



***GATE CITY TOWN COUNCIL MEETING MINUTES  
DECEMBER 13, 2011  
156 E. JACKSON ST.  
6:00 PM***

**PUBLIC HEARING: DISCUSS WATER RATES**

I. Mayor, Mark Jenkins called Public Hearing to order at 6:03 P.M.

II **ROLL CALL:** Town Clerk, Kathy Riley

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

Others present: Town Attorney, M. Brooks, Charles Bridwell

III. **NEW BUSINESS**

**HEARING - DISCUSS WATER RATES**

**Mayor Jenkins** - Discusses agreement with Rural Development that we will cover all monies that are owed to Rural Development by collecting all fees to cover the loans. In 2010 we had to take about \$143,000 from the General Fund to cover for shortfall that we did not recover from water charges and this year is around \$200,000. We will have to adjust rates to cover that shortfall and make the water system pay for itself. That is part of the loan agreement that we entered into with them many years ago. We are not breaking even on the water. Are there any comments?

**Council Member, W. W. Ross, Jr.** - Thought we would have a public hearing prior to the meeting to have the public aware of what's going on.

**Mayor Jenkins** - This is the public hearing to make people aware. This is the first advertised public hearing.

**Council Member, W. W. Ross, Jr.** - Asks if it was in the paper, Kingsport Times?

**Mayor Jenkins** - Yes.

**Chuck Newton** - Asks what percentage the increase will be.

**Mayor Jenkins** - Around \$9-\$12 a month increase. Putting data together to reduce rates according to lower usage of 1,000 to 1,500 gallons and progressively increase with usage, hoping to protect the elderly/single individuals who use less water than household with few kids and uses a lot of water. Reviewed before and there are a lot of elderly who use 600-800 gallons a months and still paying for the minimum of 2000 gallons. Had indications we needed to do that and tried to budget as close as we could to not increase rates but it looks like it has to be done. Not sure how we are going to do it yet with reason for Public Hearing for input.

**Council Member, W. W. Ross, Jr.** - Asks if anyone in audience read paper and understands what is going on?

**Debbie Kindle** - Responds she saw it.

**Council Member, W. W. Ross, Jr.** - Asks, anybody else?

**Council Member, R. Lane** - Asks what kind of impact will we see eventually on the sewer?

**Mayor Jenkins** - With the PSA increase, they will bill us and we will have to follow with the rates there. Currently, sewer is based on 100% of water usage, hoping to drop it to 70%. We just need to break even, don't need to be profitable. It's mandated by the loan to break even.

**Council Member, R. Cassell** - Refers to article in paper regarding PSA proposing to increase water and sewer. Will need to discuss tomorrow and have you, Town Attorney, look at our contract stating items in contract. Not fair to our citizens to pay for what is going in the County.

**Debbie Kindle** - Discusses last rate increase didn't change minimum water bill and asks shouldn't burden be shared equally by everyone?

**Mayor Jenkins** - States we have to charge same water rate for all users, but there are many who never use the minimum using just 600 gallons but being charged for 2,000 gallons. Fees remain the same, but lower minimum. Loan contract states cannot charge any user a different rate per gallon but have some play based on usage. He discusses difference with out of town users and in town users and is still gathering information with having to adjust rates to cover loan payments.

**Council Member, W. W. Ross, Jr.** - Asks if this was oversight on our part or contract?

**Mayor Jenkins** - No oversight on anyone's part. We now know through audits what percentage we were paying.

**Council Member, W. W. Ross, Jr.** - Questions audit is connected to not meeting the criteria.

**Mayor Jenkins** - The audit provided information we are not collecting enough fees to cover the loans.

**Council Member, W. W. Ross, Jr.** - Asks if prior audits didn't give that information?

**Mayor Jenkins** - Did this before based on that with energy costs going up, chemical costs, but have cut on operator from the plant running the plant with less hours. With being aware of not covering bills we have to make it right or be in breach of the contract.

**Council Member, W. W. Ross, Jr.** - Wants the public to know what is going on.

**Mayor Jenkins** - Was debated to raise it before, but with solid information knowing where we are and have to do it. Water has to cover it own fees being lucrative but not profitable. Asks for further comments.

**Council Member, R. Cassell** - States not prepared with Chris just putting this together.

**Mayor Jenkins** - Not taking any action tonight so long as there is action taken within 30 days of the public hearing. The next meeting falls within the timeframe so won't be a need for a Special Called Meeting.

**Council Member, W. W. Ross, Jr.** - Suggests need to call another public meeting before the regular meeting for public input.

**Council Member, F. Perry** - Responds, this is what this is for.

**Council Member, W. W. Ross, Jr.** - Doesn't feel he has enough information to vote on it.

**Mayor Jenkins** - Agrees, you don't.

**Council Member, W. W. Ross, Jr.** - Folks don't know the increase with word not getting out. He wants to have input from community to know which direction to go.

**Mayor Jenkins** - States that is why we advertise.

**Council Member, F. Perry** - Asks Mr. Ross, you do not think the public is informed?

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

**Council Member, F. Perry** - States we need all criteria to have a public hearing and asks Mr. Ross if there is a need to go door to door and asks if he wants to volunteer to do that to explain to the citizens of the town.

**Council Member, W. W. Ross, Jr.** - States this is important and feels people read things in paper not understanding the impact of this.

**Council Member, F. Perry** - Responds they should come here to ask their questions.

**Council Member, W. W. Ross, Jr.** - Using his father as example, he may read this but does he really understand he'll be paying more? Increase, does this mean you pay more?

**Mayor Jenkins** - Responds increase means you pay more.

**Council Member, W. W. Ross, Jr.** - Feels senior citizens may not understand and give them opportunity to and if they don't show up, they can't complain.

**Council Member, F. Perry** - Asks Mr. Ross, what do you think we need to do to get more people to come?

**Mayor Jenkins** - States he has tried to get more people.

**Council Member, W. W. Ross, Jr.** - Suggests using television, free advertising on television for this situation. If it fails they have no option.

**Town Attorney, M. Brooks** - Legally, you have to be in compliance with the contracts the town has entered into. There has to be an increase in water system to make it sustaining and pay debt service. Whatever figures that will be required by the contracts or RADA could ask us to pay that money back. Want to make sure everyone understands that.

**Council Member, W. W. Ross, Jr.** - Wants to put that out there. If they don't want to grasp it, if they don't want to accept that increase, than they have nothing to complain about.

**Council Member, F. Perry** - States you realize as an adult citizen of the Town of Gate City, you have a responsibility to be informed yourself of what is going on. With those who gripe would come and put their gripes before the Council where we could address them, but the problem is they don't want to come to the Council to talk about them, they want to talk about it on the street or Post Office. Doesn't know what to expect with another meeting. We advertised as required for a public hearing with the same people here, those who are interested in what is going on in the town. Asks, Mr. Ross what he suggests to do to get a bigger crowd here?

**Council Member, W. W. Ross, Jr.** - Give it another shot may need to get word and and run into some one suggesting they need to come.

**Council Member, F. Perry** - Asks, how are you going to get the word out?

**Council Member, W. W. Ross, Jr.** - As he suggested if it doesn't work, put it on television, put in it paper again to see if. We have 30 days to determine this.

**Council Member, F. Perry** - States each time we run it in the paper it is costing us?

**Council Member, W. W. Ross, Jr.** - Yes, it costs us, but to let this Board advise

**Council Member, R. Cassell and Council Member, F. Perry** - Both state, we're doing our job.

**Council Member, R. Cassell** - States citizens are not doing their job with them still having right under our agenda to have public comment under new business before we vote on anything. They can still speak up.

**Mayor Jenkins** - Yes, with a limited three minute even prior to the next meeting.

**Council Member, R. Cassell** - States you can advertise and advertise and it will be the same five or six people that will show up.

**Council Member, F. Perry** - States you won't hear anything from them until we raise rates and I will ask them where were you when we had the public hearing for your comments before this was done?

#### **IV. PUBLIC COMMENT**

**Jim Addington** - Asks, how much is the shortfall and what is it you have to make up?

**Mayor Jenkins** - \$143,000 in F/Y 2010. It is around \$200,000 this year.

**Jim Addington** - Asks how are you supplementing that now?

**Mayor Jenkins** - Paid bills from General Funds and applying it to debt service.

**Jim Addinton** - Asks based on water you are serving, what % of increase are you anticipating?

**Mayor Jenkins** - Anywhere from \$9-\$12 increase per month almost doubling water bills.

**Council Member, R. Cassell** - Discusses figures with Mayor Jenkins

**Mayor Jenkins** - States around \$6.00 per month per billing.

**Council Member, R. Cassell** - Discusses possibility of having the Lane Group to do a study.

**Debbie Kindle** - States not by per 1,000 gallons, just basic \$6.00 increase.

**Mayor Jenkins** - Yes, it would be \$6.00 per service not \$6.00 per 1,000 gallons. Any other public comment?

Close public comment at 6:24 p.m.

**V. Public hearing closes at 6:24 p.m.**

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Mayor - Mark Jenkins

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Town Clerk - Kathy Riley

**PUBLIC HEARING: RESOLUTION 03-11 TO CHANGE COUNCIL TERMS FROM TO YEARS TO FOUR YEARS WITH STAGGERED TERMS**

**I.** Mayor, Mark Jenkins called Public Hearing to order at 6:24 p.m.

**II. ROLL CALL:** Town Clerk, Kathy Riley

Present: Mayor, Mark Jenkins  
Council Member, Roger Cassell  
Council Member, Randy Lane  
Council Member, Frances Perry  
Council Member, Wallace W. Ross, Jr.  
Absent: Vice Mayor, T. Herron

Others present: Town Attorney, M. Brooks, Debbie Kindle, Brenda Dishner, Chuck Bridwell

**III. NEW BUSINESS**

**HEARING - RESOLUTION 03-11 TO DISCUSS CHANGING COUNCIL TERMS FROM TWO YEARS TO FOUR YEARS WITH STAGGERED TERMS.**

**Mayor Jenkins** - What we are doing with this is petitioning the General Assembly to change the elected official positions from two year terms to four year terms on a staggering term to have Mayor and three Council positions on one year and then two years later you'll have the other two Council positions. Wanting to get continuity present in the Council and not have possibility of having Mayor and all Council Members

changing coming due to a lot of contract and grants going on. Need to have part of your people in place to understand where you are at with each process to keep some experience on the board. It may be a deterrent knowing you would have to spend four years versus the two.

**Council Member, R. Cassell** - Asks if we will be able to meet the deadline for 2012.

**Town Attorney, M. Brooks** - States when she spoke with Mr. Kilgore, he said if we got it done in December we should be fine.

**Council Member, F. Perry** - Asks if the Mayor term is still two years or four.

**Mayor Jenkins** - States it will go to four.

**Council Member, R. Cassell** - States he know it's in the Charter, does that change the appointed positions or is that separate?

**Mayor Jenkins** - Responds that is separate. Appointed positions have different terms for different positions too.

**Town Attorney, M. Brooks** - States it would only amend the Charter as to this.

**Mayor Jenkins** - Explains further, if correct, those appointments following each election the month following each election those appointments will be made. Elections will still be every two years', you just won't be replacing the whole Council.

#### IV. PUBLIC COMMENT

**Jim Addington** - Understands plea for continuity. States Council Members would have powers for four years when our Congressmen is elected every two years. He advocates we continue to elect entire Council every two years.

**Chuck Newton** - I for one states present system has been in place since the dawn of time and if it is not broken why is it being fixed? States he opposes it as the gentleman said about state Congressmen and Representatives are elected for two years why would Council or Mayor be different.

**Council Member, R. Cassell** - Explains a lot of projects takes more than two years. It is hard to see a project through in two years. With a change in Council the project may fall through. At VML Conference we are one of the few towns that do two year terms. Many of the towns and cities in Virginia are four years. It's just hard to accomplish what town has going on in two years. Just trying to keep continuity on some of the projects with people who know what's going on.

**Mayor Jenkins** - Virginia in this belief is suggesting having the four year rotating terms is the best way to do business.

**Debbie Kindle** - States she opposes the change in Council terms to four years. Feels the turn-out is so small now in ratio to the population, when it comes to just the two Council Members it will virtually be a no show in vote. The numbers won't be there to support the two low men on the totem pole.

