13, 2011 and adjustment for the amount of \$308.04 was made to Mr. Baker's water bill, the Karate School.

Ron Baker - Okay.

Council Member, F. Perry - Okay, when that adjustment was made, are you saying you were still in dispute?

Ron Baker - Yes.

Council Member, F. Perry - Okay. So, we need to go back to March is that what you're saying?

Ron Baker - This letter right here is dated for March to me or from the girls that sent to me and what she state all these different things and it's 3-11-11.

Council Member, F. Perry - Okay. We need to go back to March?

Ron Baker - That's when my dispute started with the water bill.

Council Member, F. Perry - Okay, that's where I want to go back to.

Ron Baker - Okay. That's when I want.

Council Member, F. Perry - Okay.

Ron Baker - Actually, I had to come in and report it before that because if you did it on 3-11 then we had to discuss this and to my best recollection I think it was at least week two weeks before he responded, which would have been 3-11-11, so that would put it back to February, something.

Council Member, F. Perry - So, we need to go to February? Okay, alright?

Council Member, W. W. Ross, Jr. - Is that when there was having the problem when the water was froze?

Ron Baker - The first time. The first time was apparently the bill, if I'm not mistaken, came out in I believe it was March it came out, I can look back at my records. I have it somewhere. It was \$117 water bill that I

Council Member, W. W. Ross, Jr. - Right

Ron Baker - And that would have been like that would have been in February actual meter reading.

Council Member, W. W. Ross, Jr. - Okay, it went up that high then it went back down to \$40

Ron Baker - It was \$40

Council Member, W. W. Ross, Jr. - That's right

Ron Baker - That's when we had all that cold time and my guess is that it froze. I really don't know or something happened that caused it to come back to 40. Cause nothing had ever happened or changed inside the building or anything all during this time. Nothing. And most certainly would know, I can assure you, the water was cut off. So, where do we stand now? We have the adjustment for the meter tampering and the reconnect fee.

Council Member, F. Perry - And we really shouldn't have done that.

Ron Baker - And you're going to investigate into the billing here on how this calculation went about.

Council Member, F. Perry - Yes, I want to see where the mistake was made.

Ron Baker - Well, I tried to point that out to you a second ago.

Council Member, F. Perry - My mind don't work like yours. I can't keep up with all those numbers going down through there just by verbal. I have to see it in black and white. I'm getting older than you.

Ron Baker - Okay. But the question I have is you're saying that before we can resolve anything with this, I'm going to have to be back here at the next Town meeting?

Council Member, F. Perry - I don't know that you have to come back for me to look at it. I'm going to look at it before the next meeting.

Ron Baker - Okay. Well then I have someone who is going to contact me to tell me about the adjustment on it?

Council Member, F. Perry - I don't care to talk with you after I can get it to where I can look at it. I'll be glad to talk with you.

Ron Baker - Well, I mean, do you have the authority to do something about it at that point of time or does it have to come back before

Council Member, F. Perry - No, sir, I don't have any authority on my own at all.

Ron Baker - Well, that's the reason I asked. Do I come back

Council Member, F. Perry - I'm a member of a board here and it takes the majority vote of the board to make any kind of a decision. No.

Ron Baker - So,

Council Member, R. Lane - Of which I guess will be whether or not you need to come back if we find discrepancies we want to make sure it's taken care of.

Ron Baker - So, essentially then, if we found, find an accounting error in reviewing this and so on which will be found because I have the documentation on it and so forth and then all that needs to be done is just the accounting error corrected. Is that correct?

Council Member, R. Lane - That's the way I feel about it.

Council Member, F. Perry - If it's our mistake, it will be corrected. Yes, if it's our mistake, we will correct it.

Ron Baker - Very good.

Council Member, F. Perry - I'll vote for a correction.

Ron Baker - Pardon me.

Council Member, F. Perry - I said I would vote for a correction if it's our mistake.

Ron Baker - Well, that's essentially why I asked if I need to come back or not because I wanted to know if we're going to get a correction made without having to go through tying up the Town Council's time trying to correct an accounting error.

Council Member, F. Perry - Well, that's what we're going to discover whether there is an accounting error.

Ron Baker - So, can I expect to hear something from a week, ten days?

Council Member, F. Perry - I'm not going to make you any promises on time.

Ron Baker - Okay. Then, I'll document on here that what has been said, plus it should be in the minutes here tonight and so forth so that somehow it doesn't get to the point of being forgotten. Okay?

Council Member, F. Perry - My other question to you would be if we find that our accounting is correct and it is you that is wrong here, would you make it right?

Ron Baker - I have nothing to make it right. With your own receipt, but I will, yes.

Council Member, F. Perry - Okay, thank you.

XIII. NEW BUSINESS

- **Discuss FEMA Floodplain maps and Flood Insurance for Town**-Mayor Jenkins discusses the **Information provided** (attached) with a power point presentation regarding the FEMA floodplain maps and the Flood Insurance information for the Town of Gate City.

Council Member, R. Cassell – Can he (County Inspector) inspect buildings in town?
Mayor Jenkins – They do. He always checks the flood plain. I know we got a check box if we determine if it's in the floodplain and the County Inspector is actually the Floodplain Manager.
Mayor Jenkins – Assumes it will be after the first of the year when we have everything together enough to do the ordinance. They'll provide the ordinance to us. I don't know if we would have any recourse other than to approve. As the County meetings kick up proper notification would have to be done in the paper through Public Hearings.
Council Member, R. Cassell – Is that going to put more on the Zoning Administrator to determine floodplain, right or are you already doing that?
Mayor Jenkins – Yes. We already determine if a request is in the floodplain. The GIS will show the floodplains. We'll all be updated as soon as we get it from FEMA. I don't know a whole lot about it yet, but we will have the first meeting with the County. Is there any questions that need to be taken on to FEMA. I guess we can forward them on. If Council wants more information they can go to Floodsmart.gov
Council Member, R. Cassell – How did this come about? Are they expanding the flood zones? Are they up-dating it?
Mayor Jenkins – They are up-dating it because of the insurance costs.
Council Member, R. Cassell -They just want to identify definitely what is and what's not.
Mayor Jenkins – From what I have read, I can't see there is a certain amount of time they re-evaluate. It went into some detail about the extra in taxes for restoration recovery. This will help eliminate or make sure people are aware of floodplains and municipalities are aware of them. Make sure people are not building where they shouldn't be building. I haven't seen the first set of maps. Ours may or may not change.
Council Member, F. Perry – My opinion the increase in natural disasters has a lot to do with up-dating the programs.
Mayor Jenkins – The expense of recovery has driven the effort to make sure that we have accurate flood maps.

