



**GATE CITY TOWN COUNCIL MEETING MINUTES**  
**NOVEMBER 9, 2010**  
**156 E. JACKSON ST.**  
**6:00 PM**

**I. COUNCIL MEETING CALL TO ORDER BY MAYOR JENKINS at 6:03 p.m.**

**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, Tommy Herron

Others present: Property Manager, Amy Page, Chief Water Plant Operator, L. Cruby, Joanna Spicer, Reece Williams, Bobby Pierson, Patti Pierson, Chuck Newton, Arletha Newton, Benny Reed, Paul Argoe, Dorothy S. Argoe, Whitney Compton, Jane Thompson, Lee R. Powers, Jon McConnell, Tommy Quillin, Gina Fuller, Dawn M. Williams, Jo Ann Castle, Sam Cruby, Debbie Kindle and the Members of the Lego Team.

**III. INVOCATION Paul Argoe**

**IV. PLEDGE OF ALLEGIANCE Sergeant of Arms, Chuck Newton**

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

**Mayor Jenkins** – States Rita has officially resigned as Vice Mayor and Council person effective yesterday, so we will have to address that. He is appointing Chuck Newton as Master of Ceremonies for the Christmas Season for the Town of Gate City to represent the Town and the tree lighting. He is willing to do the tree lighting and represent the Town in that capacity. Mark thanks Chuck for agreeing to do that. Chuck Newton responds, “He considers it an honor, Mayor.”

- **The Lego Team from Shoemaker Elementary School will be performing their practice presentation.**

**Council Member, R. Cassell** – Thanks the Council for letting the Shoemaker Lego Team come and do their presentation. He provides a history of what the First Lego League (FLL) represents guided by adult mentors and the imaginations of the FLL students. He makes special thanks to Gina Fuller and Dawn Williams the Lead Coaches, along with Roger Cassell, Norma Cassell, Susan Sloop and Patty Pierson.

- **Resignation of Rita Tipton as Vice Mayor effective November 8, 2010.**

Motion made to accept resignation of Rita Tipton as Vice Mayor.

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

**Council Member, Wallace W. Ross, Jr.** – Asks to see copy of resignation letter.

**Mayor Jenkins** – Responds, gave it to Steve (Templeton) today and Steve is not here, but there is a signed copy of her resignation received in the mail yesterday.

**Council Member, Wallace W. Ross, Jr.** – So the rest of the members don't get a copy?

**Town Clerk, Kathy Riley** – States, copies were placed in everybody's mail box. Did you check your mail slot when you came in? Copies were placed in everyone's mail slot in the outer office.

**Council Member, Wallace W. Ross, Jr.** - Thank you

VOTE: Yeas, 4  
Nays, 0  
Absent, 0

**Mayor Jenkins** – Michelle (Jenkins) is verifying the process we have to use to fill that slot. Some of the laws have changed in the last year and we're not sure if it will have to be a special election or we can actually fill the spot and it will hold till the next regular election in May, 2012.

**Council Member, Wallace W. Ross, Jr.** – So, what are you saying, we can't appoint someone

**Mayor Jenkins** – The board will be appointing. It will be the responsibility of the Council to choose a new member of the Council but not positive whether it will be up to May, 2011, or May, 2012.

**Council Member, R. Cassell** – States he spoke to Mike Edwards about it and he said we had to have an election, it couldn't go the rest of the term.

**Mayor Jenkins** – There is a clause in there that says may not have to.

**Town Attorney, M. Jenkins** – It's the reading of the Code Statute there is some truth logy not withstanding our charter, when I filed the petition, Judge Kilgore or Judge McAlea whoever is on the bench will address whether or not it is to fill out the whole term. Our charter allows us to fill for the remainder of that person's term. That is not what the new Code section says, but it also says not withstanding your charter. So, that will be up to the Judge to determine what the term will be fulfilled.

- **Consideration of application from Tim Bartley for appointment to the Planning Commission**

**Mayor Jenkins** – We had a resignation on the Planning Commission, along with that we need to appoint all currently seated members for the term membership

**Town Manager, M. Jenkins** – When Jo Ann Castle, Faye Owens Sanders and Delaney Herron were all appointed by the Council. However, when they were appointed it is not specified who they were replacing or what term they would be. Jo Ann is the acting Secretary/Chairman so she has gotten together what terms were left. We have one term that runs through to 2011, one till 2012, and one that runs till 2013. The new member that you would appoint the term would go till 2014. So we just need for the Council to clarify that as to who has what term and that will make it a little easier for the Planning Commission to function.

**Jo Ann Castle** – Speaks from the audience, what was in our Agenda package, actually specifies the last six members and their order of resignation, so it is probably more accurate with it all coming out the same in the end.

**Town Attorney, M. Jenkins** – The problem lies in the fact of when they appointed, they didn't specify who was replacing who. Best if Council can clarify, out of the three members you have already appointed, what their term will be.

**Mayor Jenkins** – Makes clarification we would have Delaney Herron on the Commission until 2011, Faye Owens Sanders until 2012, Jo Ann Castle until 2013 and Timothy Bartley, the new member, until 2014.

**Jo Ann Castle** – The organizational meeting, as it stands right now, it is March until the Planning Commission has an opportunity to look at it further explaining if the Commission wants to reorganize, what the process is.

**Town Attorney, M. Jenkins** – The main thing we need to do is to have the terms lined out for the current Commission members that we have, that is the first step. Then the by-laws, the Planning Commission can take care of the rest of the details.

Motion made to have Delaney Herron until 2011, Faye Owens Sanders until 2012, Jo Ann Castle until 2013 and the newest member, Timothy Bartley, until 2014.

Motion by: Council Member, F. Perry

**Council Member, T. Herron** – Questions, don't we have to appoint this Tim Bartley first?

**Council Member, F. Perry** – Withdraws her motion.

Motion made for the three previous members, Delaney Herron until 2011, Faye Owens Sanders until 2012, Jo Ann Castle until 2013, to serve until that time.

Motion by: Council member, F. Perry      2<sup>nd</sup> by: Council Member, T. Herron

VOTE: Yeas,      4  
Nays,      0  
Absent,      0

Motion made to appoint Timothy Bartley to the Planning Commission until 2014.

Motion by: Council Member, T. Herron      2<sup>nd</sup> by: Council Member, F. Perry

VOTE: Yeas,      3  
Nays,      0  
Sustain      1 – Wallace W. Ross, Jr.

**VI. COMMUNICATIONS**      None

**VII. APPROVAL OF MINUTES**

Motion made for approval of Town Council meeting minutes from October 12, 2010 with the two corrections.

**Council Member, Wallace W. Ross, Jr.** – Questions, in minutes before he approves them, had asked on page 5 to get a copy of the, you said I would receive a copy of the contract, I never did.

**Mayor Jenkins** – Which contract?

**Council Member, Wallace W. Ross, Jr.** – Well, I had asked about the parking lot down behind where it's connected with the SW Community Foundation and you said I would get, I had asked about a written contract and you said I would get a copy of it

**Mayor Jenkins** – Okay, we need to get you a copy of it.

**Council Member, Wallace W. Ross, Jr.** – How come I didn't get a copy of it?

**Mayor Jenkins** – Responds, I don't know.

**Council Member, Wallace W. Ross, Jr.** – Well in the minutes, so who takes care of it when that happens?

**Mayor Jenkins** – I would assume Mr. Templeton would take care of that, but if I said I would get it, did I say I would get it?

**Council Member, Wallace W. Ross, Jr.** – Yes. I haven't received one and I asked for it and it's in the minutes so I don't know why it didn't transpire from that point.

**Mayor Jenkins** – I will ask Mr. Templeton to get you a copy of that, because I do not know where the contracts are. I assume you can come in and ask for them anytime you want Wallace.

**Council Member, Wallace W. Ross, Jr.** – Well, yeah, but I did make a request in writing, I mean in the minutes. You know I'm new at this, so you have to pardon me.

**Mayor Jenkins** – That's fine, we will see that you get a copy.

**Council Member, Wallace W. Ross, Jr.** – Reason why I'm asking these questions, I don't quite understand the function of, the connection of what's going on. For me to make a decision on this, for the Town that has put me in the position to make certain decisions, I still don't understand what's the connection with the agreement with the parking lot.

**Mayor Jenkins**- I don't either, I'd like to see a copy of the contract.

**Council Member, Wallace W. Ross, Jr.** – Who wrote the contract?

**Mayor Jenkins**- I would assume our former Attorney did.

**Council Member, Wallace W. Ross, Jr.** – You all voted to sign it.

**Mayor Jenkins** – It was presented, but I don't know where. There are certain filing systems, yes, that should go on within the Town body, I hope they are done correctly, but no I don't know where the contracts are, I don't retain the contracts. I'm going to make myself a note to come in tomorrow and ask Mr. Templeton for a contract if he is here tomorrow.

**Council Member, T. Herron** – Asks, what's the question about it?

**Council Member, Wallace W. Ross, Jr.** – The question about it is, that is if we want to spend money. My understanding is that the, the, it was set up for the, pardon? Did you say something (speaking to F. Perry)?

**Council Member, F. Perry** – We're outside of the scope of what we were doing on the agenda, we were supposed to be approving the minutes.

**Council Member, Wallace W. Ross, Jr.** – Oh, so I don't have, can't have a discussion about this?

**Town Attorney, M. Jenkins** – Technically, no. I would suggest that you can hold it until you do your report. Do you have a motion on the floor?

**Mayor Jenkins** – No, there's no motion yet.

**Town Attorney, M. Jenkins** – Informs Mr. Ross, you will have time later in the agenda to address that.

**Council Member, Wallace W. Ross, Jr.** – I didn't want to approve something, once I approved it, usually you approve something that means that

**Mayor Jenkins** – No, it don't mean that you didn't get them, it means you asked  
**Town Attorney, M. Jenkins** – It means it's just a record of what was said and what was done at the last Town Council meeting. It is not saying you approve of everything that was done, it is saying that the minutes reflect, adequately, what happened at the last meeting.  
**Mayor Jenkins** – I believe the minutes are correct because it does say that I stated you could get a copy of that, so that could be your responsibility Wallace.  
**Council Member, Wallace W. Ross, Jr.** - My responsibility?  
**Mayor Jenkins** - Based on the comment I made I guess it could be seems that, because my statement was that you could get a copy of that.  
**Town Attorney, M. Jenkins** – Suggests we entertain a motion to approve the minutes.

Motion made for approval of Town Council meeting minutes from October 12, 2010 with the two corrections.

**Mayor Jenkins** – If there's no motion I guess we don't approve them.  
**Town Attorney, M. Jenkins** – If you don't approve the minutes, you can't go any further.  
 Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Council Member, Wallace W. Ross, Jr.  
 VOTE: Yeas, 2  
 Nays, 0  
 Abstain 2 T. Herron and F. Perry – Not present.