**Council Member, W. W. Ross, Jr.** - Asks Ms. Kindle if she saw this advertised in the paper?

**Debbie Kindle** - Responds, yes, it was both at the same time.

**Mayor Jenkins** - Asks if there are any other comments.

**Council Member, R. Lane** - He would like to add it doesn't matter one way or other to him but one of the strengths was the fact that new members coming in would come in with some experience people already on the Town Council. I think the only reason they went to a four year was to be able to allow that to happen. It allows the inexperienced coming in to benefit from the experience of those who have been on for the two years. That is the brunt of why it was suggested, not to extend the time, just to allow an overlap.  
**77Mayor Jenkins** - Asks if there are any other comments.

Close public comment at 6:32 p.m.

**V. Public hearing closes at 6:32 p.m.**

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Mayor - Mark Jenkins

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Town Clerk - Kathy Riley

**I. COUNCIL MEETING CALL TO ORDER 6:32 P.M. Mayor Jenkins**

**II. ROLL CALL - Town Clerk, Kathy Riley**

Present: Mayor Jenkins  
Council Member, Roger Cassell  
Council Member, Randy Lane  
Council Member, Frances Perry  
Council Member, Wallace W. Ross, Jr.  
Absent: Vice Mayor, Tommy Herron

Others present: Town Attorney, M. Brooks, Debbie Kindle, Chuck Newton, Arletha Newton, Jim Addinton, Ron Baker

**III. INVOCATION Odell Beauchamp**

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

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

**Resignation of Tommy Herron as Vice-Mayor**

**Mayor Jenkins** - We have a couple resignations, Tommy Herron resigning as Vice Mayor effective January 9, 2012. I spoke to him and he will stay on the rest of the month and tender resignation on January 9 still maintaining Council position. Informs Council it will be their decision on who will fill the Vice Mayor for the remainder of this election cycle. Does not have Jim Craft's resignation, but he is resigning from the Sanitation Authority effective immediately. Next item on appointments would be the reappointment of Faye Sanders to the Planning Commission for the four year term effective January 3, 2012 which will be placed under new business. Are any other changes to the agenda other than placing the appointment of Faye Sanders under new business?

## **VI. APPROVAL OF AGENDA**

Motion made to approve the agenda.

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

VOTE: Yeas, 4

Nays, 0

Absent, 1 - T. Herron

## **VII. COMMUNICATIONS - None**

## **VIII. APPROVAL OF MINUTES**

### **Motion made for approval of Town Council meeting minutes from November 8, 2011.**

**Council Member, W. W. Ross, Jr.** - On page 8 under Street Committee, it says where Council Member, Wallace W. Ross. I received a in typing the minutes it mentioned that you didn't have a list regarding the streets that was paved I am forwarding this original email I sent to all Council on November 3, 2011 regards the streets that were being paved by the town crew staff. When we had that meeting I maybe it might have been when I the computer didn't pick I up but I thought I mentioned that I didn't have the list with me I thought I mentioned I didn't have the list with me and I asked Mr. Roger Cassell did he have one with him. Did he have the list. I said Roger do you have the list by any chance and Mr. Lane here he provided me with a list during that transition so, some words were left out in the statement right here can that be corrected? Cause, it said I didn't have the list with me. That's what I meant.

**Mayor Jenkins** - So, instead of I don't have a list, you comment was I don't have a list with me?

**Council Member, W. W. Ross, Jr.** - Right and I asked Roger did he have a list with him. I mentioned his name during that minutes. So, I don't know why that was left out and by the conversation I asked Roger did he have a list with him and Mr. Lane here



provided me he gave me his list. So, that part of the and but she said she read to the minutes so I from so I just want to know did everything that she said didn't come out in the recording or it was over looked cause she said she listened to the minutes and when I came in to ask look at the minutes the minutes wasn't ready so I don't know how come you know she listened to the before she typed them out and send me this email or what transpired the, Miss Riley?

**Mayor Jenkins** - Kathy?

**Town Clerk, K. Riley** - I don't know, I just read that you didn't have a list so I provided you with another copy of the list.

**Council Member, W. W. Ross, Jr.** - Who told you that?

**Town Clerk, K. Riley** - It's what I heard. Maybe I heard incorrectly.

**Council Member, W. W. Ross, Jr.** - How did you hear it? I mean, who from did you hear it from.

**Town Clerk, K. Riley** - Maybe I heard it incorrectly from the tape. I'm sorry, I figured if you didn't have the list, I was providing you with another copy of the list.

**Council Member, W. W. Ross, Jr.** - Well, I didn't ask. What I'm saying I didn't I was confused that I didn't remember asking for the list.

**Town Clerk, K. Riley** - Well, maybe I was confused too.

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

**Town Clerk, K. Riley** - So, I just, maybe I made an error too. But I was providing you something that I thought you didn't have. So, isn't it at least better to have something that you don't have than not have it at all?

**Council Member, W. W. Ross, Jr.** - Well?

**Town Clerk, K. Riley** - I just thought I was doing you a favor by providing you with a copy of the list.

**Council Member, W. W. Ross, Jr.** - Well, that's fine, but I didn't ask for it. I just didn't. That's what that's when I was at the meeting that's what I remembered saying to my here and I didn't know if the recording didn't pick it up or not and I just wanted to be sure. But that's fine.

**Mayor Jenkins** - So we have a correction on page 8 under Street Commission third line down I don't have a list with me and then I asked Roger do you have a list with you is how these minutes should read?

**Council Member, W. W. Ross, Jr.** - Correct. That's what the tape said.

**Mayor Jenkins** - Are there any other changes? Do we have a motion to approve the minutes with the change of I don't have a list with me and do you have a list of what's been done. To Roger, do you have a list with you? Do we have a motion with that correction?

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

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

**IX. APPROVAL OF PAYMENTS**

**Motion made for approval for payment of bills for November, 2011.**

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

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

**X. REPORTS**

**A. ENGINEERS REPORT**

**Mayor Jenkins** - Andy could not make it tonight and I think I'll try to get this right. We have to advertise for bond issue.

**Council Member, R. Cassell** - That was on there last month and we wasn't sure what it meant and was hoping he would clear that up.

Mayor Jenkins - Well this is for Bond Council for procurement of the water projects and for RD or Virginia may be able to provide that bond council but we still have to go ahead and advertise even though it may be a state agency giving the bond council. We still need to advertise for Bond Council on our water projects and we have the go ahead to advertise for, I think, the 12" water line and we don't have to take action on that but we are can start procuring contract for the 12" line through Rural Development since we have audits. Evidently, they're satisfied and we are ready to go ahead with the advertising. Andy is getting all that together of what we need to do and how the advertising we need to do.

**B. TREASURER'S REPORT**

**Mayor Jenkins** - Chris has provided a copy of that. Is there any questions?

**Council Member, R. Cassell** - On page 8 of 14, I want to make the Council aware of, it was brought to my attention. I have been noticing, quite often, invoices on here for Ramey Ford which is all the way to Johnson City. We googled it today and it is 57 miles round trip from Gate City and back. I assumed that this was for the Chief's vehicle cause he lived there and it was convenient to take it there. I've since found out what's happening. Because he's friends with this fellow from Ramey Ford we are having a mechanic, who is a non-town employee all the way from Johnson City, our officer's are having to unload the cruiser, that mechanic is driving it 57 miles round trip to Ramey Ford, change the oil and bring it back and the officers have to put all this stuff back into their car when we have service station around here everywhere that can do an oil change. We're saving money, it's \$39.95 for a normal oil change. 57 miles round trip and \$3.00 a gallon and those Crown Vic's probably don't get 15 miles to the gallon. We're not saving a dime, putting 57 miles and paying an officer to unload his equipment to get an

oil change it can be done, if nothing else it could be done here at Fairway Ford, Sam's has done it for years and I don't know how this got changed. But there is some more that I can shed light on at a later time on this, but I think it needs to be stopped. We're paying sales tax cause it's being done in Tennessee. I had the invoices pulled today. Why, I guess they are covered under the garage insurance but we're having a non-town employee come down here to drive a police cruiser all the way to Johnson City and back. I have a problem with that. For one, we're taking business out of town and two I don't see the savings. I had never asked, I thought it was just his because convenient that he lived up there but come to find out it's every cruiser we have is going to Johnson City for simple oil change.

**Mayor Jenkins** - We will need to follow up on that. I had questioned that before and he told me that he was driving the vehicle up there on his own and dropping it off. The only reason it had gone up there was because there was something that could not be done here. It was something with the transmission and something else and they told him the transmission needed to be replaced and warrant. It was really just the filter and something else needed changed. But I had questioned that and asked him how we were getting to the vehicles up there and he said he was taking the vehicle as transportation on the way home and dropping it off and driving it back the next day. We will need to

**Council Member, R. Cassell** - Maybe it was a one-time occasion, but I

**Mayor Jenkins** - I questioned that because I know that we do have local business that we need to support and why we were even doing that.

**Council Member, R. Cassell** - I've been told it's been as far as if he wasn't at the office there were keys left in the gas tank lid so they can pick it up and drive it.

**Mayor Jenkins** - We need to find out what's going on and that will probably something to be addressed as personnel issue and probably don't talk about it anymore.

**Council Member, R. Cassell** - I just don't see the savings.

**Mayor Jenkins** - No, it wouldn't be.

**Council Member, R. Cassell** - If it needs to be a Ford dealer it's a whole lot closer to go to Fairway than it is to Ramey Ford in Johnson City.

**Mayor Jenkins** - If it's an oil change, there's in town businesses that can do that and we benefit from supporting in town businesses.

**Council Member, R. Cassell** - Well the 20-76 is a straight oil change.

**Council Member, W. W. Ross, Jr.** - Page 10 of 13. I just wanted since where they made adjustment on the street improvement we have like \$25,000 in the budget. Correct? And, so, showing here that we still have \$25,000 left so when the pavement that they did they didn't deduct that from that they spent \$2,327.98 for pavement that they had to go all the way to Blountville to pick up and I just wondered

**Council Member, R. Cassell** - Hang on Wallace, it might have been invoice hadn't come in time.

**Council Member, W. W. Ross, Jr.** - Is that what it is? Maybe

**Council Member, R. Cassell** - The invoice is dated November 30<sup>th</sup>, he's not paid it yet.

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

**Mayor Jenkins** - I thought I hadn't signed these yet.

**Council Member, R. Cassell** - It's dated November 30<sup>th</sup>.

**Mayor Jenkins** - How much is that?

**Council Member, R. Cassell** - \$2,327.98.

**Council Member, W. W. Ross, Jr.** - Okay, so what what's the mileage up there and getting that for taking it picking it up and bringing that back? I mean how many the reason I asked this question was that I wanted to talk to Stoney because I just wanted to get a understanding how long it takes to do some of this pavement and I have asked several times do you keep a accurate record of things of records of Town Hall certain to evaluate how work gets done and he said he didn't have any information but I just wanted to know how do they gauge to determine how long it takes to do a job.

**Council Member, R. Cassell** - Can I speak, Mr. Mayor?

**Mayor Jenkins** - Yes.

**Council Member, R. Cassell** - Chris and I had a conversation about this and he is actually doing us a favor because all he's doing is taking straight materials out of that budget. If you get into true accounting that you want to know every hour it takes for Public Works to fill that hole, every hour it takes them to go get it and he starts deducting that from that, that \$25,000 is going to be gone real quick. He just puts it in as salary out of Public Works and if you start getting into true breakdown of each job and it starts coming out of this \$25,000 it'll be gone, you won't get one street paved.