Council Member, R. Cassell – It'll be pretty much FEMA is going to do this, know where it's at and if you chose to build you will pay the insurance and not them paying it to build you back.

Mayor Jenkins and Council Member, F. Perry – Yes, right.

Council Member, F. Perry – If you don't have flood insurance you'll be up the creek without a paddle.

Mayor Jenkins – This is just the beginning, we'll be getting more information and the County will have meetings with the individual towns. Something we need to be aware of. It's coming and we'll have to pay attention to it.

- **Reminder for Town employees for the Thanksgiving Luncheon on Wednesday, November 23, 2011, 12:00 noon, at First Baptist Church on West Jackson Street-**

Council Member, F. Perry suggests eating at 12:30 p.m.

- **Request for Public Hearing to change Council Member Terms from two year terms to four year terms.**

Mayor Jenkins – Is there a motion to request that we have a Public Hearing prior to next meeting?

Motion made to request a Public Hearing prior to the next meeting.

Motion by: Council Member, R. Cassell 2nd by: Council Member, F. Perry

Mayor Jenkins – Do we have any other discussion on item?

Council Member, F. Perry – My question would, in regard to that, would be there was some talk about staggered terms. Does that, can that be included in the same Public Hearing if we are going to do that, why not do it all at one time and save on advertising expense?

Mayor Jenkins – Four years, staggered. I think that is what we discussed. Wasn't it?

Town Attorney, M. Brooks – It was.

Council Member, F. Perry – It needs to be part of the motion then.

Mayor Jenkins – So, do we want to, do we need to withdraw that motion and make that a second motion or amend that motion?

Council Member, R. Cassell – How do you determine, once you have the elections, who, you just let part of the Council one year and part of the Council the next and from there it's staggered.

Mayor Jenkins – The way that I've seen and read on that what they will do you'll select the Mayor and the top vote getters has the first four year term and the lower number, whatever you set will go to the second and they'll rotate that you're electing every four years, every other after that.

Council Member, R. Cassell - So, in the long run it will save us money on the elections once we get

Mayor Jenkins – No.

Council Member, R. Cassell – You'll still be having, that's right on a staggered term. If you just went straight term it would, but staggered you'll still going to have an election every

Mayor Jenkins – The only thing that it really does is insure that you got a mix of old and new members that won't lose everybody at one time.

Town Attorney, M. Brooks – Stability for the town.

Council Member, F. Perry – Right.

Council Member, W. W. Ross, Jr. – Well the discussion in that too are we going to look at the point of going from May to November election?

Mayor Jenkins – No.

Council Member, W. W. Ross, Jr. – Cuz, I mean know that have to be through the Charter process the change in the Charter, but that was discussed. That was discussed to maybe I think they was talking about it that you could do it by your Charter, if you do that if you wanted to do it.

Council Member, F. Perry – We probably couldn't have a town and a state one and national all on the same day, could we?

Mayor Jenkins – You can do that. The only problem you run into is you have Gate City voters that are also precinct voters. You would still have to have the town election and I know where we talked to the election board about it before and they didn't, I mean they have trouble getting enough people to man the polls and you would still even in November, you would have to have either a poll off site in the polling place or keep this as a polling place for the town, specifically. You can't have all the voters going in, you're still going to have to segregate the town voters either way. We talked about that as a possible savings but they said they may run short because then you're actually holding an election in conjunction with the other election. It's not like it's part of it, it's just running with it.

Council Member, W. W. Ross, Jr. – The state is kind of they discussing it, not you know, they in the process of discussing maybe going to that I don't know if they will or not. But that was discussed in there, you know that they would save money the pros and cons about it if they were some things you brought up. But I didn't know, you know that would be in the best interest of the town to maybe look at that to do that or not I'm not, I'm not pro con for it. I guess will be the best for the town to save money.

Council Member, F. Perry – How would we save any money, you still have to have run an election.

Council Member, W. W. Ross, Jr. – Well, but I think, well that's a good question. But, I think, I'm not sure. I don't have all the information, but I think it would save money because they have was evaluating to go from May to November and I'm pretty sure, I don't have all the facts, but it would save money and they was talking about doing it for that reason. So, I don't have all that with me but I could, you know.

Mayor Jenkins – Yes, there may be some savings, but I've not been made aware of any savings that we would have by going to November. One advantage I would see to that is you are in office longer before the end of your fiscal year and would know a little more about budgeting. That would be one advantage. If you are keeping half of your active board you at least do have some people that know about what's going on in the operation of the town and everything too. So, that would give you a heads up. Changing every two years is, there's a very steep learning curve and there is a possibility that well you may not want to learn from the ones that are there, but then you may. It does offer some stability.

Council Member, R. Lane – I think, regardless, you would learn from them, good or bad. But, I do have a question and that is would all of the people being voted upon would they all be at large or would we actually have any segmentation according to precinct?

Mayor Jenkins – It would remain at large for all.

Council Member, R. Lane – I would think so because of the way the town is laid out in size and all that. But, I just wanted to ask that question.