**VIII. APPROVAL OF PAYMENTS**

Motion made for approval for payment of bills for October, 2010  
 Motion by: Council Member, F. Perry 2<sup>nd</sup> by: Council Member, T. Herron  
 VOTE: Yeas, 4  
 Nays, 0  
 Absent 0

**IX. REPORTS**

**A. Treasurer's Report** –

**Council Member, Wallace W. Ross, Jr.** – Chris not here? Who do we talk to if we have some questions about the reports?  
**Mayor Jenkins** – Suggests you make the comments you want to, we will record them and get the answers back. I if it is something that will stop you from paying the bills, then we'll just let you vote the way you feel.  
**Town Attorney, M. Jenkins** – Informs Mayor, they already voted on paying the bills.  
**Council Member, Wallace W. Ross, Jr.** – States if I have some questions, I just address it, is that you are saying?  
**Town Attorney, M. Jenkins** – Yes, address it for the record and that way Chris and Steve have that information.  
**Council Member, Wallace W. Ross, Jr.** – Reason I was asking some questions, about this, I'm trying to understand the budget process. I'm beginning to look back and trying to understand, for the last year or so we approved the budget, but if the budget for 2006 and 2007 is out, is it my understanding that the budget prior to that is not in balance?

**Town Attorney, M. Jenkins** – It's just that the audit hasn't been returned yet. You can't really make a statement if it is in or out of balance because it hasn't been returned.

**Council Member, Wallace W. Ross, Jr.** - So it hasn't been returned so, so that amount, question, monies is just running out there in

**Town Attorney, M. Jenkins** – An audit is just an evaluation of the bookkeeping, what was coming in and what was going out. It is not necessarily that you have money floating around. It is just an independent accountant that goes over the books to say what was entered into the system was adequately put in and there was documentation to verify that.

**Council Member, Wallace W. Ross, Jr.** – We have a lot of grants and I'm trying to understand some of this. We have a lot of grants and we have our own working money. So if the 2006, 2007 was in balance and everything else is in balance with the grants, so who does audits for the grants that we have. Who does all that, who is the same company doing who did the 2-6, 2006, 2007 still doing the same on all our audits?

**Mayor Jenkins** – The firm that is currently who has audited the books for as long as I can remember. I've sent Mr. Bostic an email three weeks ago reminding him that they have always performed the Town audits. They have also had access and they have recommended the person to perform the pre-audit, getting the books ready and wanting to know if we still had a continuing relationship and wanting to know why we cannot get our audits. I have yet to get a response from them.

**Town Attorney, M. Jenkins** – And on that note, at the last Council meeting, I had asked Steve to give me a copy of the contract that we have with Mr. Bostic's firm to review what our obligation are to him and what his obligations are to us. But I haven't been provided with that contract yet, so I don't know what it says or how long our term is.

**Council Member, Wallace W. Ross, Jr.** – That's what I'm trying to understand here. That if they had not met the criteria of their contract and hadn't provided for this than it affects our credit rating, it affects our integrity, it affects a lot of things and that is why I don't understand, so if 2011 coming up, I have to make a decision about this budget so if I have some qualms and difficult to try and understand the difficult of why we cannot get a balanced sheet all the way down the line to verify the fact that everything is alright. So, if it's affecting our credit rating, our integrity that we or find at the time, that's why I feel that some reason or some point that this company should have been got rid of, what's the proper word for rejected from their contract, we should have had someone else. How much are we still paying these people, that's another question how much are we paying these people, are we putting out that they provide the service for.

**Mayor Jenkins** – I don't know the exact number, but we did enter into a three year contract with them. It's in the record that we voted on them because they were the lowest bidding firm and in the past had done pretty well, but they did lose on auditor that was working with us. But still they should have should not have retained any records and it does bother me that I can't even get a response back from the head of the company. Mr. Templeton has tried to get a hold of him and he cannot.

**Council Member, Wallace W. Ross, Jr.** – So we don't have no legal action, legal

**Mayor Jenkins** – Michelle will have to get the contract to see what we can legally do.

**Town Attorney, M. Jenkins** – I have asked for that.

**Council Member, Wallace W. Ross, Jr.** – So we are just going to say we're not going to, if you're not provide a service we're not going to pay it.

**Town Attorney, M. Jenkins** – That would be my recommendation until I saw the contract and until I see the contract I can't tell you that.

**Council Member, Wallace W. Ross, Jr.** – I'm just trying to take some avenues to see why it seems it's always I just don't want to feel like I was reading the paper and out in California I read

that little place this county was having a problem a difficult with the same kind of situation I know that our situation is the same but they kept on and they was people was asking for the same thing and they wouldn't receive it receive the report and they were given reason why for why not and then all of a sudden a few years later the FBI came in and arrested the whole bunch of people so I be concerned I'm getting a little concerned, not with the fact there is anything wrong but I just want to know why we cannot come up a balanced report that we should at this stage of our especially in my early stage of our

**Mayor Jenkins** – Suggests he do the same thing I did, being concerned, sit down with Chris. He will gladly go over the monies that we have, what's in certain accounts and everything. All of us need to be aware of that. He can show you the balance and everything else. But it does concern me that we can't get a response from our auditor.

**Council Member, T. Herron** – In the Manager's report, he did talk to him.

**Mayor Jenkins** – We requested he (Bostic) attend two meetings, but he doesn't show up. We are in the process to see what our contract says what legal grounds we have to head in different directions.

**Town Attorney, M. Jenkins** – I'll give you a legal opinion as soon as I see the contracts, which I asked for last month but haven't been provided as yet.

**Council Member, Wallace W. Ross, Jr.** – I know that well now with the contracts of the development of the other monies/grants that we get that does not is that book is that a different auditor that we have? Say for Moccasin Hill and all the other money that we getting for the streets repair Water Street and all other streets that money that we are getting grants is that totally a different under development?

**Mayor Jenkins** – That is audited through the issuing agency. Joy Brumley and I guess Denise Ambrose are the ones, they do these audits from DHCD. They are an ongoing every draw, everything that we do, everything that we spend has to be approved through them. So those monies are being watched from those agencies that actually grant, give us the money.

**Council Member Wallace W. Ross, Jr.** – Oh, okay. So without Chris you probably can't answer

**Mayor Jenkins** – All this goes through Chris. That is when we do the draw downs and everything else. I can't explain it because it is very complicated especially with the way they do their money they watch every penny that comes in here making sure it is spent for the approved reasons. Chris does keep up with the flow of all that money it is audited by the grant agency.

**Council Member, F. Perry** – We may want to note, that is not a requirement of our Treasurer to be at the Town meetings. These reports are given to us in our packets, so if we have questions, we probably need to look at them and address them with the Treasurer before the meeting time so he has ample time to give us that if you want it that night rather than wait a month to get your answer.

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

**Property Manager, A. Page** – Work is continuing in up-dating the Town ordinances. Michelle and I are reviewing several of the ordinances to bring them up to date and make sure they are in line with state code. Once we get a little further into that we will meet with the Codification Committee and be presenting those. Your report that was in the packet that shows everything that has been sent out this past month and everything that is pending. There were seven new notices of violation letters sent from Robert Mullins this past month. Three of those owners have already complied and cleaned up their property. There was one new letter mailed from my office regarding an inoperable vehicle. That is not on your report because that was mailed today. I think you did get the email on that. As far as the cases for court, if you have any questions on that, Michelle ask that you address her with those.

**Council Member, T. Herron** – Questions the back sheet regarding Water Street clean-up project, were they not, thought the deadline was September what are we doing about that?

**Property Manager, A. Page** – That was part of the revitalization project when they worked on Water Street and we haven't really pushed those that much when they just finished cleaning that up. I have to talk to Robert on that, he actually suggested that the Town make a decision on how they wanted to handle it. His suggestion was either go to court or have the Town crew clean that up and then charge the property owners. That decision needs to come from the Town.

**Council Member, T. Herron** - Most of it is just vines and grass.

**Mayor Jenkins** – After this deadline, we have the right to clean up ourselves and bill at the state rate for clean up.

**Council Member, Wallace W. Ross, Jr.** – Is there, anything we need, Ms. Perry need to know about?

**Council Member, F. Perry** – No.

**Council Member, Wallace W. Ross, Jr.** – No? Thank you.

**Mayor Jenkins** - Thank you for making it work.

**Council member, T. Herron** – Good job.

### **C. Council Reports** –

**Mayor Jenkins**- Mr. Ross, now you can

**Council Member, Wallace W. Ross, Jr.** – What's the report I'm dealing with?

**Town Attorney, M. Jenkins** - Now you can use this time to address your other issues.

**Council Member, Wallace W. Ross, Jr.** - About the minutes and all the other things? Okay. What? Okay, now on this, now I don't want to anybody from Virginia Community Foundation that I'm against progress and I don't want no progress on the community I don't want nobody sending me no emails that I'm against it but I'm just trying to understand to understand what kind of what contract was existing. See now, I may be wrong here that back in March of 03 I have a minutes of the Town called meeting March 10, 2009 and it was mentioned the Council the Town Council and South West Virginia Foundation considered the property behind the Gate City Bank of America on March of 2009. Now what part of that that's different from the parking lot? Is that the same?

**Council Member, F. Perry** – Say that again, Mr. Ross, about the property.

**Council Member, Wallace W. Ross, Jr.** – It's considered the property behind the Gate City Bank of America of March 3, 2009.

**Council Member, F. Perry and T. Herron** – Both state, no it's a separate thing.

**Mayor Jenkins** – The bank gave the Town a fifteen foot

**Council Member, F. Perry** – The whole piece of property behind the drive in branch, the town has been granted use of that, by the bank.

**Council Member, Wallace W. Ross, Jr.** – For what?

**Council Member, F. Perry** – At the time there was some dealings that was going on with that piece of property was being involved in.

**Council Member, Wallace W. Ross, Jr.** - So, okay, so was any finances changed or just mutual contract? Do we have another contract with the Bank of America?

**Mayor Jenkins** – We have an easement, yes.

**Council member, Wallace W. Ross, Jr.** – What does the contract consist of?

**Town Attorney, M. Jenkins** – It's a drainage easement.

**Council Member, F. Perry** – It is the use of that piece of property, for the up-keep of it.



**Mayor Jenkins** – What it was, the whole background, if you want to hear it there was a motel looking at Daugherty Brother’s property. They had signed a letter of intent to develop that property if the proper funding was in place to build the Performing Arts Center. They wanted a covered walk-way between the Performing Arts Center and the potential motel that was going to be put there. We had to get that piece of property, easement on that piece of property, before either of the developers move. They saw it as very important to connect the two pieces of property across the piece of bank property and make a walking access between the two facilities. That’s what the whole thing was about when we got that easement.

**Council Member, Wallace W. Ross, Jr.** – Okay, so, alright, since that’s not and you said that in your thing that the last Town Hall meeting that they still looking at develop that, is that what you just said? That it should have been developed

**Mayor Jenkins** – Where?

**Council Member, Wallace W. Ross, Jr.** – Right, the parking lot and where you said that SW Virginia still looking at to put a center in there.

**Mayor Jenkins** – They still have the right to put a center in there. They are looking at other things right now which I’m not really privileged to exactly what they are looking at.