**Council Member, W. W. Ross, Jr.** - Well, then that way well I can understand that the principal but then how can you really determine how to base your budget each year if you do not know what you are going to spend and how you know how you're

**Mayor Jenkins** - We base it on a normal, I think 2020 hours per year roughly per employee. Now sometimes, like special, like we have water line breaks that'll be covered by insurance or by grant or something then we will start they're having to work sometimes 20 hours straight, then we'll start breaking down the actual employee what we're paying the employee, equipment cost, everything like that but if this these work orders are issued, they work normally eight hour days for full time employees. Unless that is going to generate overtime, it's really not cost anymore, it may be taking an employee away from doing something here but sooner or later they'll probably catch up with it. I mean, it's just day to day operations even though if we were paying for a paving job, that would be a entirely different. But if we are using our employee's, if it's not generating overtime there's not really a whole lot of need to I mean, it's nice to know and they could probably tell you look at the street out here and say it's going to take us all day to do that job. They're pretty good about estimating how long it's going to take to repair even an emergency water line leak unless it's a big 10 or 12" line blows. All that we have accounted for in street improvements and I our actual concrete cost or material cost we don't say, well we used this many hours of a piece of equipment or anything like that. You could get into real detail if you want to say that you got a saw that is going to last 1,000 hours and you use if ten hours and account for its percentage for that.

**Council Member, W. W. Ross, Jr.** - Well, I mean I know we cleared the budget, but it was some item in this report that needed addressed and the last time they was here that they made the Treasurer made need some training, probably all of us need training

needed some training he mentioned that in there so I'm just trying to understand you know since I am the youngest on this (Inaudible) trying to understand how because we need more money in the streets I'm just trying to advocate that \$25,000 is not enough to do the streets that we need more even though we may not be more, but I like to know let the public knows that we can't take \$25,000 and try to maintain their streets for them, that's what they want for this cost. And if we don't explain it to them or give it out there then how will they know what

**Mayor Jenkins** - That \$25,000 is to buy \$25,000 worth of asphalt or concrete. It's not, I mean, the employee hours are not going to change. They can give an estimate of how many hours it's going to take them. There's probably a standard out there on putting so many square feet of concrete or asphalt down that there is a given amount of time.

**Council Member, W. W. Ross, Jr.** - But now you told me earlier this summer that you could you gave me you said that that you could evaluate that situation. You told me that. You, I brought some information to you and you said that we can evaluate this information and determine who could do it better. That's your words.

**Mayor Jenkins** - We could do it better. We're going to pay for the concrete and the employees are already here.

**Council Member, W. W. Ross, Jr.** - So, how are you, so how are you I mean you saying that but you're not showing it in the figures.

**Mayor Jenkins** - I'm not showing it the way you want it.

**Council Member, W. W. Ross, Jr.** - I don't, I just do it the way the them black and white real you know if you got you're you either in black or you're in red. That's just the way (Inaudible).

**Mayor Jenkins** - If we pave something we are using employees who are on the job already. They're being paid for eight hours of work. They're going to be here for that eight hours.

**Council Member, W. W. Ross, Jr.** - Well, I just trying to stay within the guidelines of this. That's all.

**Council Member, R. Cassell** - And there's only one asphalt plant. It doesn't matter if Don goes and gets it or our crew goes and gets it. They have to go to Blountville.

**Council Member, W. W. Ross, Jr.** - Well, so, how long will it take them to drive up there and get it. That's not counted, that's not included in the process? You don't count that as

**Council Member, R. Cassell** - They're like Mark said, they're allotted 2080 hours at their salary and whether they're paving or fixing a water leak. In their 8 hour day, that's what they're going to do.

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

**Mayor Jenkins** - Any other questions or comments on the Treasurer's Report?

### **C. CODIFICATION COMMITTEE/PROPERTY MAINTENANCE**

**Mayor Jenkins** - We still members for the Building Code Board of Appeals. Have we had any interest in, I don't guess so. Three new notices of violation letters went out this

month and there are several court cases that remain on the list. We are approaching the deadlines for some of these properties and need to proceed with court action. Do we still have cases on the docket?

**Town Attorney, M. Brooks** - We do, we have about eight right now and am getting ready to file about ten more. We resolved a few.

**Council Member, F. Perry** - This appointee, does it have to be a citizen of the Town?

**Mayor Jenkins** - I don't know how that one's written.

**Town Attorney, M. Brooks** - I don't either.

**Council Member, R. Cassell** - Was Kermit Rhoten on that at one time? There was some code he was on.

**Mayor Jenkins** - He was on Board of Zoning Appeals.

**Council Member, R. Cassell** - Him and Ron Bellamy and two or three others it was one of these other boards.

**Mayor Jenkins** - Yeah, they were on and I don't think the code board has any stipulations saying that it has to be town resident but I guess we'll have to look.

**Town Attorney, M. Brooks** - I don't know right at the top of my head. My inclination is that it should be but I have to look.

**Mayor Jenkins** - Because the Board of Zoning Appeals does not have to be.

**Council Member, R. Cassell** - And this Alonzo Sexton out here the old Chapman Store it has been pointed out several times. If we can do something about that there's people going inside there messing around. The doors are open half the time.

**Town Attorney, M. Brooks** - I finally got him served. It took quite some time.

**Council Member, R. Cassell** - It just concerns me being right there with all those school kids coming down. You'll go by one day and the door is closed and go by another time and the door is open. So, someone is going in there.

**Town Attorney, M. Brooks** - His 21 days should be up, so all I need to do is to go ahead and set it for a hearing. He'll have 21 days to answer the complaint and so far we have not received anything. The one in red that I did not, for some reason she was not aware it has been filed. It was filed in October. I sent her an email to that affect today, for your information.

**Mayor Jenkins** - Any questions about property maintenance?

#### **D. POLICE DEPARTMENT REPORT**

**Mayor Jenkins** - For November they had 465 calls that makes 4147 YTD. They made 13 arrests for 127 YTD, 58 summons with 563 YTD, crime reports is 21 making 204 YTD, accident reports were down to 7 from 12 from the month before with 78 YTD, 7 DUI arrests with 39 YTD. The Office Manager attended a three day conference hosted by Southern Software. Extra patrols have been requested in alley by 218 Woodland Street and Baker behind Commercial Electronics. Officers continue to provide extra patrol on Sue and Elm Street. Department continues to work in a safe manner and

continues radar enforcement on Jackson and Kane in efforts to slow traffic down. Police department did provide traffic control for the parade. Chief Birchfield plans to attend and take the certification board at Bradford on December 7. Gate City Police Department attended the Click It or Ticket across the border patrol. We are losing on December 27, 2011 an officer.

## **E. COUNCIL REPORTS**

**Mayor Jenkins** - Wallace, do you have anything?

**Council Member, W. W. Ross, Jr.** - Let's see here. Did you, I guess I can mention that in closed session. On the update on the railing that you had been working on.

**Mayor Jenkins** - I have never gotten a final estimate on it.

**Council Member, W. W. Ross, Jr.** - So, we are just at a standstill at this time?

**Mayor Jenkins** - I, no, I had actually been meaning to stop at the ornamental iron place in Kingsport and just hadn't had time to do it yet.

**Council Member, W. W. Ross, Jr.** - So, well can I check with the vocational school see if I

**Mayor Jenkins** - Yes. I mean, you're part of the Street Committee.

**Council Member, W. W. Ross, Jr.** - Well, I know, but you was handling it so I didn't know you know. You had corresponded with the state on that so I don't know what the rest of the information, so.

**Mayor Jenkins** - They are and in fact the last time that I talked to the lady from VDOT she was questioning where we were because they thought it was a pretty good idea. But she also said it does need to be engineered and fairly sturdy. It doesn't need to have a full engineering design or anything done. She said the drawings that we provided were adequate. That it was suitable but we did need to have a heavy enough gauge material, that it was sturdy. Of course, if we put it up and it's not sturdy enough there's going to be a lawsuit if somebody grabs it and falls. It would be better for them to fall without the handrails then to fall

**Council Member, W. W. Ross, Jr.** - Yeah, it would still be (inaudible) yeah

**Mayor Jenkins** - That was one of the hold ups because we thought we could get it done out of material like tubing for a muffler. But everybody I talked to about that said that is not heavy enough we need 1/4 inch really the 1/4 inch gauge wall that they use for pipe and that takes a heavier bender than what a muffler bender would be. But, and the guy that used to run one of the iron works business in Kingsport he said he can get over here to do it but I have never got an estimate. I see his son six/five days a week and he said his dad just has not gotten over to work up an estimate. It's been long enough so yes you can talk to the vocational school, I would appreciate it.

**Council Member, W. W. Ross, Jr.** - Well, I didn't know you know what, I guess I get together and get what you have cause I don't have none of the drawings.

**Mayor Jenkins** - Yeah, I'll give you the drawings, but I got them saved on the computer and they will they're adequate for what the state needs. We just need to get somebody to construct them and construct them very sturdily.

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

**Mayor Jenkins** - Any other report? Randy and thank you for driving the Grand Marshall in the parade and getting the car lined up for that. I was getting a little concerned about the, automobile lined up.

**Council Member, R. Lane** - My pleasure. The Grand Marshall did a fine job.

**Mayor Jenkins** - Frances?

**Council Member, F. Perry** - Yes, I have a concern. I was in the office here one day and a gentleman came in inquiring about the hours and why the office wasn't open at the Police Station. He had been, this was about his third trip that he had made to pick up an accident report. I have personally had gone to the office a couple of times during posted open hours and the door would be locked, there would be no lights on. This gentleman had come over here to ask our office help where they were and they didn't know. They had no idea. So, I would like to suggest that we talk to them about having that office open during those hours that are posted and for any reason they have to be closed, if she needs to run to the Post Office or something like that, that she would at least call across the street and let these ladies know when the public comes in to ask they won't look like duh we don't know what's going on here. My suggestion is, if the hours are posted to be open that we have someone there to have it open and her time kept up with.

**Mayor Jenkins** - I agree with that, totally, because I had addressed that and he said the only time that it is not open is if she has gone to get the mail or he is gone to use the bathroom. It is apparently a problem. I have had several people ask about that.

**Council Member, F. Perry** - I know, myself, one day I had made three trips in one day and all three times it was during the posted times that the office should have been open and the door was closed and there weren't any lights.

**Mayor Jenkins** - Yeah and I was over here one day and man came to get an accident report. He had been over there earlier and came over so yes we need to address that.

**Council Member, F. Perry** - And I do think she does need to correspond with these ladies in the office here. If she's gone for any reason, during those times, these ladies need to be able to answer questions when people come across the street and ask. This office needs to know.

**Mayor Jenkins** - We will address that. And Roger, do you have anything else, Frances?

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

**Council Member, R. Cassell** - In picking up one thing on Frances's comment, I think we need to look into a lot of this traveling. I think that's why a lot of the time there's nobody over there. That's some more issues of some things.

**Council Member, F. Perry** - Well, I'm talking about the time that Nancy's supposed to be there. She's supposed to have the office open.

**Council Member, R. Cassell** - I can add some light on some things in closed session if you. But this article, I don't know if Michele is aware of any of this, and I had put in that Jack Kennedy had written. It says traffic fine revenue pits state of Virginia against local governments. There's a state senator, John Watkins, has proposed the auditor's office and there has been a study done. Apparently, the state of Virginia has realized down through the years given local police and sheriff department authority to mirror image



state traffic fines as local ordinances, but they are losing out on revenue. This senator has asked a study to be done to see how much localities are taking in. Where they have allowed our police officers to stop somebody and charge them with a local ordinance that would be the same as a state fine, but the town gets the money. Jack is saying that local councils and I have had them send Kathie Noe a copy of this as well with we need to stay on top of this. Because if the state figured out, for instance, Wise County took in \$600,000 from local traffic fines that mirror state fines. If they had not allowed the town or County of Wise, whichever it is, to do that all that money would be going to the state and somebody has figured that out. They're proposing that they take a closer look that they can either tell us how to use that money or start taking all or portion of it away from us and going back to the state. They say this has come up down through the years that the General Assembly has allowed the localities to do that and it has been unmonitored. Now they come back saying they've given the localities authority to do all this and state is losing money. With the shape the state is in they are looking that this could turn out to be that we'll start losing money. So we need to, either, talk to our Virginia Legislators and find out if this is something that they are looking at trying change. We need to stay on top of it and I don't know if you are aware of anything that is coming down but it they there has actually been a study through the auditor's office cause they got some different examples here of localities how much they took in. So it has been looked at.

**Town Attorney, M. Brooks** - Perhaps it would be a good idea to write a letter from the Council to our local legislators that you all are opposed. If you are, in fact, opposed to that I'm sensing the tender of that is the first time I was aware of it is when you brought it up in Planning Commission the other night. But, that's your best protection is your local legislator.