Motion made to amend his motion to advertise for Public Hearing to switch from two year to four year staggered terms.

Motion by: Council Member, R. Cassell 2nd by: Council Member, F. Perry

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

- **Request to advertise for procurement of bond for Council** –

Mayor Jenkins – Did I have that put on there because if I did, I don't remember.

Town Clerk, K. Riley – No, Andy (Miles) asked to have that put on and he was going to discuss it when he was here, but he's not here.

Council Member, R. Cassell – Can that be carried over to next month if it's something that has to be done for him? Did he say?

Town Clerk, K. Riley – He didn't really say. He just said he needed to get that on so that we can advertise for a bond for Council.

Council Member, R. Cassell – I wonder if that got something to do with requirements on some of these grants.

Town Attorney, M. Brooks – I've been working with him on some of this stuff.

Mayor Jenkins – The only thing that I can remember that the Town Manager and the Mayor need to be bonded on some signatures.

Town Attorney, M. Brooks – He didn't mention that to me, so I don't

Mayor Jenkins – That's the only thing that on those lines that. We best table it to the next meeting. I have no details on it and haven't talked to Andy today.

Council Member, R. Cassell – Hate to vote on something finding it was an option.

Mayor Jenkins – Yes.

Council Member, F. Perry – Must not be pushing it or he would have included that, I think, in his report.

Mayor Jenkins – Yes, I would too.

Town Attorney, M. Brooks – He's very thorough.

Council Member, F. Perry – Yes, he is.

XIV. PUBLIC COMMENT – NEW BUSINESS

Mayor Jenkins closed the public comment session for new business at 8:44 P.M. and opened the consent agenda session.

XV. CLOSED SESSION

Mayor Jenkins opened the closed session at 8:45 P.M.

Motion made for Council to enter into closed session to discuss legal and personnel issues.

Motion by: Council Member, R. Lane 2nd by: Council Member, R. Cassell

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

XVI. RETURN FROM CLOSED SESSION

Council returned from closed session at 9:21 P.M.

Motion made for Council to return from closed session.

Motion by: Council Member, R. Lane 2nd by: Council Member, W.W. Ross, Jr.

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

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, 5
Nays, 0
Absent, 1-T. Herron

XVII. MOTIONS FROM CLOSED SESSION:

Motion made to advertise for a Public Hearing to discuss water rates.

Motion by: Council Member, F. Perry 2nd by: Council Member R. Cassell

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

XVIII. ADJOURN

Motion to adjourn the meeting until the next regularly scheduled Council Meeting, December 13, 2011, at 6:00 P.M.

Motion by: Council Member, R. Cassell 2nd by: Council Member, R. Lane

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

*Mayor Jenkins adjourned the meeting at 9:23P.M.

Mark Jenkins – Mayor

Kathy Riley – Town Clerk

FEMA

PRESENTATION

Community Coordination and Outreach Meeting

What the New Preliminary Flood Insurance Rate
Maps (FIRMs) Mean for Your Community



FEMA

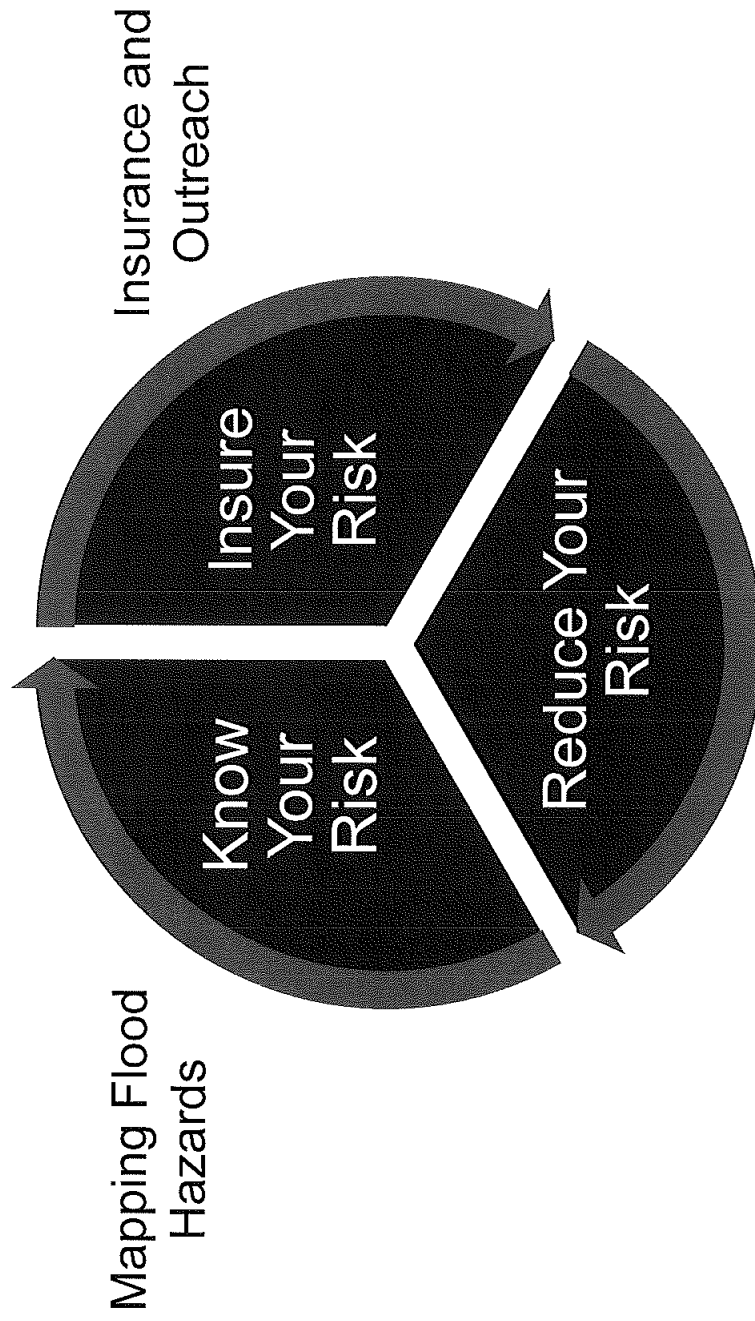
This is a Meeting to...