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

**Mayor Jenkins** – If they do not develop that piece of property, I know that the contract was supposed to stipulate, would be helpful if we had that contract, but it does revert back to the Town. That is the vote that the Council made on that piece of property.

**Council Member, Wallace W. Ross, Jr.** - But they don’t have no date on when it revert back, well reason I says since well okay we develop Water Street there now at this time

**Mayor Jenkins** – Yes

**Council Member, Wallace W. Ross, Jr.** – We finished funding part of it alright, if you’re gonna put a center it seems like the center would been developed first and then you put in the streets and all that

**Mayor Jenkins** – No, the street was not developed specifically for that center. That was a part when we met with DHCD they scoped out the area what they would give us a grant for and that, the downtown façade and the Water Street improvement was that DHCD grant package.

**Council Member, Wallace W. Ross, Jr.** – Okay, the reason alright now since that alright so we gonna have a okay try to understand we gonna have a beautiful street with sidewalk and a poor looking, shabby parking lot.

**Mayor Jenkins** – There are plans to develop that parking lot.

**Council Member, Wallace W. Ross, Jr.** – Well, I mean is the plans in the next 60 days-90 days-six months?

**Mayor Jenkins** – Andy Miles presented to the Planning Commission this week and you will have access

**Council Member, T. Herron** – States, Economical Development

**Mayor Jenkins** – Economical Development

**Council Member, Wallace W. Ross, Jr.** – So, we just now

**Mayor Jenkins** – Another grant has been applied for there.

**Council Member, Wallace W. Ross, Jr.** – For the \$113,000 to be refurbish it or repave it?

**Mayor Jenkins** – No, it’s a whole different concept. You will get the chance to vote on whether you want to do that grant or not. Just like

**Council Member, Wallace W. Ross, Jr.** – Oh, it’s another, oh it’s another proposal to try

**Mayor Jenkins** – This is a grant for a Farmers Market.

**Council Member, Wallace W. Ross, Jr.** – Oh and then the lot behind the bank I mean would the bank has their lot is that included in that?

**Mayor Jenkins** – That still has an easement across it for the Town to the Daugherty property or the current, I guess the Barnett property right now.

**Council Member, Wallace W. Ross, Jr.** – Oh, so the contract stated

**Mayor Jenkins** – We have a permanent easement across that and are trying are finishing up getting a drainage easement, retention pond.

**Council Member, Wallace W. Ross, Jr.** – Alright now, I noticed that the when we went into that grant process we had to do 50-50%, we had to provide so much money, correct?

**Mayor Jenkins** – The Façade grant requires the owner's of the building or

**Council Member, Wallace W. Ross, Jr.** – No, I'm talking about the parking lot.

**Mayor Jenkins** – No

**Council Member, Wallace W. Ross, Jr.** – I mean the sidewalk

**Mayor Jenkins** – No, no, no, that's not the same thing.

**Council Member, Wallace W. Ross, Jr.** – That's the same thing, I thought

**Mayor Jenkins** – We have a 20% matching grant and it can be any kind of labor that is why we are pouring the sidewalks instead of letting

**Council Member, Wallace W. Ross, Jr.** – Well, that's what I'm trying to find what's it going to cost us to do the sidewalk to because we have to we have to add that money into our budget to

**Mayor Jenkins** – It has been added in, yes.

**Council Member, Wallace W. Ross, Jr.** – Oh, but so that's already added in to the how much how much was added in and what's going to cost us to do that sidewalk?

**Mayor Jenkins** – I don't know. I don't know all these dollars amounts. I know what we approved. I know what has gone on.

**Council Member, Wallace W. Ross, Jr.** – Okay, What, it's just, you know I'm just trying to ask

**Mayor Jenkins** – No, it's, I mean, I'll

**Council Member, Wallace W. Ross, Jr.** – I'm mean, I'm just read this

**Mayor Jenkins** – I'm glad to share everything I know with you, I don't care if we do it up here in front of everybody or we do it in here in the meeting

**Council Member, Wallace W. Ross, Jr.** – No, but this is the minutes, this is your minutes for March 9, 2009 so I'm just reading from what you all did before I even got on the board so I' just trying to

**Mayor Jenkins** – Yeah, and mean I appreciate you because a lot of if you haven't, I mean this, to get these grants we sat through probably 100 hours of meetings I can't remember everything that went on, we had public meetings on it, we had public hearings on it we worked our butts off to get the grant on the table and working our butts off to get the grant monies off the table.

**Council Member, Wallace W. Ross, Jr.** – Well, don't take it as a been an alienation it's just a

**Mayor Jenkins** – No, and I mean and I know

**Council Member, Wallace W. Ross, Jr.** – Just like I said, and I'll probably have a lot questions, more than that and probably make everybody, "Oh I wished he be quiet." Probably

**Mayor Jenkins and Council Member Wallace W. Ross, Jr.** – Speaking at same time.

**Mayor Jenkins** – No, Steve has a file this big that we gave him that you are welcome to go read because I read through most of it but my brain will not retain it.

**Council Member, Wallace W. Ross, Jr.** – I'm just trying to get a map, what direction whatever because I read these could you just help me here, right here Michelle would you on page 28 again, would you read that out loud please where the dots are.

**Town Attorney, M. Jenkins-** Right here?

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

**Town Attorney, M. Jenkins** – I believe the Mayor and Manager have a close working relationship, they have to work together to keep the Council informed so that it is neither the appearance nor the reality that the Council is being left out of the loop on the decision making

process. Communicate with the Council through both written communications to the group as a whole and individual communications, respond to Council's desires, honor the majority's direction and respect the minority viewpoint keeping in mind the majority and minority are likely to change depending upon the issue.

**Council Member, Wallace W. Ross, Jr.** – Okay, now will you go to next page read Council members what the Council duties

**Town Attorney, M. Jenkins** – The Council is responsible for?

**Council Member, Wallace W. Ross, Jr.** – Yeah

**Town Attorney, M. Jenkins** – The Council is responsible for approving the budget and setting tax rates, focusing on major community goals and projects, addressing the localities long term future, through considerations such as land use, capital improvement plans and strategic planning. Appoint and evaluating the Chief Administrator, appointing in many localities the Clerk and the Municipal Attorney, redistricting every ten years in those localities where Council are selected by ward, determining the salaries of the Council members and Mayors, electing the Mayor in those localities where the Mayor is not directly elected, or in localities where the Mayor is directly elected, electing a President or Vice-Mayor from among the Council members filling vacant seats on Council and appointing members of various boards, committees and commission.

**Council Member, Wallace W. Ross, Jr.** – Thank you. I just hope you understand where I'm trying to just ask questions from this point of view.

**Mayor Jenkins** – Yeah but seeking understanding of the hours and hours of work that have gone in from the past is a whole lot different than us keeping you informed of what is currently going on and I mean, I try to share any information I got, but I don't send mass communication out and emails because that constitutes an illegal meeting as far from what I have been told.

**Town Attorney, M. Jenkins** – If I could suggest that I don't think it would be a bad idea if maybe you schedule a time with the Town Manager and the Treasurer together and so they can prepare a list of all the grants that we have in process and what some of those grant sharing amounts are, cause some of them are 80/20, some of them are 100%, it all fluctuates but I think maybe if you have a master list of what those projects are that would clarify a lot of that for you.

**Council Member, Wallace W. Ross, Jr.** – Then that would help, but I think that would help everyone cause we all have to make a decision on the budget so how would be able to make a decision.

**Town Attorney, M. Jenkins** – Well those things that are already in play are already there. So they can give you those and as new ones come up you will be a participate in the process of what those grants are, but I think that may be a good idea that I'd be happy to suggest to Steve as well that may alleviate some of the not really miscommunication but I guess lack of understanding as to what has happened.

**Mayor Jenkins** – I do not sit in on, I mean I have the privilege of appointing each of the members on different boards and I don't piddle unless you ask me to be at a meeting, I don't come to the meeting. I don't know every single thing that is going on, other than the reports I get. If you ask me to be in your meetings, then I'll be at them, but I don't come to every committee meeting there is. I think if I get to select the members of those committees I trust them to do what they want to do. Any other Council report?

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

**Council Member, T. Herron** – We had a meeting last night, not a whole lot to report. Andy Miles came with a couple presentations. The Music Venue, they've been looking at it down at the ball park, about the feasibility of that and different location. They didn't ask me to bring nothing for Council.

**Mayor Jenkins** – Andy did say tomorrow, electronic copies of what he presented to you all will be. Andy actually meant to be here tonight, he is having kidney stones. He called me and was parked beside the road unable to drive in Knoxville.

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

**Mayor Jenkins** – The one thing Andy did talk to me about today there is a \$15,000 grant funds being appropriated from Department of Health to upgrade our Fluoridation system. Loretta Cruby asks if she can speak. Mayor Jenkins states yes you can because you know more about that part of this.

**Water Plant Supervisor, L. Cruby** – It's the fluoride. They're going to fund all of the equipment and everything that we need to switch from the granular to the liquid which will be better and it'll cost less.

**Mayor Jenkins**- That is a grant Andy has been working on that we approved for him to do that. Usually Andy will go ahead and secure the grants, do all the paperwork and report back to us that he has accomplished, that's what he did and that's the first I heard of it today. They did have it approved. Still working on master plan of Phase I of the water main upgrades. Those are both very important that our auditors provide us the proper results on our audits so that is one reason why we are trying to press them, but I don't know how you pressure your auditors. The business district revitalization progress, Vic Davis has done most of their work on site, there are a few more things on the punch list they have to come back and finish up. They do have to repair the asphalt that they damaged at one big place and they are going to do the pressure wash of the whole parking lot. We had talked to Juanita Wells they want to put the taped, yellow line down the road on Water Street and I requested that we don't do that. It is defined drive, you have your defined edges and everything no need to put a yellow line that would extra expense, plus as far as I'm concerned it's ugly. She requested that we do a resolution to the state to allow that. She has already started the paperwork. We're still working on the East Jackson Street sidewalk enhancement. That is on the list to be approved, but there are some workshops that we are going to have to go to. Andy is still working on the Regional Water Main upgrades and water system construction. Loretta, you may want to tell me exactly where we are with the Moccasin Hills pump station. If you know, I'm assuming that you do.

**Water Plant Supervisor, L. Cruby** - I won't be too long, I'm just here for Andy cause he's sick and Steve's sick. The Moccasin Hills we actually have one pump up and running and it is so quiet, you should go out there you can actually talk to somebody and it's cooled down so we won't have to worry about the pipes overheating and actually running the water line. He will be there in the morning to put the second pump in and he said it will pay for itself in the next few years because it sits there, it pulls it up and slows way down, so when you turn your water on, it will come up and when you're not it shuts it down. So, it's actually doing its job and they'll be done at the end of the week with that. Is that all you wanted to know.

**Council Member, T. Herron** – How many pumps are they going to have, still three or two?

**Water Plant Supervisor, L. Cruby** – Two main pumps and we will still have the little pump. But the two main pumps and the drives are in and they'll actually rotate every twelve hours.