**Council Member, R. Cassell** - The state figures out that they are losing millions of dollars by letting localities pass traffic laws that they would have got money on you know somebody is going to react somewhere on a budget shortfall. Of course it says, VML and Virginia Association of Counties, they monitor this stuff as well. So, hopefully if anything comes down the pike they'll be on top of it too. But I wanted to make you all aware and when I emailed Mr. Kennedy, to see if I could get a copy of this, he was actually in Richmond so apparently he goes to a lot of this stuff and knows what goes on. But we kind of need to keep an eye on it to make sure because this would be a substantial loss of revenue and I can remember when I was on the Council we passed some of this to allow our police officers to collect funds on state ordinances. So, it could affect not only the town but the County as well and that's why I had her but this in. If you get a chance, if you have not read it, it's a real good article.

**Mayor Jenkins** - Thank you, Roger, anything else?

**Council Member, R. Cassell** - Well, I'll go ahead and ask, this is the Street, but it came up were you able to have Juanita come back and see if we could establish a loading zone

**Mayor Jenkins** - No, I haven't gotten, I need to get with her on this on three or four items I have written down in front of the computer that I need to get with Juanita on.

**Council Member, R. Cassell** - So, I went back and of course they can over-rule anything but in my board room I've been looking over some of the town policies and we have the right to establish loading zones and so forth. I think that Cotton and those businesses are asking for is nothing more than a 15 minute pick up, maybe not the park two hours but the. I can see how it's hurt them. I didn't realize that came all the way to Broadwater's front door.

**Mayor Jenkins** - Yeah, it's

**Council Member, R. Cassell** - If there is any way at all that we can help them with nothing more than a 15 minute pick up or something that and if you need any help I'm kind of getting where I can drive and it looks like I'm probably going to be off until after the first of the year. So, if I can help you with her and anything, just holler at me.

**Mayor Jenkins** - I'll try to get her down here in the next week or two. She's just, I just have not pressed getting her down here. She's good about coming if we call.

**Council Member, F. Perry** - Wonder if we can just have her coming to before a Council meeting and explain that. We could inform these people that have been questioning about this particular spot over here and they could all be here and hear this.

**Mayor Jenkins** - That may be a good idea. I'll ask her if she would.

**Council Member, R. Cassell** - I'm really impressed with Juanita and some things that she has enlightened us that she was trying to make happen behind the scenes. This turn lane here for instance that she has told us she has done behind the scenes to try to make it happen.

**Mayor Jenkins** - Yeah, she works to help us all she can.

**Council Member, W. W. Ross, Jr.** - Since we getting into the holidays in the next two weeks probably very difficult most people start taking their vacation and so you might have to wait. I mean it may be possible she may have some time, but usually everybody starts getting into these holidays/vacations.

**Council Member, F. Perry** - They'll be over by the time we have the next Council meeting.

**Council Member, W. W. Ross, Jr.** - Pardon me?

**Council Member, F. Perry** - They'll be over by the time we have the next Council meeting.

**Council Member, W. W. Ross, Jr.** - I said that'll be next year.

**Mayor Jenkins** - I'll see if she'd like to come to the next Council meeting too.

**Council Member, R. Cassell** - A lot of times it's just a matter of getting her down here explaining to her. Because, there has been a couple instances that she has flat out told us no on something and after we presented a case and they went back and looked at it.

**Council Member, F. Perry** - Well, if she was here and they had questions she'd be the person to give the answers.

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

**Mayor Jenkins** - Any other Council reports?

**E. ECONOMICAL DEVELOPMENT COMMITTEE** - None

## **F. FACADE COMMITTEE**

**Mayor Jenkins** - Was supposed to have met last night and we did not. I have gone ahead and signed the extension on the grant program for the downtown revitalization.

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

**Mayor Jenkins** - Yes, Wallace.

**Council Member, W. W. Ross, Jr.** - Yeah, on this downtown committee who do they have a chairman that report to us about this money or how we know what how we know to monitor this that the grant that we get and how?

**Mayor Jenkins** - We have a grant administrator that monitors.

**Council Member, W. W. Ross, Jr.** - So, we he doesn't give us a report on this?

**Mayor Jenkins** - He can it's out there anytime.

**Council Member, W. W. Ross, Jr.** - I mean it's not part, I mean for us to maintain this money to keep what's going on to give us some kind of

**Mayor Jenkins** - He reports to the Facade Committee and information is available any time you want it. Rob can give it to us. We hired him as administrator.

**Council Member, W. W. Ross, Jr.** - So he doesn't have to report, he doesn't come to us and give us a monthly report on it.

**Mayor Jenkins** - If you want a monthly report

**Council Member, W. W. Ross, Jr.** - I mean I mean what is the criteria for the Councilman/Board to do that? Is that

**Mayor Jenkins** - No.

**Council Member, F. Perry** - The criteria is to have a grant administrator to take care of it

**Council Member, W. W. Ross, Jr.** - Take all of it, oh okay then and we don't have to worry about it?

**Council Member, F. Perry** - That's right.

**Council Member, W. W. Ross, Jr.** - Okay. Anything comes up missing, I'm just they don't

**Mayor Jenkins** - VHDC does the full accounting of every bill that is paid.

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

**Council Member, F. Perry** - He answers to a higher power than us.

**Council Member, W. W. Ross, Jr.** - Oh that's what I wanted to know that we

**Mayor Jenkins** - And we answer to them, anything we do, VHCD does, they do the audits, they do everything before there's a draw down made they have to sign and not only us, but they have to sign to release the money before we can even get it to spend on somebody.

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

## **H. HISTORIC COMMITTEE**

**Council Member, F. Perry** - We don't have anything.

**I. MANAGER REPORT -**

**Mayor Jenkins** - Honestly, I have had very little time to do much. We have done some interviews with potential Town Managers and handled some water issues and few things, but nothing that major in the last few weeks.

**J. PARK COMMITTEE -**

Mayor Jenkins - Anything from the Park Committee?  
Council Member, F. Perry - We didn't have, they didn't show up.

**K. PLANNING COMMISSION -**

**Council Member, R. Cassell** - We were absent two members, but we did have a quorum to meet. We do actually have a lease agreement from VDOT in hand for the King Ford property. We went over it with Michele. We made notes, there are some things in there we are questioning and concerned about that she has to get back with Juanita as well. One thing is they had us down to a year and renew each year, we asked for five and we got to renew everything three years. Michele was going to clarify that we couldn't move the historical markers, but it is in there that we can.

**Town Attorney, M. Brooks** - Her last email was she didn't think you can do it. Kind of getting some mixed messages on that.

**Council Member, R. Cassell** - She told us about closing the cross barriers we could get by with the orange barriers and now they want concrete with a picture of state standards. We need to clarify if they can frame up and pour concrete or if we can get by with the barriers. Our big concern is where we stand on this oil residue. There was a paper on the businesses they were going to purchase and it states they would clean it up when they purchased it and provided the cost. They put 2-3 inches of barrier

**Town Attorney, M. Brooks** - They covered it, as she explained the level that is required for the level of petroleum they had it in.

**Council Member, R. Cassell** - That is part of what comes in where no more excavation and it's not like it was puddled and standing just where it's been through the years. Other than that, most was minor, want to iron it out and hope in January we can make a recommendation. It's going quite well from being told no to start with.

**Council Member, R. Lane** - On the cross over you were talking about, maybe potentially forming. I wonder if there is potential, I don't know about the width, of that existing barrier down through there now. You know those large concrete, those things are up all over the place. It wouldn't take any time to set a couple of those in there to be able to do that. I don't know if there would be safety issues. That may be something to talk to them about.

**Council Member, R. Cassell** - All they want is to keep anyone from turning across.

**Council Member, W. W. Ross, Jr.** - So, that's just for the three year contract and to block that off in case they do not renew the three year contract and they be able to take that concrete up. Is that

**Council Member, R. Cassell** - No, once it's there, it's there. When Steve met with myself and Jo Ann, their intention, eventually, is to close everyone of those cross overs down there. They want them gone.

**Council Member, W. W. Ross, Jr.** - Well, that's what I was saying, we couldn't advocate to them that that's a safety hazard anyway down through there because when people try to turn down in there it is awful and very dangerous. So, I didn't know if we could use that approach to have them do it to close it since they want to do it.

**Council Member, R. Cassell** - They pretty much said in the contract any expenses would be the Towns. We're asking for the land and we bare the expense. I don't know if they would

**Council Member, W. W. Ross, Jr.** - We could negotiate with them and ask. I mean you know

**Council Member, R. Cassell** - It's worth a shot, but the way the contract reads, I don't know.

**Town Attorney, M. Brooks** - Well, it's what they originally told us it will be minimal. Again, what Roger said, they changed that from the first time to this last contract that we have. I have not spoken with Juanita about that yet. We just met last Tuesday.

**Council Member, R. Cassell** - Another thing, we had discussed is maybe hold off a month or two until spring. Every month that we sign it, is that much ticking away and you can't do anything in the winter anyway.

**Council Member, W. W. Ross, Jr.** - Well, can we approach Mr. Kilgore to get a little funding for that? Is that, would that be

**Council Member, R. Cassell** - That question came up. It would depend on we don't actually have title of the land, but again we are trying to do it has improvement.

**Council Member, W. W. Ross, Jr.** - To the whole, improvement to Scott County as a whole.

**Council Member, R. Cassell** - But, I would think we would need to have at least a signed contract before anybody would even talk about money. We could say that we are going to do anything, but until we get that contract worked out. That's where we stand on that.

**Mayor Jenkins** - Thank you, Roger.

#### **L. PUBLIC WORKS** -

**Mayor Jenkins** - They have been having a bad time with the garbage trucks. Both trucks have been out of service. They have been picking up with pick-up trucks, transferring to the dump truck and then to the landfill. We have one running right now, but not really well.

**Council Member, W. W. Ross, Jr.** - So, we don't have no contract with any mechanic to work on our diesel?

**Council Member, R. Cassell** - That's where it's been.

**Council Member, W. W. Ross, Jr.** - Well, I mean in the sense of a contract where it would be for our in the contract if we have it if they would go to and work on it tell them that we need that, we couldn't wait? Is that, instead of just taking it in and letting them make a decision they work on other things that we have a written agreement that if it breaks down we need it emergency we can't wait you have to work on it?

**Mayor Jenkins** - No and I don't know if you would ever. I mean we can pursue a contract like that, but most people are on first come first serve basis. I would assume you would have to have retainer and pay certain monthly fee to even get a contract like that to where you get first in line. That might be something to look at.

**Council Member, W. W. Ross, Jr.** - Well, you could we can even talk to them you know I mean when this problem happen we have the truck go down like this is considered an emergency because it makes it hazard for men to pick up the trash in this condition.

**Council Member, R. Cassell** - Make you feel any better, when I used to take the fire trucks to these dealers they sat on the lot just like anybody else. And I go down there to fuss about it, we'll try to get it in, but our bays are sitting full. Like Mark said, pretty much when you go it's and I think what Chris told me, one of them was kind of trial and error. They didn't know for sure.

**Mayor Jenkins** - They weren't sure and now we got the other one down and it's going to be, their suggesting a \$1,800 rebuild fuel injectors with no guarantee that that is the problem. Until we can discuss it, I told them no, that we weren't going to do that. That was last this evening when I got the call on that because this is the 98 model or 97 model truck. It's not done well and if put \$1,800 into something and don't even know if it's going to work. I have set up, just for information, an appointment with Waste Management to discuss what the options are so we can weigh it against the cost to actually pick up trash ourselves or to go into contract. That's something we have to entertain that in the Council and really look at it, but trying to establish some kind of base line on what the actual cost of buying the truck. You're looking at around a little over \$200,000 to buy the kind of trash truck we need and you're looking at a six year life on a truck like that. You are using 2-3 employees. That is something that we're gonna have to look at to see what is the most feasible way and I am going to meet this week with Waste Management and it'll probably call Browning Ferris and see if they have, if they want to make proposal because we know about how much trash. I mean it 163,000 pounds a month. We know how many pick up points there are, so I think they can give us some rough idea of what it would cost. They may want to implement some kind of recycle along with that. But we need some numbers where we can make an informed decision on what's the best thing to do. But spending \$200-220,000 every six years on a trash truck that's a lot of money. When we get some numbers together, we'll know what we're looking at. We will probably rate it at 2.5 employees of what the actual cost of the truck. Part of the time we are using our employees, part of the time is those on community service to help man the trash truck. You are putting employees at risk getting needle pricks. We've had things in trash which may be eliminating some issues. I don't

know how they would handle assuming they would want to go automated pick up where they provide the containers and the truck. Nobody ever handles them. We've had people cut had needle pricks and everything else through trash bags. It'll take a few meetings probably to establish the right thing to do. The finance committee will have to look at a lot of it and make recommendations I'm assuming. But, I'll try to get the initial meetings over with and get some numbers for all of us to look at.