- Present the new products
- Explain the maps and data
- Inform you of the ordinance adoption process
- Discuss the National Flood Insurance Program (NFIP)
- Update community contact information
- Answer your questions



FEMA

Three-Legged Stool of the NFIP



FEMA

Regulations and Mitigation Practices

Community Responsibilities

Review FIRMs

- Review preliminary FIRMs and make corrections, comments and appeals when appropriate

Conduct Outreach

- Conduct outreach to those citizens affected by changes on the FIRMs

Update Ordinance

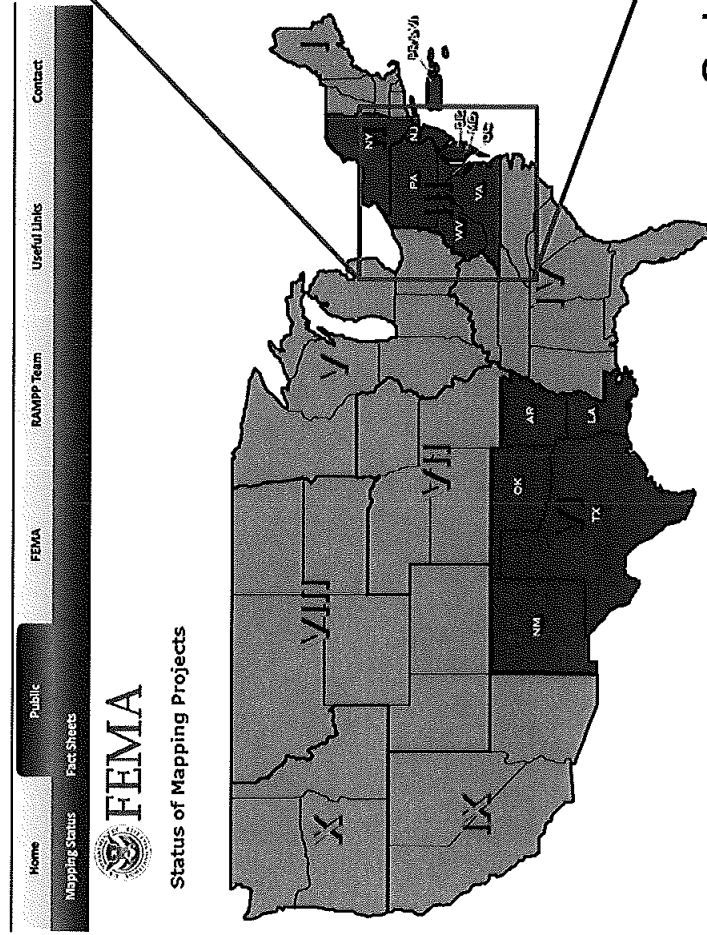
- Adopt a new floodplain ordinance that meets the National Flood Insurance Program (NFIP) requirements



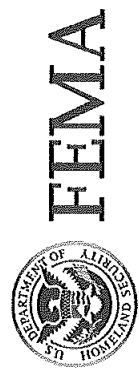
FEMIA

Preliminary Maps: Paper and Online

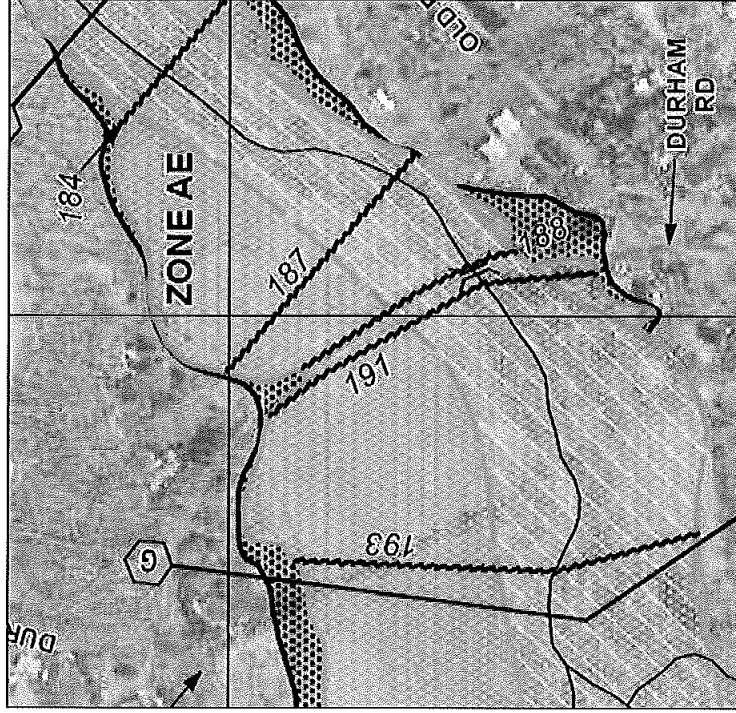
Website: <http://www.rampp-team.com/public.htm>



- Select your state and county to view map panels



Map Improvements Enhance Reliability



- Countywide maps
- Digital Flood Insurance Rate Map (DFIRM)
- Compatible with GIS (Geographic Information Systems)
- Digital files to be available when maps become effective



Review Your Maps for Accuracy

Provide comments on technical and non-technical data

Comments

- Submit within **30 days** of CCO meeting
- Comments on **non-technical data**
- Incorrect or misspelled road/stream names, municipal boundary changes, etc

Appeals

- Protests of Base Flood Elevation (BFE) determinations (if applicable)
- Submit during **90-day** regulatory appeals period
- Documented based on **scientific or technical data**



FEMA

Use of Prelim Data for Permitting

- Recommend using the preliminary DFIRM and FIS data for permitting.
- Use whichever information is more restrictive to **minimize legal liability**.
- **DO NOT throw away existing** effective maps. Needed to prove grandfathering.