**Mayor Jenkins** – It's set up so it won't sit there where it'll burn the pumps up like it used to do

**Council Member, Wallace W. Ross Jr.** - And this is money with the grant or the money we had to borrow

**Mayor Jenkins** – We are working on

**Council Member, Wallace W. Ross, Jr.** – The two percent?

**Mayor Jenkins** – No, no, that's a \$40,000.00 grant for that project. I think that is in Andy's report

**Town Attorney, M. Jenkins** – The Moccasin Hills water pump section.

**Mayor Jenkins** – We have not acquired the grant yet, but we are working on getting it. We did talk to them prior with it being an emergency situation. They said there was money available for that.

**Council Member, Wallace W. Ross, Jr.** – This whole Phase I and Phase II and Phase III of this thing, is gonna cost about a million dollars, correct?

**Mayor Jenkins** – Yes.

**Council Member, Wallace W. Ross, Jr.** – And we already involved three hundred some over three hundred and some thousand dollars for those two pumps, so far with this operation.

**Mayor Jenkins** – No, wait a minute, what are you talking about 300 and sum thousand for what pumps?

**Council Member, Wallace W. Ross, Jr.** – Alright, I might have made a mistake on that. Is that where we had borrowed the money or I don't have that in front of me, where we borrowed at that two percent – strike that question, I don't have that in front of me so I'm not sure what I'm talking about on this here.

**Mayor Jenkins** – No, because the skid pump was

**Council Member, Wallace W. Ross, Jr.** – No, okay wait a minute alright the Town received application from Department of Health for \$306,000.00 loan at three percent interest for thirty years is that part of it? 306 sum thousand dollars eight hundred thirty seven dollar loan at three percent interest for thirty years.

**Mayor Jenkins** – That is on the main trunk line replacement.

**Council Member, Wallace W. Ross, Jr.** – That will be tied into that won't it?

**Mayor Jenkins** – What will?

**Council Member, Wallace W. Ross, Jr.** – This main line, this upgrade?

**Mayor Jenkins** – Yeah, by the High School and down Kane Street. I think, I'm not really exactly what you are seeing right now, but that is to replace the main line from the water plant up by the High School across the Fire Department and down Kane Street which we have already done emergency replacement of the section that broke on Kane Street where we had to revert to the other side of the street because the water lines, over the years have been buried under over 30 feet underground behind the armory. So, we actually had to redirect the whole flow around the High School and up Kane Street that supplied the North side of the mountain where Food Lion and everything.

**Council Member, Wallace W. Ross, Jr.** – Okay, so Water System Improvement Master Plan Phase II and Regional Water Main Up-Grade Phase II, so are those two the same or are those two different?

**Mayor Jenkins** – They are probably funded in two different packages, but it is all replacing the main pump line. I'm not sure exactly which pieces. There is a map, if you will ask Steve for the map of the Regional Water Improvement. It got it mapped out and tells what projects and everything, it's a whole lot easier to look at then trying to read it here, but there is a mapping that Andy has done when they started requesting these projects, so there's a map that shows what the time line is, what the cost is, what size lines are going in, it's a full set of drawing and everything. So that is available, if you would ask Steve for it.

**Council Member, Wallace W. Ross, Jr.** – Well, I'm just trying to locate these words here like Water Treatment Plant, Clear Water Upgrade and Water System Improvement Master Plan Phase I, Region Water Upgrade Phase I and then you go into the same thing with Phase II and Phase

**Mayor Jenkins** – Phase I and Phase II, we were originally wanting to bid them together to save around 300 thousand in cost that would be absorbed by both of the projects together instead of having to do them separately.

**Council Member, Wallace W. Ross, Jr.** - So business district, Water Street improvement, that's different, that's under Phase II?

**Mayor Jenkins** – That is a whole different subject. We did put a steel pipe under the ground that the Water Street improvement that I think cost around \$3,000.00, I'm not sure on that, but that was to keep the road from being dug up when we start Phase II. This way they can run the water line under the new pavement without tearing up the existing road up again. That is the only thing that I know that has to do with the Water Street project. Because that new line will have to go under that road at some time or another and we opted to put the sleeve under the road now.

**Council Member, Wallace W. Ross, Jr.** – So the water, you talking about the Water Street draining system and Little Moccasin Creek that's all behind Bank of America yeah okay.

**Mayor Jenkins** – That's all the drainage, retention base and all there.

**Council Member, Wallace W. Ross, Jr.** – And that was application 62,321

**Mayor Jenkins** – I don't know. There's a lot going on Wallace and it all has to go together.

**Council Member, Wallace W. Ross, Jr.** – I know, I just don't know, I'm just trying to understand the different phases so I'm forgive me.

**Mayor Jenkins** – We have to get the

**Council Member, Wallace W. Ross, Jr.** – I understand, I understand what you are saying, but I just want to you know trying to get the picture together. So, this won't cost us one million dollars and that one million dollars is going to be all grant money?

**Mayor Jenkins** – I don't know that either. I know we applied for what grants and what low interest loans we can get to keep the water system. It would be nice if you can put in it the ground one time and it stays but it don't.

**Council Member, Wallace W. Ross, Jr.** – Well yeah if you put it right, it will.

**Mayor Jenkins** – It won't stay forever, it's like us it gets old.

#### **F. Façade Committee** –

**Mayor Jenkins** – Façade Committee did not meet last month, they will be meeting at 6:00 tomorrow night and Rob will be here to answer questions. Tommy, if you want to come, it will probably be a good idea we're going to try to get some reports and find out what's moving on the facade progress.

#### **G. Historical Committee** –

**Council Member, F. Perry** – The only thing that I have to report is there was some questions about some signage for after having been declared a Historical District and we were advised through the office of Mike Pulis that any signage on the highway would have to come through VDOT. So, if we want to put up any signage we would have to make a request through them.

#### **H. Manager-**

**Mayor Jenkins** – One of the main things on water is we haven't found any major leaks last month our accountability was 35% loss which is much better than in the past but still we need to keep it below 30% loss. We've already discussed the two new water pumps for Moccasin Hills and the telemetry had failed on the water tanks and that was the telemetry that Dickie Owens put in which he is no longer available. Andy and you are looking at the different options we have on that right now. I know you all are making a lot of trips up and down the hill to check it. Steve reported he

had followed-up with Mark Roper with the Job Corp Community Liaison and they are starting this next week.

**Council Member, Wallace W. Ross, Jr.** – I don't have any, I could say I'm out of the loop

**Mayor Jenkins** – They are supposed to start work around the corner on the steps next week, it's the last I heard. He mentioned it to me one day this week when I was here.

**Council Member, Wallace W. Ross, Jr.** – I was hoping Mr. Templeton would have been here, I would asked him some questions cause I had some when we met with Mr. Roper I had asked that he would give me a crew to help someone to cut the grass and some of that to alleviate the men who was working because they had a lot on trying to do the sidewalk and I thought that would might be help the community to cut some of the grass and that fell through the cracks.

**Mayor Jenkins** – The Job Corp are very willing to help with anything that we have ever asked before and you're right we need

**Council Member, Wallace W. Ross, Jr.** – Well I asked we they was here and we talked about it, but I don't know what happened from the communication, they looked at the building, I took them around and gave them a tour of the places that would probably need weeds trimmed and cutting and they was very excited about doing it, but I don't know what happened now, maybe it's too cold maybe but I was hoping that way it would take some of the pressure off the crew and they could probably work on some of the other

**Mayor Jenkins** – And that is a good approach to take because they are willing to do

**Council Member, Wallace W. Ross, Jr.** – But I know they have been real busy with the Water Street and all the other activity there

**Mark Jenkins** – And I know the Town work crew has been working a lot and they have about 1/3 of about 400 feet of the sidewalk but I think with what they did today they are almost halfway done with the sidewalk on Water Street. Portions of three streets have been paved in town all of Terrace Avenue, section of Clyde Williams, Magnolia, 200 feet of Magnolia and I think Roger or Wallace one of you all met with the paving guy again to look at some more streets. Did you all meet with

**Council Member, R. Cassell** – I went and looked at one that Steve recommended out here at Moore place that's the only other one that. Of course I've looked at a street with Andy, but

**Council Member, Wallace W. Ross, Jr.** – Back Street, Back Street was on the list when we first initiated this thing so I don't know

**Mayor Jenkins** – That's what he wanted me to go riding around with him (Paver), I told him he needed to contact one of the Street Committee or Steve to do that because

**Council Member, Wallace W. Ross, Jr.** – Cause, yeah the water still that's a big problem that was I was coming to the before I mentioned Back Street for about two years so it has been an ongoing process. In fact they needed something to be done about it the people in the community has came down to before that so it's not a new no new thing it's been an ongoing process for, but now I have a copy how much I don't know maybe you can help me Roger. I have a payment statement here for October the 7<sup>th</sup> the ticket number 37687 and it was \$356.00 it was Town it got the tenth forth the tenth, what was it for?

**Mayor Jenkins** – What's this?

**Council Member, R. Cassell** – What's the date on it?

**Council Member, Wallace W. Ross, Jr.** – It was October the 30<sup>th</sup> the date of this 2010, the ticket number October the 7<sup>th</sup>, 37687, \$356.95.

**Mayor Jenkins** – What is that for?

**Council Member, Wallace W. Ross, Jr.** – I don't know.

**Mayor Jenkins** – I mean, who was it from?

**Council Member, Wallace W. Ross, Jr.** – It says the paving company.

**Mayor Jenkins** – I know they got some packing asphalt, but I'm not sure if that's it or not.

**Council Member, Wallace W. Ross, Jr.** – It doesn't say on here

**Mayor Jenkins** – Then I can't tell, but I know

**Council Member, Wallace W. Ross, Jr.** – I can't tell either

**Mayor Jenkins** – I know the Town work crew got some asphalt to do some tamp packing and pot holes and I'm assuming that's what it's for, but I can't tell. Chris could probably tell you that for sure.

**Council Member, Wallace W. Ross, Jr.** – So, I have two tickets here, one where the streets were paved for 5625 and another for 75 hundred, so how much would that left in there, budget?

**Council Member, R. Cassell** – 16500.18 in the Treasurer's Report on 11/15.

**Council Member, Wallace W. Ross, Jr.** – I wanted to make that official.

**Mayor Jenkins** – Was Terrace Avenue about 7,000, Clyde Williams was about 5,000, if I'm thinking right.

**Council Member, Wallace W. Ross, Jr.** – Yeah, Terrace Avenue, Magnolia Avenue

**Town Attorney, M. Jenkins** – There were three invoices here. On 10/19 where it says 375 feet by 10 feet wide of Magnolia Avenue behind Hardee's at a \$1.50 per square foot on distribution is 5625 then there was another one of, maybe it's the same thing, and then there was one that said street improvements for 75 hundred.

**Council Member, R. Cassell** – Now Steve did tell me he had to go down Magnolia and patch some before he paved because pot holes were steep.

**Mayor Jenkins** – There were some patching costs but if it is that little it would that would probably be it.

**Council Member, Wallace W. Ross, Jr.** – So, Stoney and them done that?

**Mayor Jenkins** – I'm not sure who did it. I know they did some tamp packing that they had to have some loose asphalt but I don't know

**Council Member, Wallace W. Ross, Jr.** – So I ask, what, so I wanted a list of what patching they have done, but he said they didn't have any, they don't keep a list of what they do.