**Council Member, R. Cassell** - Will you find out if they have smaller trucks? Cause I don't know if those trucks with the arms they could get out even on my street.

**Mayor Jenkins** - They may not be able to and that's what I'm assuming the guy when he comes to look at it will want to make a town run and see what they are contending with.

I know they do have smaller automated pick-ups.

**Council Member, F. Perry** - Are they the only private service in our area?

**Mayor Jenkins** - No, Browning Ferris is the other.

**Council Member, F. Perry** - Just those two?

**Mayor Jenkins** - That's the only two that I know of. We've only contacted Waste Management right now.

**Council Member, F. Perry** - Probably ought to just get both of them.

**Mayor Jenkins** - Yeah, we'll have to, it will be enough that we'll have to put out bids, but we need to even see if it is feasible to even entertain that. It may not be. If they say it's going to be \$200,000 a year for us to pick up your trash, our \$7.50 a month will not allow that.

**Council Member, F. Perry** - We're going to have to do something. Our pick-ups aren't going to hold out.

**Mayor Jenkins** - No. Pick-up trucks aren't going to hold out.

**Council Member, F. Perry** - Our guys aren't going to hold up either.

**Council Member, R. Cassell** - The truck like we got, with the commercial chassis and packers, that expensive?

**Mayor Jenkins** - They're high.

**Council Member, R. Cassell** - One thing that would help and it might be a little more in the long run. But the last two, the chassis have not been heavy duty enough truck. Especially the Chevrolet that we have now it needs to be like an over the road truck like a freightliner or something like that. You might pay a little more but you get a longer life span out of it. I think.

**Mayor Jenkins** - This is going to take some studying.

**Council Member, R. Cassell** - We'll have to try to get that in the budget. The other newest garbage truck is a 06 I think, somewhere there about? I think the dump truck is pretty close to being paid, if I understood Chris right.

**Mayor Jenkins and Council Member, F. Perry** - Both state, it should be.

**Council Member, R. Cassell** - To help me remember when we start budget if we can look at that.

**Mayor Jenkins** - They did 163,500 pounds of trash pick-up this month, brush pick up was 10,520 pounds, recycle 11,720 pounds with 81 work orders. They had been very busy.

#### **M. SANITATION AUTHORITY -**

**Council Member, R. Cassell** - I missed because I slept through it, but reading the minutes there wasn't anything covered that I could tell, was there Michele?

**Town Attorney, M. Brooks** - We informed them we have potential water rate increase to make them aware of the situation. That was about it.

**Council Member, R. Cassell** - My question is, the wording in the by-laws we must, is that going to leave us in the same position, we don't have the number of members we need that we can't meet? We're going to have to find somebody quick. We must have five, but we can meet with three.

**Town Attorney, M. Brooks** - Correct.

**Council Member, R. Cassell** - If we continue, will be have to reword that?

**Town Attorney, M. Brooks** - We definitely have to look at that.

**Council Member, R. Cassell** - The last two we had to beg to even turn in application. Not that hard of position. It's one of the easiest committees that you can be on. Something to keep in mind if it gets to where, the by-laws read, and we didn't find out until recently, we must have five people or we can't even meet. There has to be three of those five be there. If you don't you can't even meet, we're not a legal body. The only other option if it continues to we can't get people is to do away with it and let the Council handle the business. We talked about that in the past and happy we had a full membership, first time in a long time. Our Chairman and Vice-Chairman both are getting up in age and of course Jim has already turned his in and our Vice Chairman is talking about following suit pretty soon. He's been on it 20 years I guess. Don't know what's going to happen down the road and if you know anybody at all you could coax into it. That is one



committee that has to live in town. That is in the by-laws, they have to live in town limits. It's once a month and most time never in there for more than an hour. Most times 30 minutes because PSA pretty much takes care of everything else we're just kind of their oversight committee. Asks again if you know of anyone who wants to be on it otherwise we won't be able to meet next month. With all these pending rate changes, we're going to have to have a meeting.

**Town Attorney, M. Brooks** - We can't raise the sewer rates without that.

**Mayor Jenkins** - Thank you, Roger.

#### **N. STREET COMMITTEE -**

**Council Member, W. W. Ross, Jr.** – I have a, on the streets that have been paved, just like to know, from my prospective, why do they do it in cold weather? Wait till the weather gets cold before they pave the streets. Is that because the money or it's because it's too hot to do in the summer?

**Mayor Jenkins** – I'm not sure why it's done that way.

**Council Member, R. Cassell** – This year is pretty much we had to wait till the tax revenue started coming in.

**Council Member, W. W. Ross, Jr.** – So, it was like a funding thing.

**Council Member, R. Cassell** – Now they maybe in the spring we can go back and review what he has patched and see from there what actually needs paving. Then we can get started on it a little earlier. Tax money is coming in now, feel a little better. That's the bad part about until we kind of get caught back up we rely on that tax revenue, it doesn't start coming in until fall when the tax tickets go out.

**Council Member, W. W. Ross, Jr.** – Well now, would the price of the pavement goes up or down is it maybe you know where I see here where in November they used \$1,018.62 so how do they determine which streets they paved first and other streets they paved second? How did they have a system or do they just go ahead

**Mayor Jenkins** – I thought you all had recommended the streets.

**Council Member, W. W. Ross, Jr.** – Right, we did, I just wanted to know how they just go by.

**Council Member, R. Cassell** – I think this time he just took the list in general and tried to do some on the whole list as opposed to hire a contractor and pave. They tried to improve all of them until they were passable until we could go back and bring the pavement company in. I've not been able to drive, to go back and review to fine tune that list, but I hope to here soon.

**Mayor Jenkins** – Something that I would like to ask the Street Commission to do is to start thinking, instead of us waiting till the last minute to turn over the ¼ mile to the state. To start thinking about what ¼ mile of town street we need to turn over to the state this year.

**Council Member, R. Cassell** – Do you have criteria for that so we kind of know?

**Mayor Jenkins** – Yes, somewhere. It has to be a minimum 30' width and

**Council Member, W.W. Ross, Jr.** – I know but if we turned over the streets don't that hurt us into the sense of how we as a city and besides that I just wondered now like for instance, Cleveland Street that's a state street, correct? Alright now, they didn't finish paving all of it. They did, they said they was and it's still in bad condition so if we keep giving streets this street is downtown and they they're not taking care of it and we don't take care of it then how is it going to reflect on the town? Because that's right there between Cleveland Street is right there at the main base of downtown. And that whole section right up there they didn't even pave that part of it. So, I didn't know where they planned to do we need to address that issue ask them when they plan to pave it but if we keep giving them streets to them and the budget cuts is coming then how'd that going to improve our streets as it coming now?

**Mayor Jenkins** – Chances are they're going to have more money to pave than we are. For every piece of street we turn over to the state when snow is scraped, even though we're doing the snow scraping, if it's on a state owned street we get paid, reimbursed for equipment use. That is one place where we keep our hours and what equipment is used and the state reimburses us for keeping the snow cleaned off of the street. It's supposed to be an advantage to turn the ¼ mile over. That is one option we got is to turn that ¼ mile over each year.

**Council Member, W. W. Ross, Jr.** – I know, but I've lived on a street that has been a state street for the last 50 years and they very paved it very seldom I paid my as they say 50 cent tax every year for the last 50 years on that street and it still wouldn't add up how many times they didn't paved it. So that's what I'm saying, and it's inside the city and that street you all talking about maybe looking at putting a subdivision up through there up on the back street which I don't think that street should even be wide enough to put one up there between Cleveland Street and Chestnut Street there's a curve right there. It's just now wide enough for one car go up. That's going to increase the traffic on both ends so how how you gonna widen the street with extra traffic coming up and down that hill?

**Mayor Jenkins** – I don't think we're going to widen the street. The access will actually be off of Woodland.

**Council Member, W. W. Ross, Jr.** – But they're going to plan to kind of come in that way too, so it's not going to be wide enough.

**Mayor Jenkins** – There is access from the other end, but the main entrance will be off of Woodland Street.

**Council Member, W. W. Ross, Jr.** – Coming down that alley way down that wide enough up there for that too? That's off if I'm thinking where that you talking about there it's going to be pretty tight going up that street. I don't have my map but

**Council Member, F. Perry** – You talking about going up Woodland and coming out there in front of Peanut's?

**Mayor Jenkins** – Yes.

**Council Member, F. Perry** – There won't be no alley, there's no alley there.

**Mayor Jenkins** – That's a wide road. That's where the main entrance is going to be.

**Council Member, W. W. Ross, Jr.** – Wide enough for two cars or one? Is it wide enough?

**Mayor Jenkins** - Yes, it will be, yeah it's a two lane road now and it's going to be as wide or wider than what's there.

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

## **O. SAFETY COMMITTEE -**

**Council Member, W. W. Ross, Jr.** – No, I don't have anything. Not right now.

## **P. WATER PLANT**

**Mayor Jenkins** – Loss from the distribution system was 34% last month. So, we're still not where we want to be but still a whole lot better than what we were. They produced 8,390,000 gallons into the system. We are running around 14-16 hours a day versus where we were running 22 and doing our back wash and everything. So, it should be a whole lot better if we keep continuing like this as far as the revenue coming in and what we are paying. Loretta did call me, she hadn't got that noted on here, but the Health Department did do an inspection the other day and they scored perfect. I think that is the first time it has ever been 100% on all documentation running everything and they told them it was very rare for any water plant to get that. So, we got

down there is at least operating well and they are doing their job extremely well. That ends reports.

## **XI. PUBLIC COMMENTS**

**Ron Baker** –Brenda Dishner had to go to a wake and asked me to, in her place, to distribute these to all of you all. Essentially, the only other comments I'd like to make is I feel like since we had a lot of things come up and in the past with the of all kinds of different issues here in the town, that we should consider, and I personally hope to pursue this, that we should consider a change to the city ordinances. Which initially says that any property owner of property in the township of Gate City be given the right to vote on any issues that come up requiring a vote within the city and that they also should be qualified to run for any position of Council, Mayor or Vice Mayor on this Council. Now I know that has to be brought before the voters, but it's a proven fact that we have more people who own property in Gate City that do not live in Gate City than we actually have people who live in Gate City who own property. So, hopefully in the before the next election the referendum we have on that can be brought to better where we can have equal representation to property owners in the town. Way it stands, at present, we are subject to taxation by the town, but we have no representation in the town to say on that taxation. Thanks.

**Mayor Jenkins** – Thank you, Ron.

Mayor Jenkins closed the public comments session at 7:52 p.m. and opened the consent agenda session.

## **XII. UNFINISHED BUSINESS**

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

**Mayor Jenkins** – Andy Miles is working out the details of that. It's a routine thing we have to do before we can go into any water projects.

**Motion made to advertise for procurement of bond.**

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

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

- **Ron Baker** – 153 W. Jackson St., 577 E. Jackson St., 492 E. Jackson St., and 280 Estil. First of all I'd like to comment and say I appreciate Frances going through this work of putting this together on these bills or having it done, whichever was the case. The reason I'm back here in this situation is to try to get an understanding why the last meeting when it was passed to refund the \$125.00 that was the refund of the cut-off charge and the meter tampering fee and why I haven't received my money.