SCOTT COUNTY, VIRGINIA AND INCORPORATED AREAS

Community Name	Community Number
Clinchport, Town of	210142
Duffield, Town of	210143
Gate City, Town of	210144
Nashville, Town of	210145
Scott County (Unincorporated Areas)	210142
Weber City, Town of	210146



PREPARED BY:
SEPTEMBER 9, 2011



Federal Emergency Management Agency
Flood Insurance Study Number
5110C000A



FEMA

Flood Insurance Requirements

- **Mandatory purchase** of flood insurance for those in the SFHA
- Lower-Cost insurance options are available:

Grandfathering

- **Maintain prior flood zone & BFE** for insurance rating
- Available for Pre-FIRM and Post-FIRM structures

Preferred Risk Policy

- Provides a **2-Year extension of rates**, then converts back to standard rates
- Purchase **PRIOR** to FIRM effective date



FEMA

Flood Insurance Resources

▪ FloodSmart.gov

HOME

FLOODING & FLOOD RISKS

ABOUT THE NATIONAL FLOOD INSURANCE PROGRAM

RESIDENTIAL COVERAGE

COMMERCIAL COVERAGE

PREPARATION & RECOVERY

RESOURCES

- > Agent Site
- > Agent Locator
- > File Your Claim
- > Frequently Asked Questions
- > Glossary
- > Flood Facts
- > Media Resources
- > Toolkits
- > Email Updates

Call toll free: 1-888-379-8631 or have us call you

Search FloodSmart.gov

FloodSmart.gov
The Official Site of the NFIP

HOME

- FLOODING & FLOOD RISKS
- ABOUT THE NATIONAL FLOOD INSURANCE PROGRAM
- RESIDENTIAL COVERAGE
- COMMERCIAL COVERAGE
- PREPARATION & RECOVERY
- RESOURCES
 - > Agent Locator
 - > File Your Claim
 - > Frequently Asked Questions
 - > Glossary
 - > Flood Facts
 - > Media Resources
 - > Toolkits
 - > Email Updates
- LATEST NEWS
 - > As Hurricane Irene approaches, learn about ways to prepare your possessions and your home
 - > Find out more about the Preferred Risk Policy: Eligible Extension, Louisiana

How will the New Flood Maps Affect Your Flood Risk?
Flood risk changes from year-to-year. Enter your zip code to see if there have been any recent map changes in your area.

GET COVERAGE FOR AS LOW AS \$129 PER YEAR
Preferred Risk Policy for homes in moderate-to-low risk areas.

WHAT COULD FLOODING COST ME?
The interactive tool shows the cost of a foot to your home, inch-by-inch.

HOW CAN I GET COVERED?
One-Step Flood Risk Profile
File your risk
Get your premium
Find an agent

Start Emergency
Residential? Yes No

TV Commercials
Near Flood Maps
Video Testimonials

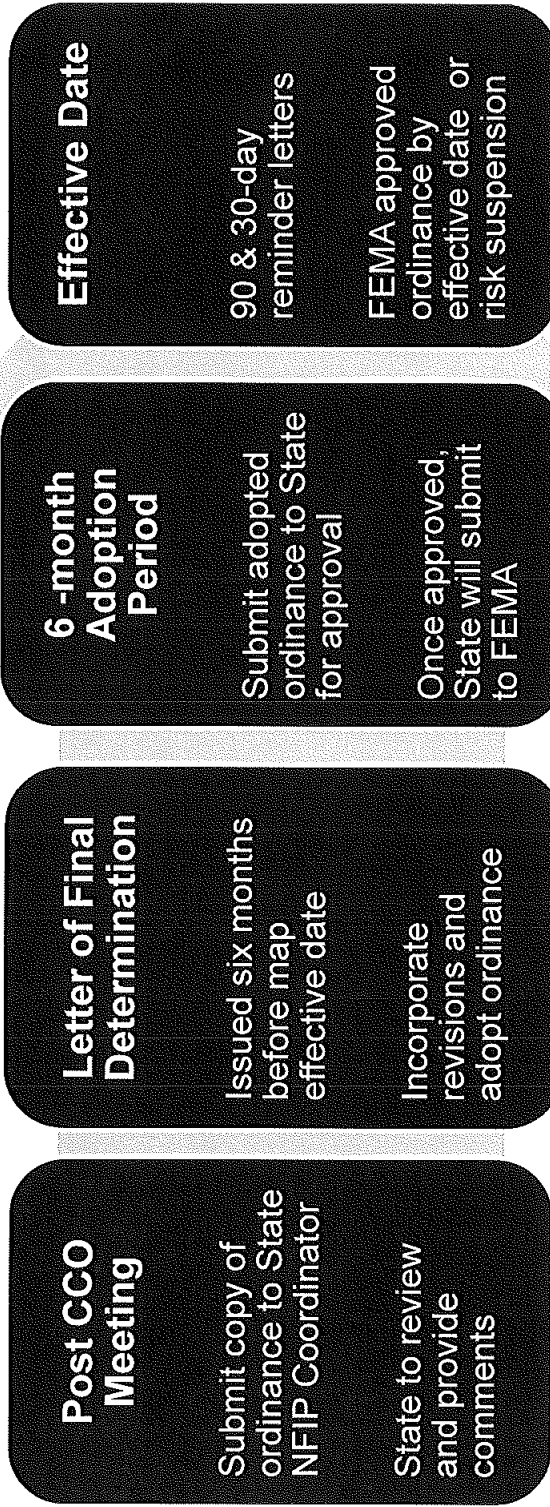
Hurricanes & Tropical Storms

There is a 30-day waiting period on new flood insurance policies.