**Mayor Jenkins** – They probably don't have a list, but if we did it, there will be work orders issued for each patch.

**Council Member, Wallace W. Ross, Jr.** – That's what I was asking for.

**Mayor Jenkins** – If we did it, if they did it, there may not be, but if we did it there'll be a work order for those patches and they'll be available to you if you come in here and ask because they keep a list of work orders.

**Council Member, Wallace W. Ross, Jr.** – Okay. Oh, another question, on the streets, Water Street, what did you all receive the grant for that to do that.

**Mayor Jenkins** – February, 2009

**Council Member, Wallace W. Ross, Jr.** – February, 2009. Okay, I'm confused here. Why come it took so long to implement that?

**Town Attorney, M. Jenkins** – Government

**Council Member, Wallace W. Ross, Jr.** – Is that what it is?

**Mayor Jenkins** – We had a lot of dealing with VDOT on that, the process is slow.

**Council Member, Wallace W. Ross, Jr.** – Oh so, but I was seeing here that you all had something related to that by July 14, of 2-0-9 I just wandered why

**Mayor Jenkins** – We worked on the grant four years before we got, so you will find stuff back for several years and anything else on the Manager's Report?

## **I. Park Committee** –

**Council Member, F. Perry** – We did not meet.



## **J. Planning Commission –**

**Mayor Jenkins** – I guess Rita was on it

**Town Attorney, M. Jenkins** – The only thing we had to address was what we addressed about the terms.

## **K. Police Department Report –**

**Mayor Jenkins** – Calls for services were down, arrests up ten, summons up 44 from the month before, crime reports were down 15 lower than September, had nine accidents and three DUI arrests. Public Works

**Council Member, Wallace W. Ross, Jr.** – On the Police Report I had a situation nobody else probably hadn't. But three weeks ago my car was in the shop when I had to go to the Hampton's, I had a lot of problems with it they kept it over Courtesy about three weeks trying to get it and so I had to rent a car to go to the Hampton's on my own. During that process I came back and they said they had it ready and it wasn't ready and so they gave me a rental car, they gave me a Chevrolet Malibu Gray with tinted windows real sharp thing. I drove it home and I began to come into Gate City and go up my hill somebody was following police car. So awful strange so I just kind of went up the hill and parked, I didn't pull into my drive way just to see where it came up the hill and it did and I just saw and I was just wondering was that was that. I've been hearing a lot of instance I received a email about this tinted window situation and even though I've traveled all over I mean at the time I've been all over this state of Virginia one way or nother, I've been up from Richmond to one end of the and never ever been stopped about anything. No tag, no window, not one issue I come home a year ago they said my tags were too dark. Not even a State of Virginia or County so why is it we are trying to do the state and county position job?

**Mayor Jenkins** – Not the State or County position

**Council Member, Wallace W. Ross, Jr.** - Are they stopping people with tinted windows and going through the situation

**Mayor Jenkins** – I'm not aware that our officers were making stops on tinted windows, I haven't looked, I did talk to Sheriff Puckett about it and he said their policy was that they write for tinted windows that are over federal limit only.

**Council Member, Wallace W. Ross, Jr.** - Oh so it the rumor is that that we that would cover us anyway so if that was going by the county and the state we wouldn't be involved with us anyway would it.

**Mayor Jenkins** – I actually meant to have report of how many citations we have issued on tinted windows and I don't recall, just glancing back, I don't recall seeing any.

**Council Member, T. Herron** – It's the State or County writing those now.

**Town Attorney, M. Jenkins** – Your Town Officers still write tickets for any violation of State Code, they don't write tickets just for violation of your Town ordinances. If they did, then primarily speeding is the only thing they would be able to do. But they can write tickets when they have the ability to for any violation of any State Code. And I will tell you from being in the Court House the majority of the tinted window tickets are given by the State Troopers and there are quite a few of them that come through.

**Council Member, Wallace W. Ross, Jr.** – I've been in this state for a long time and I've had but I mean but the majority of the time it has always been here in Gate City that I have been stopped about certain anythings and I've been over this whole United States and never had a problem before.

**Council Member, T. Herron** – I didn't see the forwarded email that I got sent about so many tickets that, Mark, you applied to everyone didn't you.

**Mayor Jenkins** – On that I did, because that was something that come up before well several people have called and asked me about it and I couldn't see where the Town was writing that many and I actually meant to go over and get a list of violations, how many violations we have written tickets for tinted windows.

**Council Member, T. Herron** – It would be on this report if they did.

**Town Attorney, M. Jenkins** – I don't recall any by the Town Officers.

**Mayor Jenkins** – There is one State Trooper that writes a lot, but there is a federal limit that is in place and he is supposedly writing them if they are over the federal limit which there is a federal tint limit.

**Council Member, Wallace W. Ross, Jr.** – Yeah, right, but somebody passing through the state, I don't know

**Mayor Jenkins** – But if they're passing through the state and their writing on Federal limit which I don't like the idea of burning people from out of state but I know when I go into South Carolina I don't have to wear a motorcycle helmet but I know when I'm here I do.

**Council Member, Wallace W. Ross, Jr.** – But I mean if you're going to talk about tourism and you're putting out

**Mayor Jenkins** – But you still want your tourist to abide by the laws.

**Council Member, Wallace W. Ross, Jr.** – Well yeah, but if they live in one state and they have tinted windows

**Mayor Jenkins** – That's what I was told they are actually violating their state tint laws if they are ticketed here. Now I don't know that for sure, but that's what I was told.

**Council Member, Wallace W. Ross, Jr.** – Well, I was just mistaken.

**Mayor Jenkins** – Out of my curiosity, I am going to, not really curiosity, make sure we're not writing excessive. I'm not going to tell an officer not to write a ticket or none of us are supposed to tell an officer not to write a ticket, that's against the law.

**Council Member, Wallace W. Ross, Jr.** – That's not what we're saying

**Council Member, F. Perry** – That's right, that's what we hire them for to up hold the law.

**Town Attorney, M. Jenkins**- Whether they're out of state or whether they are in state you should apply the law legally and I have a copy of all the dockets from July that you are welcome to come and look at because it lists all tickets that have been written by the officers that go through the court system and to my knowledge, I don't recall any tinted windows tickets by any of our officers.

**Council Member, R. Cassell** – Look in FYI call, lists them by agency.

**Town Attorney, M. Jenkins** – But I have all the court documents, you're welcome to them

**Council Member, T. Herron** - They are. I'd like to see them on here. I mean I've had about five phone calls I guess about that.

**Mayor Jenkins** - That flared up about a little over a year ago once before and that's when I went to talk to John. There was an article, a Letter to the Editor in the Kingsport Times that really got it, I can't remember it was about a year ago that that got stirred.

**Council Member, T. Herron** – I got a call right before the meeting. Did we change the leash law in Town, have we? Do we still have one? Lady called me right before the meeting said she called the dog catcher, she had a bunch of dogs in her yard, and her conversation to me, he told her the Town no longer had a leash law he couldn't do nothing for her.

**Mayor Jenkins** – We enacted the county leash laws. I think I talked to the same lady this week and told her to call him because

**Town Attorney, M. Jenkins** – I have addressed that issue already with somebody else this past week and we did adopt the county ordinance and the county Animal Warden is responsible for enforcing our ordinances in the Town. But it is adopted and Mr. Hood had a copy of it and that had been addressed with him.

**Council Member, T. Herron** – She just called me, whether what she told me is true or not.

**Mayor Jenkins** – It probably is. We haven't been getting action taken on dogs, but we did adopt the County

**Council Member, T. Herron** – They do have a leash law, correct?

**Town Attorney, M. Jenkins** – Yes

**Mayor Jenkins** – Yes, they have an Animal Con.. well an animal must be under the owner's control at all times. I'm not sure if they have the specific, it must be on a leash. If it's on her porch using the bathroom it's not under control.

**Council Member, T. Herron** – Same woman I talked to then.

**Mayor Jenkins** – That's what I told her. Or if it is then the owner needs to be punished.

**Council Member, R. Cassell** – Asks Amy, can you get me a copy of that ordinance?

**Town Attorney, M. Jenkins and Property Manager, A. Page** – Both state that it is on the website.

**Council Member, R. Cassell** – Because I've had phone calls of him refusing on a pit bull attack and he pretty much told the Town resident there was nothing she could do. She could take it to court if she wanted to but nothing she could do.

**Town Attorney, M. Jenkins** – That may be something that you want to have Steve address with the County

**Council Member, R. Cassell** – He has. I think it is more the individual than it is

**Council Member, T. Herron** – That's how he does, enforce our laws.

**Council Member, R. Cassell** - He has told numerous people, he can't enforce town ordinance, I've heard (Council Member, T. Herron states with R. Cassell he has heard that himself) He's told me, I've had problems with neighbors dogs and he's pretty much said

**Mayor Jenkins** – That's why we adopted the county ordinance. That was the reason behind adopting them.

**Council member, T. Herron** – Are they just saying that or legally he's got to do it?

**Mayor Jenkins**- Rufus told me that legally he is bound to do it. County taxes are paid by Town residents at the same rate that a person in the county.

**Town Attorney, M. Jenkins** – I have a copy of that Roger and we'll get you a copy of it.

## **L. Public Works –**

**Mayor Jenkins** – The brush pick up was a little over double last much, which I guess leaves and tree trimming and everything. Trash pick- up was a little lower than last month. Recycle was up a lot, which is good. We had 79 work orders, up. The public work crews always do more than they should be able to do. I don't know how they keep everything going. One thing that we did have is a concern from a lady about a veterinarian telling the owner that the Town charged \$15 per animal that we pick up and we do not. We charge a regular business license, so if anybody starts fussing. Cause I was questioned about it and checked into it. We charge Veterinarian Clinics a regular pick up fee, that we do any other business and there is not a, per animal, \$15 extra charge for animals picked up. So if you heard about dogs on a porch, you may also hear about the \$15 charge, but we clarified with her that we don't charge that \$15 extra charge, it's a regular business charge of \$10 a month for any pick-ups that we do at the clinic.

## **M. Sanitation Authority –**

**Mayor Jenkins** – Sanitation to meets on November 17, 2010.

**Council Member, R. Cassell** – The only thing, we're still having some issues over contract.

Michelle has looked at it and we're hoping if we withheld payment on some items that'll get their

attention more than trying to sit down. We seem to have a problem with them billing on time and sending two or three bills at a time. They have not had the meter calibrated since we've been with them.

**Mayor Jenkins** – That is a requirement that they calibrate the meter.

**Council Member, R. Cassell** – To my understanding, Steve tried to talk to Dan (Danko) he just pretty much blew up and walked off. So we figured if we tightened the purse strings maybe that'll get some attention. But, Michelle has actually analyzed the contract and pointed out some things that we can enforce and the first step in doing that is withholding the money and let them approach us as to why it wasn't paid. They're trying to charge things that aren't really not spelled out in the contract that we're responsible for. According to the contract, it was the original debt and what they consider cost to operate the plant, not chairs, not calendars, not part of their audit fee, person's overtime. So, all of that, to my understanding, was going to be left out of the payment.