**Council Member, F. Perry** – My turn? I told you I would do this, Mr. Baker and I did it right through the time that I had the information for it and if you would look at it, you would see that the time that it ended was October the 24<sup>th</sup> and at that time your bill would have been \$60.00. That's what you would have owed, the town, would have been \$60.00. I did ask the office if they would run that from that time until today and they did. Today they told me that you came in and you paid up and owe us nothing.

**Ron Baker** – Right. It’s an honest mistake on my part that the water bill that I received for the month before last got messed up in my papers somewhere. I lost it. I thought I had it paid and obviously I hadn’t.

**Council Member, F. Perry** – In regard to your statement before that policy is not law. I agree that policy is not law but you must understand that we must have policy in order to treat each citizen of this town fairly and justly. That’s why we have policy. In our policy it states that we will give a water customer an adjustment once a year. You had your adjustment this year already. At the last meeting, I think the motion was we would give you an adjustment of a certain amount. At this time, I would make the motion to that that motion be rescinded due to the fact that our policy states that you would have one adjustment per year and you had that one. So, I make the motion that that motion be rescinded - Interrupted by

**Ron Baker** – Before anything is said on that

**Council Member, F. Perry** – Sir, I made a motion Interrupted by

**Ron Baker** – Yes, but let’s before anyone takes a vote on that, let me bring

**Council Member, F. Perry** – Well, we have to have a second - Interrupted by and talking over F. Perry

**Ron Baker** – something to your attention

**Council Member, F. Perry** - before we can have a discussion

**Ron Baker** – Talking over F. Perry – You made no refund on anything concerning the water with me on that amount.

**Council Member, F. Perry** – Mr. Mayor I have made a motion we cannot discuss it until we have a second. Is that right?

**Mayor Jenkins** – That is right. Is there a second?

**Council Member, R. Lane** – To rescind?

**Council Member, F. Perry** - The motion that was made to give him another refund.

**Council Member, R. Lane** – A second refund?

**Council Member, F. Perry and Mayor Jenkins** – Speaking at the same time. F. Perry responds yes, Mayor responds no.

**Ron Baker** – No. There was no second refund, whether you like it or not. This is trying to block me out Frances. So that you can manipulate the rules of procedure here. To get around this. This is not a water refund. This is a meter tampering fee and a fee for cutting the water back on. Had nothing to do with an adjustment on the water whatsoever. Nothing. You can’t rescind something of that nature that the Council already voted on and go back.

**Council Member, F. Perry**- Yes you can.

**Ron Baker** – You, actually, did not have the right to call down here and withhold the check as this Council voted to refund that money to me and you did that.

**Council Member, F. Perry** – I didn’t call down here - Interrupted by

**Ron Baker** – Well you told them to.

**Ron Baker and Council Member, F. Perry** – Speaking at same time – inaudible.

**Ron Baker** – I asked Chris right in the office here. I asked him why my check wasn’t ready. I waited a week and the check wasn’t ready that the Council had given me back for the meter tampering and the reconnect fee. And whenever I asked the reason that he said it hadn’t been done was that a Council Member had told him not to write the check. I asked who that was. He said that it was you.

**Council Member, F. Perry** – Yes. If you remember last meeting the discussion was that I was going to run this and see where we stood and he could not write the check until we found out where we stood. As to your statement that we cannot rescind, it says, “It may happen that an action agreed upon at a meeting is later found to be undesirable. If it is a matter that can be remedied by reversing the action, the way to accomplish this is by a motion to rescind the

formerly approved motion that,” and then state the action that you are rescinding, that’s Roger’s motion and we review a check.

**Ron Baker** – That you said.

**Council Member, F. Perry** – Okay. “It requires a second and it may be debated. To carry it, it requires an affirmative vote of 2/3<sup>rd</sup> of those voting unless an opposed repeal was mentioned in the notice of the meeting. In that case, the majority of those voting is all that is necessary.”

**Ron Baker** – And I will remind you, that you, individually, and every one of you on the Town Council and the Mayor included are individually responsible for your actions that you take on here. And as a committee, as a Town Council, and individually – Inaudible – there is no refund there is not adjustment being done. All that this Council was doing was righting a wrong that was done to me. And that was quite evident that that was the case.

**Council Member, F. Perry** – Show me on this paper

**Ron Baker** – And now you’re trying to re-distinguish that as a refund in the water department. It is no refund in the water department. Now, you said that you listed this and you have gone through it. Is that correct?

**Council Member, F. Perry** – I worked on it for a month.

**Ron Baker** – And I know. And you’re and not only did we have the, well we’ll get this issue out of the way first. That is not a refund. I mean that is not an adjustment.

**Council Member, F. Perry and Ron Baker** – Speaking at same time – inaudible.

**Council Member, F. Perry** – Show me on here where you have a charge that you disagree with.

**Ron Baker** – How many do you want me to show you?

**Council Member, F. Perry** – I said show me where you have a disagreement.

**Ron Baker** – Okay, let’s go page #3. Now you take it up to that point and here we have listed on the page – inaudible – and all this kind of thing here, alright. Correct me if I’m wrong but on commercial water you are billed 100% the commercial water as a sewer charge, is that correct?

**Council Member, F. Perry** – That’s correct.

**Ron Baker** – Alright, you explain to me how here on 4/21 I’m billed for \$150.94 for water but yet I’m billed on 4/21 for \$197.10 for sewer.

**Council Member, F. Perry** – I don’t see 4/21 on my page 3.

**Ron Baker** – Well, you better do something about looking because everyone else can see it. Would you like me to bring my copy over to show you?

**Council Member, F. Perry** – Yes, I would.

**Ron Baker** – Right here. I said page 3.

**Council Member, F. Perry** – Right here is page 3, no that’s number (#) 3.

**Ron Baker** – The number (#) 3.

**Council Member, F. Perry** – Right here is page 3.

**Ron Baker** – When you look at this is the billing and the billing is for \$150.00 a billing of \$150.94 – 4/21/2011. Right up here is the billing for the sewer for 4/21/2011 of \$197.10. That’s a discrepancy of \$46.16. So, therefore this is mistake number one that you owe me. Then,

**Council Member, F. Perry** – That’s the balance isn’t it left over (asking Town Clerk)?

**Town Clerk, K. Riley** – I have no idea what’s he’s looking at.

**Ron Baker** – It’s pretty obvious somebody doesn’t know anything they’re talking about when they made the billing here.

**Council Member, F. Perry** – It’s on where you have item #3 at the top and the date on this is July the 18<sup>th</sup>.

**Ron Baker** – Showing paperwork to Council Member, W. W. Ross, Jr., explaining figures.

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

**Council Member, F. Perry** - It's the July the 18<sup>th</sup> date and then the first item there is 4/21/11 sewer \$197.10 that's a carry over. That's a balance that was unpaid in April. Yes, sir. If you go back and see the April bill was not paid in full there was a partial payment.

**Ron Baker** - There was no bill being paid, at this time, Frances except I continued to pay \$40.00 so there wouldn't be arrears when this thing was settled out.

**Council Member, F. Perry** - Is that not correct, Kathy?

**Town Clerk, K. Riley** - That's what I'm assuming.

**Council Member, F. Perry**- That's the balance carried from the \$421 bill that was unpaid at the time, Mr. Baker.

**Ron Baker** - You have a receipt here, a #4 receipt showing that a \$40 payment being made and that the charges were \$10.00 and \$30.00 Frances.

**Council Member, F. Perry** - #4?

**Ron Baker** - And it was paid.

**Council Member, F. Perry and Ron Baker** - Speaking at same time - inaudible.

**Ron Baker** - That's on item #2.

**Council Member, F. Perry** - Ron, on #4, now go back to #4 and tell me what you said.

**Ron Baker** - #4?

**Council Member, F. Perry** - Yes.

**Ron Baker** - On billing, the bill?

**Council Member, F. Perry** -The #4 at the top?

**Ron Baker** - Oh, at the top.

**Council Member, F. Perry** - Is that what you said?

**Ron Baker** - No, I, mine is cut off but apparently it must be #2 and the bills.

**Council Member, F. Perry** - Okay.

**Ron Baker** - Mine doesn't show it on top that's what the number is. I assume that's what the number is, this one? And it has two bills on there.

**Council Member, F. Perry** - I would assume that is correct then being - inaudible - #1.

**Ron Baker** - That's what you're making reference to is the 4/21 billing here and it shows the billing as being \$10 \$30 and that it was paid.

**Council Member, F. Perry** - No, there's no 4/21 on that page except right there it says paid part of 4/21 bill.

**Ron Baker** - This one.

**Council Member, F. Perry** - Right, but that's May 5<sup>th</sup>'s. That's May the 5<sup>th</sup>, receipt on May the 5<sup>th</sup>. You see May the 5<sup>th</sup>?

**Ron Baker** - Needless to say, going back to #3, page #3 of this bill here that if you had \$150.94 carried over in water then it should have been the same \$150 and 94 carried over for sewer as well. It can't because it's 100% of each.

**Council Member, F. Perry** - You're not following the dates, Mr. Baker.

**Ron Baker** - What?

**Council Member, F. Perry** - Are you seeing over here on the side, the dates?

**Ron Baker** - I'm looking at exactly the dates the 4/21 and 4/21.

**Council Member, F. Perry** - Okay, 4/21 says that \$197.10. The \$150.94 that you're talking about that's an additional charge this other is

**Ron Baker** - It's not an additional charge.

**Council Member, F. Perry** - Well.

**Ron Baker** - No it isn't. No it isn't. This is where you applied the, this, where you applied the adjustment to it. It's no additional billing at all.

**Council Member, F. Perry** - Inaudible.

**Ron Baker** – The discrepancy is \$46.16. Now moving to #4 page, with # 6 bill the page right after that. Now, it was the decision of this Council to make an adjustment and that all and it is the law that and this is in dispute interest and penalty are not charged on this account?

**Council Member, F. Perry** – We refunded you, we refunded you your penalty and interest.

**Ron Baker** – Look here at the top of your alright in the beginning of this bill and you see that there is sewer interest sewer penalty, water interest and water penalty. Which comes to a total of \$50.90.

**Council Member, F. Perry** – Right

**Ron Baker** – So, that too is wrong. Because that, if you were taking off, then that would not be on this page. You didn't take it off.

**Council Member, F. Perry** – Yes, sir we did.

**Ron Baker** – No, you didn't. Because right here at the bottom, you look at the bottom of that receipt and the amount that I paid you is \$425.29.

**Council Member, F. Perry** – We refunded you the \$50.90 penalties and interest on an adjustment. Yes, sir. We adjusted you

**Ron Baker** – Show me where you see that.

**Council Member, F. Perry** – Right there. You need to see it on here? I can find it.

**Ron Baker** – What page are on for that?

**Council Member, F. Perry** – The second page, right there. You had an adjustment of \$257.14 water, sewer and garbage. You had an adjustment of \$50.90 penalty and interest. I can find it on these print out, receipts here too. It's on #3.

**Ron Baker** - #3 as in the

**Council Member, F. Perry** - #3 at the top. Okay. Do you see on 5/24 it says sewer interest \$3.94 minus \$3.94, do you see that?

**Ron Baker** – Yes, I do.

**Council Member, F. Perry**- Okay, do you see sewer penalty on 5/24 \$19.71

**Ron Baker** – Yes.

**Council Member, F. Perry** – Okay, do you see water interest \$4.54

**Ron Baker** – I do.

**Council Member, F. Perry** – Do you see water penalty \$22.71

**Ron Baker** – Yes.

**Council Member, F. Perry** – Okay, if you add that all up I think you'd come up with your refund that you \$50.90.

**Ron Baker** – Alright, so it's a carry over into the okay answer this for me then how does it get taken off here and it is added back on the bill that I have to pay to get the water on the 4/25 because you've taken it off here on this side and that was the bill that starts out 4/21/2011 and then back on 4/21/2011 which is the bill the process bill where I paid the town \$425.26, it's added back to it.

**Council Member, F. Perry** – That's when it was added on to start with. This was taken off in May. You're talking about April, this is May. May comes, my calendar May comes after April.