FEMA

Ordinance Update Process



FEMIA

Regulatory Requirement Highlights

- Permits required for **ALL** development
- Building requirements:
 - Residential buildings: lowest floor, including basement, **elevated to or above BFE**
 - Non-residential buildings: **elevated or floodproofed**
- **No increase in BFE** allowed for development within floodway
- Enforcement of substantial damage / substantial improvement
- If other community flooding is known (and not mapped due to scale) you can adopt and regulate to a more restrictive map

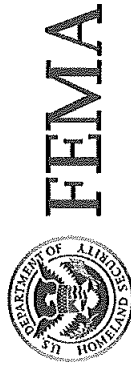
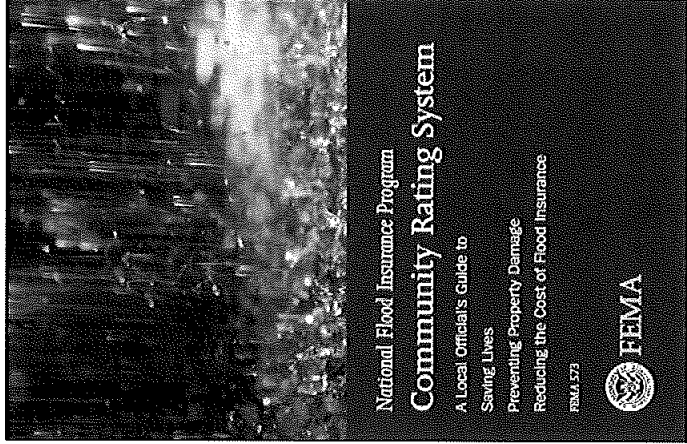


FEMA

Community Rating System (CRS)

Provides Discounts for Exceeding Minimum Requirements

- Community engages in activities that exceed NFIP minimum requirements
 - Reduces flood losses
 - Facilitates accurate insurance rating
 - Promotes awareness of flood risk and flood insurance
- **5% - 45% discount on policies**
- Savings stay in communities



Resources and Outreach Tools

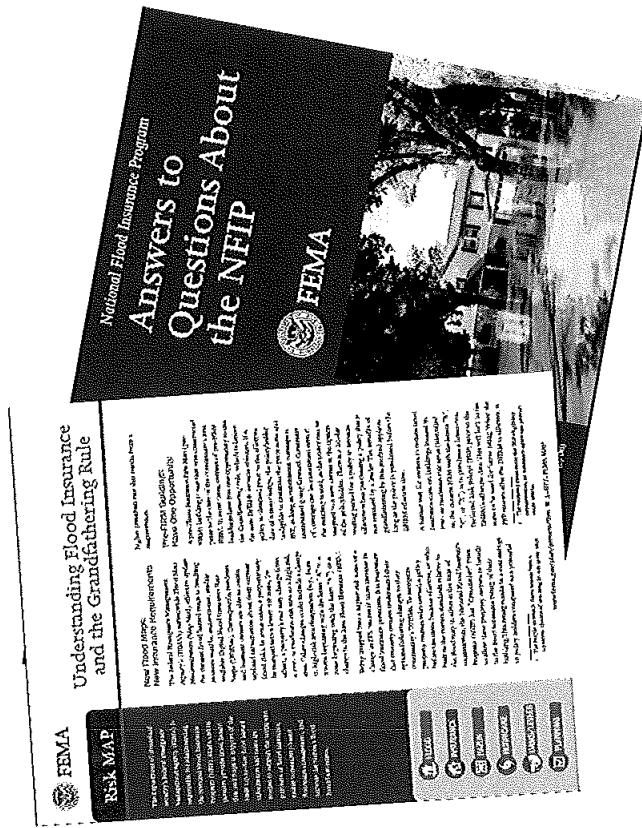
www.floodsmart.gov

http://www.rampp-team.com/fact_region3.htm

- The above websites provide additional information on:
 - Insurance options
 - How to submit comments or appeals on the FIRM's
 - Ordinance update help
 - NFIP Requirements
 - Exceeding minimum requirements



FEMA



Responsibilities Before Effective Date

Know Your Risk

- Review FIRMs and make corrections, comments and appeals when appropriate

Reduce Your Risk

- Adopt a floodplain ordinance meeting minimum requirements of the NFIP

Insure Your Risk

- Conduct outreach to those citizens affected by changes on the FIRMs



FEMA

NFIP State Contacts

District of Columbia	Delaware	Maryland
<p>Tim Karikari (202) 535-2248 timothy.karikari@dc.gov</p>	<p>Michael Powell (302) 739-9921 michael.powell@state.de.us</p>	<p>Dave Guignet (410) 537-3775 dguignet@mde.state.md.us</p>
<p>Phetmano P. Phannavong (202) 439-5715 phetmano.phannavong@dc.gov</p>	<p>Gregory Williams (302) 739-9138 gregory.williams@state.de.us</p>	<p>Kevin Wagner (410) 537-3914 kwagner@mde.state.md.us</p>
<p>District Dept. of the Environment Watershed Protection Division 1200 First Street, NE, 6th Floor Washington, DC 20002</p>	<p>Dept. of Natural Resources & Environmental Control Division Soil & Water Conservation 89 Kings Highway Dover, DE 19901</p>	<p>Maryland Dept. of the Environment 1800 Washington Blvd., Suite 430 Baltimore, MD 21230</p>



FEMA

NFIP State Contacts

Pennsylvania

Daniel Fitzpatrick
 (717) 720-7445
 dafitzpatr@state.pa.us

Frederick Chapman
 (717) 720-7396
 frchapman@state.pa.us

Dept. of Community &
 Economic Development
 400 North Street, 4th Floor,
 Commonwealth Keystone
 Bldg.
 Harrisburg, PA 17120-0225

Virginia

Charley Banks
 (804) 371-6135
 charley.banks@dcr.virginia.gov

Alison Meehan
 (804) 371-6137
 Alison.Meehan@dcr.virginia.gov

Dept. of Conservation &
 Recreation
 Division of Soil & Water
 Conservation
 203 Governor St., Suite 206
 Richmond, VA 23219-2019

West Virginia

Kevin Sneed
 (304) 957-2571
 Kevin.L.Sneed@wv.gov

Robyn Mumphard
 Robyn.C.Mumphard@wv.gov
Richard Carte
 Richard.L.Carte@wv.gov

West Virginia Division of
 Homeland Security &
 Emergency Management,
 Building 1, Room EB-80
 1900 Kanawha Blvd East
 Charleston, WV 25306-0360



FEMA

Questions?