**Mayor Jenkins** - So we'll be getting phone calls on that.

**Town Attorney, M. Jenkins** - Probably.

**Council Member, R. Cassell** - But it's spelled out right there and that was legal advice. But it's spelled out in the contract and there are some definite violations that we can enforce.

**Council Member, T. Herron** - How often are they supposed to calibrate the master meters?

**Council Member, R. Cassell** – Every year.

**Council Member, T. Herron** – And they haven't been either, I guess?

**Town Attorney, M. Jenkins** – No.

**Council Member, R. Cassell** - The contract, I reckon, really has not been analyzed that close, until Michelle got a copy of it and went over it word for word. I was on the original signing and I think it even states that we have the right to meter as well.

**Mayor Jenkins** – We do

**Council Member, T. Herron** – Maybe we need to do that.

**Council Member, R. Cassell** – We can put one and they request to be calibrated and they can put one and we can request it to be calibrated. It works both ways. It has never been done. They never produced it, the calibration on it.

## **N. Street Commission** –

**Mayor Jenkins** – That was mostly taken care of the paving done. Is there anything else you need to discuss?

**Council Member, R. Cassell** – The only thing I'd like to address Mr. Mayor and I know we've talked about it. We got these nice signs at each end of Town and these solar lights you come through and one of them is completely out or you come through and it looks like a disco. That looks bad. We either need to just bite the bullet, have a pole set, meter put on it or look for some kind of alternative for both those solar lights. You come through different times and they're flashing, sometimes you come through and they're plum off and it's not because the suns not been shining.

**Mayor Jenkins** – No, because that was the first, well they said that was the problem, they weren't getting enough sunlight, but through mid-summer even they've done it occasionally.

**Council Member, R. Cassell** - There's power source close enough they could run a service drop off it, I think. Either set a meter like we have got on the lights on the sidewalk or something, but it's a shame we got those nice signs and you can't even see them at night or it looks like a Halloween decoration or something. It's gotten worse, just completely going out.

**Council Member, Wallace W. Ross, Jr.** – He's right about that, but also that the since we've given so many tickets whatever the ticket may be by breaking the law that we may need to move that sign down to the down to the post so that people when they get a ticket that they are getting a

ticket in Gate City and they won't be confused just thinking they are getting a ticket on the interstate.

**Council Member, R. Cassell** – There's a sign down there that says it's Town limits

**Council Member, Wallace W. Ross, Jr.** - Well but it needs, well but if the Town says Town limits but if you had the sign down there that says Welcome to Gate City then people would know that that the hill up there is Gate City. I'm still, I don't understand how come we don't focus but the whole Town of Gate City just across the bridge, is that what we

**Council Member, R. Cassell** - What's down there is a rock cliff and a beer store and a liquor store. You talk about sitting here saving money, but you want to up root the sign and move it because

**Council Member, Wallace W. Ross, Jr.** – What would happen

**Council Member, R. Cassell** - So somebody would know where they got a ticket

**Council Member, Wallace W. Ross, Jr.** - So what's that on top of the hill?

**Council Member, R. Cassell** – Excuse me?

**Council Member, Wallace W. Ross, Jr.** – Grocery store and a couple businesses and all that, so you're trying to say because the liquor store is a fact that has helped support this town no but what I was trying to say

**Council Member, R. Cassell** - If you want to waste money to move the sign just because

**Council Member, Wallace W. Ross, Jr.** - Well, what I'm, what what my, well, okay maybe I can try to explain this a little bit better. The purpose is to have a sign down there where the sign so when people come through right there where they got the other sign that the other communities I mean other signs where the other signs are know where I'm talking about? Where they got the civil service signs are. If you had the sign maybe right there you could run it from a pole, there's a pole right there, you could run a light or hook up from there and it would stay on pretty much, plus you would see it and if someone does come through there up through that part of town they would see they are on part of the town up on the hill that its part of Gate City. I'm proud of Gate City so why you just want to delegate part of Gate City to just one little section and besides if it is Gate City up on the hill why you didn't want to leave it across the bridge?

**Council Member, F. Perry** – We can't just put a sign where we want to. We don't have that right to take it and put it on any piece of property we want to. We have to put it where people will let us put it where we have the right

**Council Member, Wallace W. Ross, Jr.** - Well if they have others, they got another old sign down there since were still service organizations that's in there.

**Council Member, F. Perry** - That's not really a Town sign that's Civitan

**Mayor Jenkins** – The Civitan. Civitan put that sign up.

**Council Member, Wallace W. Ross, Jr.** - Oh so, how'd they had to get permission didn't they?

**Mayor Jenkins** - Yeah, but it's been up longer than I've been alive probably so I don't know how they did it.

**Council Member, Wallace W. Ross, Jr.** - So, that's not part of the Town? That property, that's not part of the Town?

**Mayor Jenkins** - I don't really think it is

**Council Member, Wallace W. Ross, Jr.** - Excuse me?

**Mayor Jenkins** - I don't think it's owned by the Town

**Council Member, F. Perry** – No it's not

**Town Attorney, M. Jenkins** - It's not owned by the Town, probably.

**Council Member, F. Perry** - It's probably owned by the state highway department now is not a part of that old Ford business there which the

**Mayor Jenkins** - I know it was a lot of work getting permission to put the new sign where it is.

**Council Member, Wallace W. Ross, Jr.** - But, so, okay, so

**Mayor Jenkins** - We will look at the possibility

**Council Member, Wallace W. Ross, Jr.** - Which I don't want to recognize wreck part of Gate City, I mean, that's what I don't understand

**Mayor Jenkins** - The way finding signs which are the new design signs are part of the Downtown Revitalization and I mean that is for the central business district mainly is why we wanted to use that brand. It is those branding signs. That was, Arnett Muldrow did the study and said we needed those signs. As far as getting another sign coming into the Town limits, you're welcome to work with it would be Juanita Wells at VDOT and see if we can get permission to move the signs down to the actual Town limits. If you want to pursue that, that's fine

**Council Member, Wallace W. Ross, Jr.** - Just like I would at that location

**Mayor Jenkins** - Because it and it would be wise probably to work with the Civitan

**Council Member, Wallace W. Ross, Jr.** - Well, one, the reason, one reason I kind of said that, I'm sorry

**Town Attorney, M. Jenkins** - We're a little off topic from your Street Committee Report, but

**Council Member, Wallace W. Ross, Jr.** - Oh, okay, sorry

**Town Attorney, M. Jenkins** - But the Mayor's prerogative, but the point Wallace is a little off topic, you can bring it up under new business, but you're a little off topic.

#### **O. Water Committee** -

**Water Plant Supervisor, L. Cruby** - I'm sorry, I won't take very long. If I had gotten this before, I would have done it. I need to refer you back to Andy's Report (Engineer's) on page 5 at the bottom of the page, Water Tank/Pump Monitoring. You touched on that a little bit, but we don't have any telemetry at the plant. We're having to go backwards and forward to Smith Elliott to turn on Quillen Heights tank right now. If there's a major leak on that line, they will run out of water. Because we don't have any way of telling we have to the tank to look at the level on the side of the tank and go over to Smith Elliott to turn it on, then go back to the plant and watch it and then go back and check the level on the side of the tank and back to turn it off again. We have to do this in the middle of the night and Ron Cole is not too happy with us, running in and out.

**Council Member, T. Herron** - Something torn up?

**Water Plant Supervisor, L. Cruby** - I'm sorry?

**Council Member, T. Herron** - Why don't we have the

**Water Plant Supervisor, L. Cruby** - This is Dickey Owens system. The Toshiba is used up and our radio signals are real bad. And Andy has asked that you all make a decision on that tonight if you can and he will assist in that. We do have \$15,000 dollars left on the Clearwell Grant money that VDH said that we could use. And I don't know how much more that it will be to put that in. But the system is used up and I think the life expectancy is about five years and it has been way past that.

**Council Member, R. Cassell** - Is that not part of that where he had it coded and nobody's pin can get into it.

**Water Plant Supervisor, L. Cruby** - It's password protected.

**Mayor Jenkins** - And he's dead.

**Council Member, R. Cassell** - We were warned about that about three years ago.

**Water Plant Supervisor, L. Cruby** - But even if he was still alive he would still have to be piecing it back together. You understand that.

**Council Member, T. Herron** - Does Andy have any idea what it would cost?

**Water Plant Supervisor, L. Cruby** - I'm sorry?

**Council Member, T. Herron** - Does Andy have a clue what it would cost?

**Water Plant Supervisor, L. Cruby** – He doesn't, he was going to work on that. Scott County Cable did drop fiber optics in the Smith Elliott tank and the Quillen Heights tank and down to the water plant and he said that was good, cause that would save on some money if we can go with the tele optics rather than the satellite or the other. But he did ask that you all make a decision on that and he would assist in any way he can to get the cost and we do have the \$15,000.

**Council Member, T. Herron** – And what's he want us to make a decision on? Give him permission to pursue it?

**Water Plant Supervisor, L. Cruby** – The Town should authorize to replace it.

**Mayor Jenkins** - He's the resident Engineer he can go direct to the Town Manager. We don't really need to vote on that. He's the resident Engineer we'll just have Steve address that issue.

**Water Plant Supervisor, L. Cruby** - Okay

#### **P. Water Plant** –

Refer to Water Committee

### **X. PUBLIC COMMENT**

**Tommy Quillin** – Discusses:

- Compliments Wallace W. Ross, Jr.
- Suggests possibility of work sessions to shorten meetings and get information

**Mayor Jenkins** – Agrees we may need work sessions if we are going to have this long of meetings.

**Jon McConnell** – Discusses:

- Sidewalks on Water Street-where they going to, provides locations of no sidewalks, light pole in middle of sidewalk in front of your building can't get a wheelchair up, asks what city will spend to get sidewalks to town-wants a figure on that, grants not free money, cops sitting on 72 with radar, lights at signs still flickering, city limit signs

**Mayor Jenkins** – Responds:

- Front of building is wheelchair accessible, would be hard to go up the hill with a wheelchair, there are plans for new locations of sidewalks and plans can be obtained from Town Manager, figure of costs of sidewalks can be obtained if he wants to pay for the study
- If there are grants available for residents of the Town, he'll work to get a portion of it.
- Where cops are sitting on 72 is outside Town limits
- Working with company on lights, not doing what we were told they were supposed to do
- States he's been wanting to ask him (Jon McConnell) to get on some of the Committees with his concerns and help make some decisions. **Jon McConnell** responds, wouldn't do any good.