**Ron Baker** – Well, if this is taken off then why is it dated the 21<sup>st</sup>, Frances, of April?

**Council Member, F. Perry** – Where are you seeing that?

**Ron Baker** – Right here. On the same receipt that you showed me. It's there, what's the date on that?

**Council Member, F. Perry** – Show me where the printed charge there.

**Ron Baker** – Right here's the negative which is the removal, right?

**Council Member, F. Perry** – Right.

**Ron Baker** – Well, here we start out with 4/21 4/21 look on the receipt there.

**Council Member, F. Perry** – That's not penalty and interest.

**Ron Baker** – It is penalty and interest.

**Council Member, F. Perry** – No, sir that's your sewer charge. That 4/21 SW COM 153 W 128 157

**Ron Baker** – I know, I see that, I see that.

**Council Member, F. Perry** – That's your sewer charge.

**Ron Baker** – Okay, it's taken off and it is taken off alright off the bill then you come back over here and you add this up you're showing it being added back the bill to get the total of \$425.26.

**Council Member, F. Perry** – Where is it added back, Ron?

**Ron Baker** – The very next bill. The very next page. Right there. You can't take it away on one page and add it back to the bill on the next page.

**Council Member, F. Perry**- This is after that. This don't say – Interrupted by

**Ron Baker** – Regardless of the time that you

**Council Member, F. Perry** – This doesn't say 4/21 Ron, this says 5/19

**Rob Baker** – Regardless of the time that you implement this adjustment and what we're talking about here is a bottom line of \$425.26 was charged to me after the adjustment was made. After it was made this is the amount you came up with and said that I owed. Okay, you told me in the letter all penalty and interest was being taken from this bill, there's none of it on it. But yet when I come up here to pay the bill right here you're clearly showing that you're putting that penalty and interest back on there it's included in the sum of \$425 that I paid.

**Council Member, F. Perry** – I don't have my calculator.

**Ron Baker** – Creative bookkeeping is one thing, but now this is this is outrageous. This is outrageous.

**Council Member, F. Perry** – There's not creative bookkeeping here. I took all your charges and added them, every charge that was on there and added it right there. I took every penalty and interest and added right there and the meter shut off fee right there and that come up with that total \$1381.30. Okay? Then I took all the payments

**Ron Baker** – No, it's not okay. It's not okay. Because the bottom line is the bill that's right here in front of you, you got labeled #4, 4 at the top and #6 as receipt. And when you come over here and you add that penalty and interest onto the bill that I paid you a check wrote her a check for \$425.26 you can't you can't do that by taking and giving me an adjustment than add it back to the bill that I have to pay to get the water service back in order.

**Council Member, F. Perry** – Sir, you didn't pay that until August the 17<sup>th</sup>.

**Ron Baker** – I paid \$425.26

**Council Member, F. Perry** – On August the 17<sup>th</sup>.

**Ron Baker** – After this dispute was over and it finally had the figures that supposedly was it and then following an addition and additional to that, look at here at 7/22 on that same bill and you have two garbage added on there which is what you said you were going to do after this bill was settled. And you went prematurely and put \$20.00 more onto this bill making me another which is added into the \$425 that I should have never paid until this thing was completely settled and I paid off the final payment with the adjustments being made on it. There should never been any commercial garbage added onto this prior to that time, and it was. There's two counts of it.

**Council Member, F. Perry** – There should have been commercial garbage on this – interrupted by and talking over F. Perry

**Ron Baker** – It doesn't matter during the dispute and whatever the letter that you sent me clearly stated that that would not be initiated until the billing period of this water bill was settled out. But yet you went and put \$20.00 on there anyway. There's another \$20.00 that I shouldn't have been charged on this amount of \$425 to reinstate the water. Plus, the obvious thing which we already gone over, the obvious thing is the \$125.00 for a reconnect fee which shouldn't have been done



because it was six days prior to the bill being due that it was shut off and the tampering fee should never have been added to it, because the water should never been shut off in the first place.

**Council Member, F. Perry** – If the bill had been paid it wouldn't have been.

**Ron Baker** – The bill was not to be paid because simply there was no settlement on the bill, until that point in time. I received the bill that told me it was due on the 18<sup>th</sup> and I paid it prior to the 18<sup>th</sup>. You had no right to go and cut the water off prior to the 18<sup>th</sup> of the month after that settlement was made or that adjustment was made.

**Council Member, F. Perry** – Now, can I say what I wanted to say?

**Ron Baker** – Whatever you like.

**Council Member, F. Perry** – On August 17<sup>th</sup> when you paid \$425.26 with check #3618, you paid the balance of your April 21<sup>st</sup> bill, you paid your June the 22<sup>nd</sup> bill and you paid the July the 22<sup>nd</sup> bill that was three bills combined, right there. That's what the \$425.26.

**Ron Baker** – I had paid \$40 had I normally been charged before this leak.

**Council Member, F. Perry** – Well, you have been given credit for those \$40.00.

**Ron Baker** – But, it doesn't take credit, it doesn't do anything for the credit on this \$20 extra for the garbage that shouldn't be on there, nor adding back the penalty and interest on this bill to make it \$425 and there's no justification what so ever, none.

**Council Member, F. Perry** – Well, I'll tell you what, why don't you take your, why don't you take your time and make you a running list – Interrupted by

**Ron Baker** – I'm not going to spend any more time at this. I gave you all the time that anybody should need. I've been here for every Council Meeting for the last six or so, at least, trying to get some kind of rectification done on this issue. And it has taken up my time, each and every time, which I've got other things to do as well. And, I've done this on this as much as I can. It seems that what I'm dealing with is, is just a long gated attempt to draw this out to attempt to twerp my efforts to get justice out of this Council towards what was done on this water bill and it doesn't seem that this, well, particularly you and Mr. Jenkins there do not want to do that justification, because it is obvious that I'm being drug around here. This is not, this is not. There is no issue about this. It's clear.

**Ron Baker and Council Member, F. Perry**- Speaking at the same time – inaudible.

**Ron Baker** –In any reasonable person's mind, as the law states, in any reasonable person's mind of thinking, there is no need that we roll over and over and over for these facts and by putting together a booklet as there was a time before and this one each time the same mistakes were in each one of these fact finders that you produced and yet here you are trying to say that you made a mistake in justifying your mistake before that now you want to rescind what you corrected on those other mistakes before. That's ludicrous. That's ludicrous.

**Council Member, F. Perry** – I'm sorry your mind is closed to good explanation.

**Ron Baker** – Pardon me?

**Council Member, F. Perry** – I said that I'm sorry that your mind is closed to a good explanation.

**Ron Baker** – Well, the facts will stand up anywhere, Frances, it's here in black and white.

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

**Ron Baker** – It's your figures. That's exactly right. It'll stand up anywhere.

**Council Member, F. Perry** – I did what I told you I'd do, Mr. Baker.

**Council Member, F. Perry** – You did.

**Council Member, F. Perry** – Okay.

**Ron Baker** – You compiled in your fact finding mission here, but it still doesn't. Because you compiled it does not correct the mistakes in it.

**Council Member, F. Perry** – I didn't find it.

**Ron Baker** – It's obvious. So, my request here is: 1. To follow through on the motion that was made and seconded for the justify/rectify the injustice before of the \$125.00 reconnect fee and the

meter tampering fee. 2. To refund the amount of this up here which was added to this \$425 bill that I paid, regardless, of how you want to state it up here up front, it has nothing to do with the amount of check that I wrote you or wrote the town. And it should not be on the bill. And I should not have paid it. And I should not have paid commercial garbage which was added to this cause it said that it would only be done after the settlement of this bill and when the next bill came along. It was and ever since that time I paid it and you have produced a bill right here in your facts to show that I have.

**Council Member, F. Perry** – I'm looking for Roger's motion. Roger's motion was made to refund \$125.00 because of a misunderstanding on the August date. That's what he says.

**Ron Baker** – And Roger's motion was to correct the injustice that I'd been done, been put upon me by charging me a meter tampering fee and a reconnect fee when there should have never been such a thing.

**Council Member, F. Perry** – You don't think there should have been a reconnect fee?

**Ron Baker** – Absolutely not. The water was cut off before the bill coming due. You have no right to do that. After I had failed, if I had failed to pay the bill and then you had cut off, yes ma am. I was expected to pay s reconnect fee.

**Council Member, F. Perry** - I thought the meter was cut on illegally? At that point, was the meter off?

**Ron Baker** - We're not dancing around here trying to find issues, Frances. It's either, it's a clear cut here.

**Council Member, F. Perry** – Did someone not turn it on?

**Mayor Jenkins** – Yes.

**Ron Baker** - I want a refund here of \$125 that the Council passed and I also want the money which you put into the bill here of \$50.90 and \$20.00 on the trash pick-up. I can see what the other things that you found, but does not justify that you put them back in and the sum total that I had \$425.26 no way you can twist that or turn it or change that that changes the facts.

**Council Member, F. Perry** – His motion was \$125.00 and it had to do with the meter fee.

**Ron Baker** – A reconnect fee and a meter tampering fee, that's \$125.00.

**Council Member, F. Perry** – And the meter wasn't tampered with?

**Ron Baker** – No ma am. The meter wasn't tampered with, because the church people went down there and cut the water back on.

**Council Member, F. Perry** – That's tampering with the meter.

**Ron Baker** – It's not tampering with the meter that the town, namely Mr. Jenkins, there sent your town employees there cut my water off when the water was not due to be cut off. It was six days before the water bill came due. And you're making it a, in fact, that water was shut off when this church had been running missions to Haiti. There was a minister here from Haiti. They had no would have had no water had they had that service. It was a special called service because in his honor for coming here to the states. And they would have had the water cut off so they couldn't have used the church for that service. It was not their regular service night, it was a Tuesday.

**Council Member, F. Perry** – And you're saying the bill was paid in full up until that time?

**Council Member, R. Cassell** – Since I'm pulled into this, the conversation was when you said I was threatening you, our policy states – Interrupted by

**Ron Baker** – Roger, we're not into that part of the conversation whatsoever.

**Council Member, R. Cassell** – Our policy states you have two days to pay after you was sent a letter – Interrupted by

**Ron Baker** - Speaking over R. Cassell

**Council Member, R. Cassell** – Are you going to let me finish?

**Ron Baker** – No, I'm not.

**Council Member, R. Cassell** – Then I'm

**Ron Baker** - Because you're throwing a bunch of BS out here.

**Council Member, R. Cassell** – No,

**Ron Baker** – In front of everybody expecting them to eat it.

**Council Member, R. Cassell** – Again, you did – Interrupted by

**Ron Baker** – You brought up the fact. Fact, you put that in there as a two day period, Roger. And yet, you claim that you sent me a letter and it was sent five days later.

**Council Member, R. Cassell** – And you stood right here and said that you would not accept it from one of our Police Officers that tried to put it in your hand.

**Ron Baker** – That's exactly right. And I didn't accept it at the other two because I didn't know what it was. You didn't want to even to and try to send it to me to let me know what it was.

**Council Member, R. Cassell** – Yes, we did.

**Ron Baker** – I don't have to

**Mayor Jenkins** – Ron, I know you can't hear good, but I would ask that you tone your conversation, just a little.

**Ron Baker** – And I'm not going to waste anymore time up here with this Council.

**Mayor Jenkins** – You don't need to waste time, the only thing I'm saying that a motion was made to deduct the \$125.00. That is the only motion that I'm seeing.

**Ron Baker** – You have the second from Ms. Perry over here and it was voted on by the Council and passes. Mr. Ross abstaining because he felt like I should have had the rest of the money that was misbilled and charged and I was charged with and refunded at the same time.

**Council Member, F. Perry** – And my motion still stands.

**Motion made that I make a motion to that we rescind the previous motion made to refund Mr. Baker \$125.00.**

Motion by: Council Member, F. Perry 2<sup>nd</sup> by: None  
Motion dies due to lack of a second.

**Mayor Jenkins** – Do you have anything else, Ron?

**Ron Baker** – I would like to have the refund of that fee that has already passed Council. Not be interfered with again, by Frances and told not to write the check. And I would also like the refund on the \$50.90 which was added into the bill that I paid even though it was shown that it was taken off in another section but it was added back when the bill was made that I paid the town. And the \$20.00 that was added in for commercial garbage was not to take effect until after this was done.