FEMA



FEMIA

Flood Hazard Mapping Fact Sheet



September 9, 2011

What Factors Determine Flood Insurance Premiums?

A number of factors are used to determine flood insurance premiums, including the amount of coverage purchased, the deductible, location, age, occupancy, and type of building. For newer buildings in floodplains, the elevation of the lowest adjacent grade (the lowest ground touching the structure), or lowest floor relative to the BFE will also be used to rate the policy.

What is FEMA's Process for Revalidating Existing LOMAs and LOMRs?

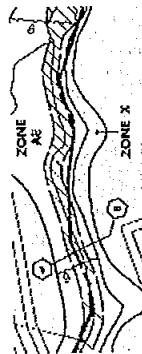
To revalidate map changes, FEMA conducts a detailed comparison of the BFEs shown on FEMA's new FIRM and the lowest adjacent grade or lowest lot elevation of previously issued map changes. Those structures or properties that are above the BFE or are located in areas of the community that are not affected by updated flood hazard information are revalidated through a formal determination letter that is issued to the community's Chief Executive Officer when the new FIRM becomes effective. The revalidation letter is also mailed to each community's map repository to be kept on file and is available for public reference. Map changes that have been issued for multiple lots or structures where the determination for one or more of the lots or structures have changed cannot be automatically revalidated through the administrative process described above. To request that FEMA review such map changes (i.e., those that are not included in the revalidation letter), please submit the following to FEMA:

- A letter requesting the re-issuance (provide the case number of the LOMA to be reissued); and
- A copy of the LOMA to be reissued, if available.

FEMA will review the case file and issue a new letter reflecting its new determination.

How can I purchase flood insurance?

A policy may be purchased from any licensed property insurance agent or broker who is in good standing in the State in which the agent is licensed or through any agent representing a Write Your Own (WYO) company. Call 1-800-720-1093 or visit floodsmart.gov to find a flood insurance agent near you.



For Further Information

For any questions concerning flood hazard mapping or LOMAs, please contact the FEMA Map Information eXchange's toll-free information line at 1-877-FEMA-MAP (1-877-336-2627).

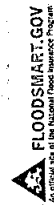
More information is available online at:

http://www.fema.gov/dmact/prevent/firm/fa_senhus.shtm

FEMA Map Information Exchange has flood hazard mapping information and products that may be reviewed online and downloaded at <http://mse.fema.gov>. For map orders and questions call 1-800-358-9616.

For information about floodplain management, ordinances, or map adoption policies, communities can contact their State NFP Coordinator.

For questions specifically concerning insurance, please call 1-800-427-4661 or visit <http://www.floodsmart.gov>.



This Fact Sheet provides

background information on the National Flood Insurance Program (NFIP) which is

administered by the Federal Emergency Management Agency (FEMA), as well as an

overview of the flood hazard mapping process underway in

Scott County, Virginia. The

county's Flood Insurance Rate

Maps (FIRMs) are being revised

using the latest technologies and

the most current data so

residents, homeowners, business

owners, and community officials

may understand the local flood

risk and keep people and

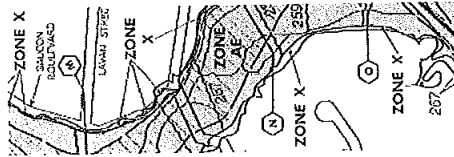
property safe from floods.

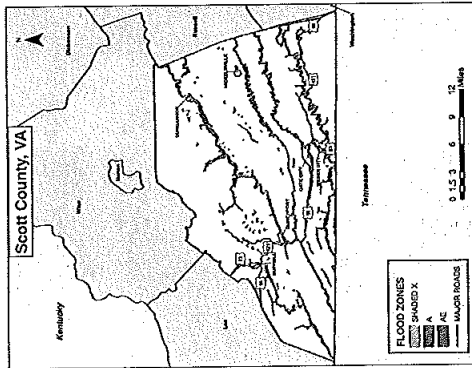
Scott County, Virginia

What is the NFIP? Congress established the National Flood Insurance Program (NFIP) due to escalating costs to taxpayers for flood disaster relief. The NFIP is based on the agreement that if a community practices sound floodplain management, the Federal Government will make flood insurance available to residents in that community. FEMA maps include the Special Flood Hazard Area, which is the area that has a 1% or greater chance of flooding in any given year. Development may take place within the Special Flood Hazard Area provided that it complies with local floodplain ordinances that meet NFIP criteria.

What is a FIRM?

When FEMA maps flood hazards in a community or county, two products are produced - a Flood Insurance Study (FIS) report and a Flood Insurance Rate Map (FIRM). An FIS is a narrative report of the community's flood hazards that contains prior flooding information, descriptions of the flooding sources, information on flood protection measures, and a description of the hydrologic and hydraulic methods used in the study. A FIRM illustrates the extent of flood hazards in a community by depicting flood risk zones and the Special Flood Hazard Area, and is used with the FIS report to determine the floodplain development regulations that apply in each flood risk zone and who must buy flood insurance. FIRMs also depict other information including Base (1% annual chance) Flood Elevations (BFEs) or flood depths, floodways, and common physical features such as roads.