**Council Member, R. Cassell** – Responds:

- Projects takes time with dealing with different agencies, stuff is done in phases taking 4-5 years for projects from start to end.
- 

Mayor Jenkins closed the public comment session at 7:30 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** – I'm going to do both of those together (Hope House/Fire Dept.) if that's okay. I handed everybody a copy of the opinion of the Attorney General that I received this week. In reviewing the opinion of the Attorney General he did tell us that we have the ability to enact an ordinance exempting charitable organizations from the payment of utility charges as a donation. In speaking with what the underlying issue, cause if you recall this was actually sent by letter from Mr. Carrico back in March of 2009. Oh see, wait a minute, yeah 2009, December, 2009. And, I wasn't aware of what the background of the request actually was. In speaking with Mark and Steve, evidently, the problem was that because our water system is paid by Rural Development grant funds, Rural Development restricts you from giving away water. And that was the issue that needed to be addressed as to what the responsibility, if Rural Development would let you give away water to the Hope House and to the Fire Department. Somehow the request was sent into the Attorney General as to, could you pass an ordinance to do that? So my question to Mark and Steve was, I don't think the ordinance issue is really relevant because you got a contract issue with Rural Development. If Rural Development is saying we're giving you money with the requirement that you can't give it away then you have an issue with Rural Development. It doesn't have anything to do with the Town's ability to pass an ordinance to give away. So, I guess long story short, I don't know the opinion we just got from the Attorney General is really even related to the situation at hand. So, I'm going to ask for a copy, if we have anything, from Rural Development and I would suggest the next step we take is a letter to Rural Development, itself, to get the opinion from Rural Development. Because, to me, it's a contractual issue with them it doesn't have anything to do with the Town's ability to donate that. You know the Town does have the ability to donate that, which the Attorney General has reinforced that we do have that ability.

**Council Member, R. Cassell** – I'd say there is a difference between Hope House and the Fire Department. The Hope House is straight out free, am I correct?

**Mayor Jenkins** - The Hope House is free up to 30 sum thousand dollars a year.

**Council Member, R. Cassell** – On the Fire Department, there is actually a funds, the meter is read and there is a funds transfer made out of General Fund over into the Water Fund.

**Town Attorney, M. Jenkins** – But there again, still giving that away that would still, under, if that is what the contract actually says that you can't give away any of those utilities, you would not be able to do it even do it through a line item, because it is a transfer. But, so, even tho Steve is not here tonight, I would say, we got an opinion of the Attorney General, I don't think it is what we need to solve the problem at hand and that we really need a contract from Rural Development to see if that is what it says. If it does, they may allow us a waiver, but we would want something in writing giving us that ability.

**Council Member, Wallace W. Ross, Jr.** – Question. Took over a year to get these response from the Attorney General, is it because

**Town Attorney, M. Jenkins** – Yes and no, but I will. If you will read and I can give you copies. Mr. Carrico, he originally just sent a letter to the Attorney General asking for and the Attorney General requires you to do a Statement of Facts, give the law and then state your opinion and then they tell you whether or not your opinion is legally correct. And that was not done until several months later, when they finally got that.

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

**Mayor Jenkins** – As far as Rural Development answer we will, hopefully, have one in just a few weeks.

**Town Attorney, M. Jenkins** – And Mr. Ross in order to, I think originally, the first letter was sent December the 8<sup>th</sup>, second request December 8, 2009 but the one that they actually accepted as the valid request was March 16, 2010. So that is when they first actually got it, from that point in



time. So, I will wait for a, something from Rural Development and we'll deal with Rural Development.

- **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** - Has anyone had a chance to go in and look at the Heritage Video funding or process that, if not then we can just table it. They're not even announced the next cycle yet.

- **Ordinance regarding sale of synthetic marijuana**

**Town Attorney, M. Jenkins** – I've done a little bit of research on it, because this synthetic marijuana is technically not an illegal substance in Virginia as of yet. It actually is sold under the guise as being an incense. Because it is being used incorrectly, and it's difficult to test for it, there is only one state that I found that has actually passed something to limit it. Some other towns in Norfolk actually, they have found a way to prosecute the use of that under a couple code sections which I will be happy to share with the Police Department. The problem is, it is very hard to test for because it is just chemicals. They use some THC, but it's a lot of chemicals sprayed on to something and it's just really hard to determine if it's in your system or not. But my recommendation is that, at this time, until the General Assembly makes the sale of the substance illegal, I don't think you could craft an ordinance that would restrict the sale of it within Town limits, that would be legal. So I think it's going to have to be outlawed as illegal substance and I think the county had just passed a resolution to encourage the General Assembly to take a look at restricting and making it illegal. So, I guess my suggestion to you, at this point, is maybe you would want to consider doing that as well and I will share with the Police Department these code sections that they could possibly prosecute if they find someone under the influence of the K-2 or the Spice or whatever it is that they call it. It's a major problem across a lot of places not just in Virginia because it's not detectable and it seems to have the same effects as marijuana originally. So, hopefully the General Assembly will address that in session in January. But, that's my recommendation to you.

**Mayor Jenkins** – So, we'll probably put a request for a resolution on the next meeting

**Council Member, R. Cassell** – Can you get a copy of the County's so we can kind of model what they got,

**Town Attorney, M. Jenkins** – Yeah, we'll do that.

**Council Member, R. Cassell** – I still would like for you and Amy to look at methadone issue as well, if we could. If we got any way to regulate before we end up with one of those in Town, unless that's what the people want. But everywhere they've tried to put one so far has been very opposed.

## **XII. NEW BUSINESS**

**Mayor Jenkins** – Mainly just reporting.

- **November 11, 2010 is the Veteran's Day Ceremony at Grogan's Park at 11:00 a.m.**

**Mayor Jenkins** - I have it on here to open Public Comment for each agenda item, which that I have been meaning to do and I know I sometimes fail to do. But does anyone have any comment on the new business items as I go through.

**Benny Reed** – I encourage everybody, like you said, to attend the Veteran’s Day Ceremony. I think it’s one of the most important things we can do. That flag couldn’t fly. We could do the things that we do. We couldn’t come here and say what we want to say freely if it wasn’t for those people who shed their blood. We don’t ever need to forget that, ever.

**Mayor Jenkins** – Benny, we appreciate you participating. Chuck, you participate in this every year and I’ve limited my speaking parts to thank you for coming and good-bye because I can’t do well at.

- **November 20, 2010 is the Christmas Tree Lighting and Merchant’s Open House at 6:00 p.m. Caroling will begin at 4:30 p.m.**

**Mayor Jenkins** – We do have a new Christmas tree that this year it will be on top of the Town Hall, that’s the big building setting out there in the den. I mean it’s going to be a huge Christmas tree

**Council Member, F. Perry** - Not having one on the parking lot?

**Mayor Jenkins** – No, and that was paid for by the sale of I guess surplus equipment and Chuck will be lighting the Christmas tree this year and the reason we’re doing, we’re coordinating with the businesses, when they have their Open House. Because they have always said they have their Open House and the Town opens for Christmas a week or two later so we’re actually trying to get out and work with the businesses.

**Council Member, R. Cassell** – How was that decision arrived at to use the surplus money for the tree?

**Mayor Jenkins** – I’m not really sure.

**Council Member, R. Cassell** – I’m not saying it wasn’t needed, but Stoney ever since I’ve been on the Council that we bought that last new dump truck, it was asked that we buy him a second dump truck used. Now I’ve been told we can’t afford it and we sold surplus, Public Works equipment and so forth. We fired Lynne Moore, got onto Lynne for doing the same, trying to pick Christmas decorations without involving the whole Council and from what the tree cost I would wish the Council could have been involved in the ideas and I think everybody ought to have input on how surplus funds are spent, especially in that amount. That’s just my opinion, but I was told after it was bought and after when I found out what the price was, I had seen it in a book and I figured a few hundred dollars but \$4,000.00 and there was no authorization by the Council to buy it. Yes, \$4,000.00, right at and that was every bit of the surplus funds that was done at public auction.

**Council Member, Wallace W. Ross, Jr.** – Who approved that?

**Mayor Jenkins** - I guess that is still under procurement, so it can be approved the by Town Manager.

**Council Member, T. Herron** – We ever set a limit did we? We talked about it one time, but I don’t think we

**Council Member, F. Perry** – Yes, there is a limit

**Town Attorney, M. Jenkins** – There is a limit

**Council Member, T. Herron** – Thought it was \$500 - \$1000 dollars

**Council Member, Wallace W. Ross, Jr.** – So long as it doesn’t go over \$5,000.00, he can, Town Manager.

**Council Member, T. Herron** – It’s a lot less than that

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

**Council Member, T. Herron** – I didn't know what that was until Mark just said, I seen all of that out there.

**Council Member, R. Cassell** – I mean, I've asked for stuff out for these guys and have been told that we can't afford it and then I come in one day and say there's a \$4,000.00 Christmas tree that's going to be put on the roof that we just spent several thousand dollars to fix. I don't know how you're going to get it up there and if you seen it in the book, how big it is, but I just, I just. I told Lynne, when she was going to buy those Christmas decorations, I said I wanted to see a book, I think you ought to get every one's opinion. Someone might see something that they like better, better alternative instead of

**Council Member, T. Herron** – I think that is when we come up with the limit, after that ordeal.

**Council Member, F. Perry** – Yes, I think you're right.

**Mayor Jenkins** – I'm very happy with the tree. It has been a hassle every year trying to find one, round up one. It's good to have something that's permanent.

**Benny Reed** – Can I ask a question about the tree?

**Mayor Jenkins** – Yes, because

**Benny Reed** – Are there going to be supports that are designed to hold that tree on a flat roof?

**Mayor Jenkins** – Yes.

**Benny Reed** – How is it? Have you got supports that are going to be flash, if you don't it's going to be

**Mayor Jenkins** – The guy that is doing the roof looked and said there are the proper supports up there even to secure because there's gonna be guide wires off the top I think in three positions and he looked at all that and said that it would set up there and an actual attachment has to be done to the top of the tree, there's some angle iron with brackets. We actually had him look at the tree and the roof and he said we were good with putting the tree up there, the one that is actually doing the roof repair.

**Council Member, Wallace W. Ross, Jr.** – I hate to ask this question, but where are we talking about, putting the tree on what roof.

**Mayor Jenkins** – The roof of this building.

**Council Member, Wallace W. Ross, Jr.** – Above your head?

**Mayor Jenkins** – Yes

**Council Member, Wallace W. Ross, Jr.** - Oh okay, I hadn't heard anything. New to me, between buying the tree and where you're going to put it, locate it. So, forgive me for asking that question

**Mayor Jenkins** – No, that's fine.

**Council Member, Wallace W. Ross, Jr.** – I was just out of the loop on that one.

**Benny Reed** – Speaking from the back. Is the frame work going to sit down on that flat roof?

**Mayor Jenkins** – Yes, it got a big, sturdy, flat frame.

**Benny Reed** – Yeah but that's going to damage that roof, in my opinion.

**Mayor Jenkins** - I hope not, because he said it would be alright of course he might be coming back to do roof repair later.

**Council Member, R. Cassell** – Now I know there's things, day to day, and Council is not in charge of day to day operations, but when you're talking about spending surplus money, I just feel we should have had some input, at least given a choice or options or help pick it or something instead of. Cause somebody's going to come back and say why did you pick that one? Well I don't know, I came in one day and was told they bought it.