Why Are the Maps Being Updated?
The most significant change is that the new maps will have an updated photographic base map that will improve the accuracy of floodplain determinations compared to the prior vector street map.

With this update we have produced a Digital Flood Insurance Rate Map that will be compatible with GIS (Geographic Information Systems). The improvements in spatial accuracy provided by the new base map, and the availability of electronic floodplain information should greatly enhance the ability to use the maps for planning, permitting, and insurance applications. The digital files will be available when these maps become effective.

What Else Has Changed?
All flood elevations shown in this Flood Insurance Study are now referenced to the North American Vertical Datum of 1988 (NAVD 88). In order to perform this conversion, effective elevation values from the National Geodetic Vertical Datum of 1929 (NGVD 29) were adjusted downward by 0.464 feet. For this revision, the floodplain boundaries were digitized from the effective FIRM maps, and were not

delimited on any new topographic data. However, in some areas, floodplains may have been adjusted to fit updated base mapping.

How do I Find Out if a Structure or Property is Located in the Special Flood Hazard Area?
You can locate a building or a lot by consulting the FIRM, or by contacting the floodplain administrator for your community. For help interpreting a FIRM, telephone the FEMA Map Information eXchange (EMIX) at 1-877-FEMA-MAP (1-877-336-2627).

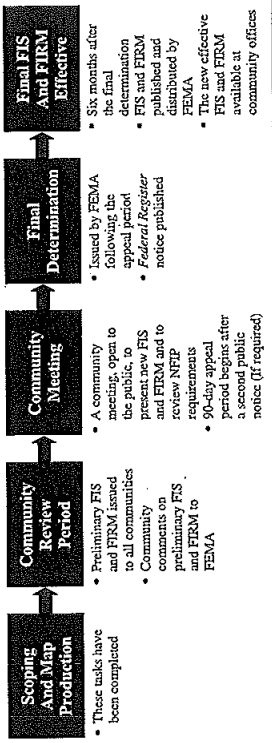
What is a Protest?
Challenges received during the appeal period that do not address proposed BFEs are considered "protests." Protests include, but are not limited to: challenges of floodplain boundary delineations based on more detailed topographic data; challenges of proposed regulatory floodway boundaries based on better modeling; requests that a Letter of Map Amendment (LOMA), Letter of Map Revision Based on Fill (LOMR-F), or LOMR be incorporated; base map errors; and omissions. Appeals and protests must be supported by scientific or technical data, provide proof of error, and provide sufficient data to make revisions. Certification of data by a Registered Professional Engineer or Licensed Land Surveyor may be required.

What is an Appeal?
Some flood studies result in new or revised BFEs. During the 90-day appeal period, community officials and others may object to the accuracy of the proposed BFEs. According to Federal Regulations, "The sole basis of appeal... shall be the possession of knowledge or information indicating that the elevations proposed by FEMA are scientifically or technically incorrect." Communities should coordinate with the FEMA Philadelphia office before submitting an appeal.

What Happens After the Appeal Period?
FEMA will issue a Letter of Final Determination and then provide the community with six months to adopt up-to-date floodplain management ordinances. If the floodplain ordinances in effect are satisfactory, they can be submitted in their current form. If ordinances need to be updated, communities should seek assistance from their State NFIP Coordinator or the FEMA office in Philadelphia. After the six-month

The Mapping Process

The key steps in the mapping process are outlined below. Additionally, the points at which community officials and property owners may provide comments and express concerns with the information in the FIS report and FIRM are highlighted below.



Scoping And Map Production

- These tasks have been completed

Community Review Period

- Preliminary FIS and FIRM issued to all communities
- Community comments on preliminary FIS and FIRM to FEMA

Community Meeting

- A community meeting, open to the public, to present new FIS and FIRM and to review NFIP requirements
- 90-day appeal period begins after a second public notice (if required)

Final Determination

- Issued by FEMA following the appeal period
- Federal Register notice published

Final FIS And FIRM Effective

- Six months after the final determination
- FIS and FIRM published and distributed by FEMA
- The new effective FIS and FIRM available at community offices

compliance period, the new FIS and FIRM will become effective.

remove such structures from the Special Flood Hazard Area.

What if a Structure is Shown in a Different Flood Zone on the New Map?

The new map will not affect continuing insurance policies for a structure built in compliance with local floodplain management regulations and the flood map in effect at the time of construction. However, should the structure be substantially improved or substantially damaged (where damages or improvements reach 50% or more of the pre-damage market value) the entire structure will have to be brought into compliance with the floodplain requirements and the BFE in effect at the time any repairs take place.

Is There any Recourse if I Do Not Agree with the New Map?

Although FEMA uses the most accurate flood hazard information available, limitations of scale or topographic definition of the source maps used to prepare the FIRM may cause small areas that are at or above the BFE to be inadvertently shown within Special Flood Hazard Area boundaries. Such situations may exist in Scott County. For these situations, FEMA established the LOMA process to

How Can I Request a LOMA?

To obtain a LOMA, the requester must complete a LOMA application form that is downloadable from: http://www.fema.gov/haz/prevent/firm/ll_mis_ez.shtm. For a LOMA to be issued removing a structure from the Special Flood Hazard Area, federal regulations require that lowest adjacent grade be at or above the BFE. There is no fee for FEMA's review of the LOMA request, but the requester of a LOMA must provide all of the information needed for a review. Elevation information certified by a licensed surveyor is often required if an elevation certificate is not available.

Will LOMAs Issued under the Old Map be Valid under the New Map?

When a new FIRM becomes effective, it automatically supersedes previously issued LOMAs, LOMRs, and other map changes that have been issued for structures and properties on the revised FIRM panels. Recognizing that some map changes may still be valid even though the flood hazard information on the FIRM has been updated, FEMA has established a process for revalidating such map changes.