**Mayor Jenkins** – They did ask me and I told them I liked the tree. I'm pleased with the tree. Of course, I've had to deal with trying to get a Christmas tree for the last six or eight years. The first

two years, it was easy, because we had people donate them. Then after that, you have to get a flat bed from the county, you have to get this, stuff that almost takes a full day to decorate.

**Council Member, R. Cassell** - Along with that, somewhere down the line, the same gentleman has the exact wreaths that we have on the pole and I've counted. There's nine more bells left. They're about \$250.00 a piece. Somewhere down the line we need to, would like to see us come up with enough to buy nine more wreath. Somewhere down the line so everything matches. If we're gonna, if we're gonna you know do decorations and get everything consistent, but again that has to be something that we work into the budget.

**Council Member, Wallace W. Ross, Jr.** – Would that include when we go down, move the lights down on Water Streets and all that, would that add more to the cost or would that be within the frame of what it would cost to put up the Christmas decorations?

**Council Member, R. Cassell** - Those just goes on the big street lights.

**Mayor Jenkins** – They don't have anything for the exiting lights.

- **November 24, 2010 is the Thanksgiving Dinner for Town employees at 12:00 p.m.**

**Mayor Jenkins** – That will be at First Baptist Church. That will be for the Town employees, all Committee Members

**Council Member, R. Cassell** - Is that in the Family Life Center or the gym, whatever you want to call it?

**Council Member, F. Perry** – Family Life Center.

- **December 4, 2010 is the Christmas Parade**

**Town Clerk, K. Riley** – It's going to be at 7:00 p.m. I did receive a call after I sent these out, that it is 7:00 that night.

**Mayor Jenkins** - The Fire Department has selected Bo Williams to be the Grand Marshall of the Parade. We did not, I did not have any input in it and I. Have you all seen your mailbox? There is a letter that you need to look at.

**Council Member, R. Cassell** – In our mailbox?

**Mayor Jenkins** – Yes

**Council member, R. Cassell** – Okay

**Town Attorney, M. Jenkins** – I didn't clear your mailbox out, I just got the letter from Rita.

**Mayor Jenkins** – It came in the night deposit box and one media source has already contacted me on it.

**Council Member, R. Cassell** – Oh okay, I see, Oh okay.

**Mayor Jenkins** – I had told them they could contact DPOR or Virginia Department of Drinking Water for any comments that I did not feel that I could freely answer any questions, per my attorney's advice.

**Council Member, Wallace W. Ross, Jr.** – Can I address? Is this under new business or old business, new software, hardware, wiring is that considered old business? I have a question. I've had, well the question I have was dated this is the minutes for April 14, 2009. What happened the last with the taxes coming out they had it listed in the tax statement and it opened up everybody's eye lids. But I was looking at it here back and they installed this new software between 2009 so I was just wondering why it come took so long for them to get it straightened out. With all the problems that they just had they said they put in a new printer, utility bill install, a real estate tax for the Town and it would save money, but then when they got the bill they said they looked at everything and didn't find, so would that extra money that we had to pay out to get the mistake or did the company who done that bank and gross that process and why did it take a whole year, they

should have had all these problems worked out. I know when I was working and we had computers we made a mistake they like to run us out the door.

**Mayor Jenkins** – That might have been a misstatement of what the problem was.

**Council Member, Wallace W. Ross, Jr.** - Why would it take them a whole year to get it straight.

**Mayor Jenkins** – I don't think it was a computer problem. I think it was

**Council Member, Wallace W. Ross, Jr.** – A program. Software problem, is what you said

**Mayor Jenkins** – No, I think it may have been our problem.

**Council Member, Wallace W. Ross, Jr.** – Oh, oh, okay.

**Mayor Jenkins** - I'm not sure the statement is accurate on what the reason was.

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

**Mayor Jenkins** – I haven't followed up on it for sure, but I don't think it's a computer or software problem. It doesn't appear to be.

- **Adopt a resolution requesting to VDOT that no centerline highway striping be applied to the Water Street segment recently constructed**

**Benny Reed** – Speaking from the back. I have a question about that. Unfortunately, we have people can't drive on their side of the road with the streets are marked. I just wonder without the striping if that would create a safety problem? I guess that's the only question I got. You know if you got in an accident or something you're going to have the question if somebody hits someone down there and they don't have it divided somehow. My opinion there's going to be a question of who's at fault. That's the only thing I'd like to bring up.

**Council Member, Wallace W. Ross, Jr.**- Good point, when he brought that point up.

**Mayor Jenkins**- That is a valid point.

**Council Member, Wallace W. Ross, Jr.** – The question in my mind especially if I'm driving down there, I'm driving too slow somebody young come by they may want to pass me up, you know. So, sometimes that might be a deterrent to keep that from happening.

**Town Attorney, M. Jenkins** – Or even with your officers following someone that may be intoxicated behind the wheel they couldn't exactly determine if they were weaving over the line or not because there would not be a center line. It definitely could cause some issues.

**Benny Reed** - I can understand saving money and I agree with saving all you can, but I think it's a safety issue myself.

**Mayor Jenkins** – I know. That's why it's on there. Because the only point I have is I don't want that ugly line down, I don't want to pay for the ugly line down the middle of the road, if it is going to be safety issues.

**Council Member, Wallace W. Ross, Jr.** – How much are we talking about, cost?

**Mayor Jenkins** – I'll have to get you a number of that. We may not be able to put the resolution down because I'm thinking it is 80 some cents and inch. Because they're not going to let us spray the paint, they want the glass beaded tape that you put down and then heat to make it adhere to the road and it's expensive.

**Town Attorney, M. Jenkins** – And, it's still contingent upon VDOT approving you to not have striping there.

**Mayor Jenkins** – They're the ones that will look at all safety aspects too. Because that is one question they asked me. I told them as far as I was concerned it was much more defined on what the road is, because, before we even had no sideboard. It's on the resolution, they may not pass it. It'll be like access off the four-lane, unless it can be completely safe they're not going to

**Council Member, Wallace W. Ross, Jr.** – Well then if they don't pass it then we don't know choice.

**Mayor Jenkins** – I know, but the first step is to, if you want to put a resolution not to do it, that doesn't mean it's not going to happen. She said they would entertain that and come back to us with an answer. But, if the majority thinks it's going to be unsafe we won't even adopt the resolution.

**Council Member, R. Cassell** - Which part of Water Street was turned over to VDOT a few years ago?

**Mayor Jenkins** – It is from

**Council Member, R. Cassell** – The other end?

**Mayor Jenkins** - No, they won't take past Broadwater's

**Council Member, F. Perry** - Just the part that has been redone?

**Mayor Jenkins** – They take from Kane Street to Moccasin after that

**Council Member, R. Cassell** – Once it hits a VDOT street why do we have to pay to stripe it?

**Mayor Jenkins** – Because

**Council Member, R. Cassell** – We tore it up?

**Mayor Jenkins** – Yeah, even thought it didn't. Because that was one of the first arguments I had

**Council Member, F. Perry** – That was going to be my question, it wasn't striped before so why would it have to be striped now.

**Mayor Jenkins** – Because when you upgrade they require. That's just like they required us to take the whole street out because they found, even thought it was their street and they have accepted it as it was when they found some rotten logs and everything underneath which ended up being a good thing because it cost us less to strip it down than to try to do four by four patching. So it was easier to rip the whole thing up and start over and less expensive, I think, to rip it up than to start over than it would have been trying to cut, patch, cut, and patch. Do we have a motion for that resolution? There's no motion to request a resolution to the State. Well, I guess we'll pay for the line striping. So, it dies for the lack of a motion.

**Council Member, Wallace W. Ross, Jr.** – Do we have to make a decision now?

**Mayor Jenkins** – Yes, because they're going to make us stripe it. They have the paperwork started.

**Council Member, Wallace W. Ross, Jr.** – Who has, the State?

**Mayor Jenkins** – The State.

**Council Member, Wallace W. Ross, Jr.** - So, you're saying if we don't the State's going to cause us to do it.

**Mayor Jenkins** – If we do not get a resolution it is a done deal that we are going to put the stripe on the road.

**Council Member, Wallace W. Ross, Jr.** – Well, you didn't tell us that.

**Mayor Jenkins** – Do what?

**Council Member, Wallace W. Ross, Jr.** – Well, you didn't tell us that.

**Mayor Jenkins** – Well, I'm sorry. I should have. If we don't do a resolution, it's a definite yes on the stripe. If we do a resolution, it's a definite maybe on the stripe. That's the best way I can put it. She has started the paperwork and will not go on with the paperwork unless there is a resolution not to do it. If there is a safety issue they will probably turn us down anyway. Does anyone want to make a motion to give the resolution to the State, to VDOT, that we do not put the center line on Water Street. Okay, we don't have a resolution there will be a center line

Motion to accept resolution requesting to VDOT that no centerline highway striping be applied to the Water Street segment recently constructed. - - **NO MOTION RECEIVED.**

Motion by: Council Member,                      2<sup>nd</sup> by Council Member,

VOTE:    Yeas,  
          Nays,

Absent,

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

Mayor Jenkins closed the public comment session for new business at 8:10 P.M. and opened the consent agenda session.

### **XIV. CLOSED SESSION**

Mayor Jenkins opened the closed session at 8:10 P.M.

Motion for Council to enter into closed session to discuss Personnel issues pursuant to 2.2-3711 Subsection 1.

Motion by: Council Member, T. Herron 2<sup>nd</sup> by: Council Member, F. Perry

VOTE: Yeas, 4  
Nays, 0  
Absent 0

### **XV. RETURN FROM CLOSED SESSION**

Council returned from closed session at 9:30 P.M.

Motion for Council to return from closed session.

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

VOTE: Yeas, 4  
Nays, 0  
Absent 0

### **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 0

**XVI. MOTIONS FROM CLOSED SESSION:**

Motion to hire Kathy Riley as Full-Time Town Clerk

Motion by: Council Member, T. Herron 2<sup>nd</sup> by: Council Member, Wallace W. Ross, Jr.  
**Mayor Jenkins** – Guess what we really need is appoint her to Full-Time Town Clerk since it is an appointed position.

**Town Attorney, M. Jenkins** – Verifies and reads Town Manager, Town Attorney, Town Clerk, Treasurer and Chief of Police. So it is an appointed position.

**Mayor Jenkins** - Do we have a motion to appoint Kathy Riley as Full-Time position Town Clerk?

**Council Member, T. Herron** – I'll strike the first motion and make another motion to appoint Kathy Riley as Full-Time Town Clerk

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

VOTE: Yeas, 4  
Nays, 0  
Absent 0

**XVII. ADJOURN**

Motion to adjourn the meeting until the next regularly scheduled Council Meeting, December 14, 2010, at 6:00 P.M.

Motion by: Council Member, T. Herron 2<sup>nd</sup> by: Council Member, F. Perry

VOTE: Yeas, 4  
Nays, 0  
Absent 0

\*Mayor Jenkins adjourned the meeting at 9:32 P.M.

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Mark Jenkins – Mayor

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Kathy Riley – Town Clerk