**Mayor Jenkins** – Where does it say that?

**Ron Baker** – In the letter that you sent me that I have.

**Council Member, F. Perry** – You took a letter?

**Ron Baker** – What?

**Council Member, F. Perry** – You finally accepted a letter.

**Ron Baker** – Well, that what?

**Council Member, F. Perry** – You accepted the letter.

**Ron Baker** – Of course. You mailed it to me, I got it. I opened it and read it.

**Council Member, F. Perry** – Well, I have one other thing to say to you, Mr. Baker. I have said my part, I have made my motion, it failed because of lack of a second and I'm through with it. Okay. I don't have any hard feelings towards you, whatsoever. I've done what I told you I would do.

**Ron Baker** – No hard feelings here either.

**Council Member, F. Perry** - The Council has spoken so as far as I'm concerned, Mr. Mayor or the Clerk can tell the Treasurer to write you the check for \$125.00.

**Ron Baker** – Thank you, ma am and there are no hard feelings on my part either.

**Council Member, F. Perry** – We’ve been friends too long to have this come between us. Okay.

**Ron Baker** – What?

**Council Member, F. Perry** – We’ve been friends too long to have something like this come between us.

**Ron Baker** – Okay. But I would ask the Council to her tonight to make

**Mayor Jenkins** – That will not take Council action. If it’s an error, it will be corrected internal.

**Ron Baker** – Okay.

**Mayor Jenkins** – If it’s not corrected to your pleasing, then yes, it will take Council action.

**Ron Baker** – Okay. I brought this up the last time. I asked Frances about a timetable on it. There was no timetable given. Now, we’ve gone through that timetable. We have the same receipts that we dealt with the last time. And I see that I overlooked one or two items in here that she brought out in this gathering of facts. But the facts still remains that there is a \$50.90 discrepancy in that payment and a \$20.00 discrepancy that would brings us to \$70.90 instead of \$190.00 which I had the understanding I my own understanding of the last time.

**Council Member, R. Cassell** – Mark, I have the letter, it’s dated July 21<sup>st</sup> to the Seishun Karate School, c/o Ron Baker, Mr. Baker, During the recent dispute of your water bill it was brought to your attention that you had multiple tenants on one water meter. The town should have been notified of the number of users on the meter. Therefore, from this day on, there will be a charge added for the additional user for the water, sewer and garbage pick-up. The town will not make this policy retroactive, but will apply from the next billing forward. This is as per Gate City Water Policy adopted December 9, 2008, Section 15, Amended November 10, 2009 and listed below. So, it does say, from this day forward but we will not make it retroactive.

**Mayor Jenkins** – So your statement of was an error was in the letter so it does apply.

**Ron Baker** – Do what now?

**Mayor Jenkins** – You said that it said that it was we would not charge until this is disputed that does not lean that way whatsoever.

**Ron Baker** – That date that that was issued and so on was and says so on the next billing and this is added before the next billing.

**Mayor Jenkins** – If it is a mistake, it will be corrected. It doesn’t have to be – Interrupted by

**Ron Baker** – Tell me now without me having to come back to another Town Meeting. When will there be a correction on this mistake.

**Mayor Jenkins** – As soon as possible, before the next meeting, so if you’re not happy, you can come back to the next meeting.

**Ron Baker** – That doesn’t tell me a thing. Give me a specific time. And it needs to be reasonable.

**Mayor Jenkins** – It will be, something will be given to you two weeks from today.

**Ron Baker** – That’s not reasonable.

**Mayor Jenkins** – That is reasonable.

**Ron Baker** – That’s on a holiday. You can’t do that on Christmas day.

**Mayor Jenkins** – Okay

**Council Member, F. Perry** – We don’t work on Sunday anyway.

Ron Baker – What?

**Council Member, F. Perry** – We don’t work on Sunday anyway.

**Ron Baker** – I agree. I don’t either.

**Council Member, F. Perry** – Well, Christmas is on Sunday.

**Ron Baker** – So, let’s have something done at by the what the Tuesday of next week.

**Mayor Jenkins** – 27<sup>th</sup> of December.

**Ron Baker** – Can’t do that.

**Council Member, R. Cassell** – That letter is dated July 21<sup>st</sup> and I don't see the first double garbage until this bill of August the 17<sup>th</sup>.

**Ron Baker** – You must have something terribly wrong Roger cause right here it's listed right here on from the 7/22/2011. On your own receipt that I paid for it. Cause you're going to nit-pik you know we can get real deep here. There's no need in it.

**Council Member, R. Cassell** – I'm done with it.

**Ron Baker** – Refund what you owe me and we'll all be happy and we'll go on and we'll forget this thing as far as I'm concerned. I hope the rest of you feel the same way. But I'm entitled to some kind of reasonable answer concerning this thing and as soon as we're getting into these holidays, I don't know about the rest of this Council but I have to be out of here on the 26<sup>th</sup> of December and I won't be back here until the first of the year. Therefore, I'm requesting that I have an answer in the coming week before we get into the holiday weekend.

**Council Member, F. Perry** – Tell me where you see your first double billing, Mr. Baker?

**Ron Baker** – I can't hear you.

**Council Member, F. Perry** – Tell me where you see your first double billing for the garbage?

**Ron Baker** – Down here on #4 the page #4 and the bill is #6. And you have a listing here for 7/22/2011 garbage commercial \$10.00

**Council Member, F. Perry** - #4 doesn't have but one \$10.00 charge on it. This #4?

**Ron Baker** – Receipt 6.

**Council Member, F. Perry** – Receipt 6.

**Ron Baker** – Yes, ma am.

**Council Member, F. Perry** -Your first double billing is on July the 22<sup>nd</sup>.

**Ron Baker** – Yes, ma am.

**Council Member, F. Perry** – And when is the letter dated?

**Council Member, R. Cassell** – July the 21<sup>st</sup>.

**Ron Baker** – If indeed, you had followed policy, and done what you said you was going to do, on the letter that was there, this \$20.00 would have been on my regular bill because not on this bill it took me to settle it with the town concerning the water leak . It would have been on the regular bill on the next time because this amount was to settle the water leak after the adjustment was made. So, therefore, there no justification for putting the \$20.00 on this to settle the water leak bill.

**Council Member, F. Perry** – Well, that doesn't say it's settled a water leak bill, it just says it – Interrupted by

**Ron Baker** – It was told to me that if I didn't pay this amount the water could not be put back on. And then, additionally, I was told that I had to pay the \$125.00 on the meter tampering and the reconnect fee. So, we're beating a dead horse. The sub total would be \$70.90 we're done, settled, I'm happy, you aren't happy and we're back on track and the water system is running again.

**Council Member, F. Perry** – This letter says that it was dated July the 21<sup>st</sup>. Therefore, from this day on, there will be a charge for the additional user for water, sewer and garbage pick-up. So, this billing came after that.

**Ron Baker** – No.

**Council Member, F. Perry** – Yes.

**Ron Baker** – No, Frances. I received the bill and I paid after this.

**Council Member, F. Perry** – It's dated

**Ron Baker** - #6 received was paid and the \$20.00 was added on to that. That was a settlement for the water adjustment for the previous months and the \$20.00 was added onto that. It was not my normal billing. I paid the normal billing the next month.

**Council Member, F. Perry** – The letter stated that the double billing would be added on from that day forward. That day was July the 21<sup>st</sup>.

**Ron Baker** – Frances, you can't nit-pick this.

**Council Member, F. Perry** – I'm not nit-picking, I'm telling you, it's right down here in black and white.

**Ron Baker** – You was talking about procedures earlier, you've got to have some rules of procedure in order to make a meeting work, to make anything else work. You said you wanted to make it fair for everybody in the town. So therefore, don't come in and try now to adjust it again the policy.

**Council Member, F. Perry** – I'm not, sir.

**Ron Baker** – You are, ma'am.

**Council Member, F. Perry** – You're not listening to what's said.

**Ron Baker** – You are, ma'am.

**Council Member, F. Perry** – The letter said, from the day on. The letter was dated July the 21<sup>st</sup>.

**Ron Baker** – You can't talk around the fact. It's on the paper, your paper.

**Council Member, F. Perry** – It's billed on 7/22- 7/22 and when I count 22 comes after 21.

**Ron Baker** – Then why did you send me a bill on the following month which would have been for this month of service with that \$20.00 added to it? That's a double billing, if you want to look at it from that stand point. You didn't have the right to put this on there to put the water put back on because I had

**Council Member, F. Perry** – That's not what we're talking about. We're talking about

**Ron Baker** – It is what we're talking about.

**Council Member, F. Perry** – No, we're talking about - Interrupted by

**Ron Baker and Council Member, F. Perry** – speaking at same time – inaudible.

**Ron Baker** – to get the water back on from the water dispute.

**Council Member, F. Perry** – We're talking about – Interrupted by

**Ron Baker** – After your adjustment was made, Frances.

**Council Member, F. Perry** – We're addressing the \$20.00, Mr. Baker.

**Ron Baker** – I am and where the – inaudible – showed up Ms. Perry, look at #6 bill and it shows up on the bill that is billed for \$425.26 isn't it?

**Council Member, F. Perry** – But it's dated July the 22<sup>nd</sup>.

**Ron Baker** – Isn't it?

**Council Member, F. Perry** – That's what it's on, but it's on July – Interrupted by

**Ron Baker** – But that \$20.00 should never been added to this amount because this is where the water disputed being settled and paid off and it should have been added to next billing cycle not added to this.

**Council Member, F. Perry** – It was added, right here is the date it was added 7/22, can you see that? There's some 4/21's and some 5/19's some 5/24's some 6/22's some 7/22's, all of those.

**Ron Baker** – In order to stay consistent that has no reference to this.

**Council Member, F. Perry** – How are you going to take it off of here?

**Ron Baker** – Well, if you don't want to do it long term you'll just have to do it some other way.

**Mayor Jenkins** – You'll get an answer by the 23<sup>rd</sup> of December.

**Ron Baker** – Pardon me?

**Mayor Jenkins** – I said, we'll give you answer by the 23<sup>rd</sup> of December. If you don't like it, you can take whatever recourse you want.

**Ron Baker** – I really didn't need you to tell me that. I just want from you was a date to tell me when you would actually give me some answers.

**Mayor Jenkins** – The 23<sup>rd</sup>.

**Ron Baker** – The 23<sup>rd</sup>, very well and I can come by the office and pick up my \$125.00 tomorrow?

**Mayor Jenkins** – Yes, you may.

**Ron Baker** – Thank you.

**Mayor Jenkins** – Maybe not tomorrow, I don't know what time I'll get here to sign it. It has to be signed.

**Ron Baker** – Yes, I realize that.

**Council Member, F. Perry** – I won't be here till after 12, cause I have bible study in the morning.

**Mayor Jenkins** – It will be by the close of business tomorrow. It will be here.

**Council Member, R. Cassell** – I don't have anything to do tomorrow and if you can't sign and Frances

**Council Member, F. Perry** – It takes two.

**Council Member, R. Cassell** – I know. Call me, I'll come and sign it.

**Ron Baker** – That's 5 – 5 o'clock, right?

**Mayor Jenkins** – Yes

**Ron Baker** – Okay. Thank you.

**Mayor Jenkins** – Thank you, Ron.

### **XIII. NEW BUSINESS**

- **Request from Planning Commission to re-appoint Mrs. Faye Sanders to a full four year term effective January 3, 2012**

**Motion made to appoint Faye Sanders to the Planning Commission for a four year term beginning January 3, 2012.**

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

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

- **Water Rates** –

**Mayor Jenkins** – We're tabling it until the next meeting

- **Adoption of Resolution 03-11 to change Council terms from two years to four years with staggered terms**

**Motion made to petition the General Assembly to change Council terms from two years to four years with staggered terms.**

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

**Council Member, W.W. Ross, Jr.** – Since we had the public in and since some concerns were brought up, I think we should table this to really give the opportunity of the community to look at this. I know the timeframe is important, that always is, that we always have to do something in a hurry to get it I know if we send it to the Mr. Kilgore so he can take it to legislators by first of the year. But, I think this part of it is effects the town and I think we should let them least I know that part is difficult to get people to come in but at least give them another chance to come and look at this thing cause it effects them. You know, if they don't then they can't complain.

**Town Attorney, M. Brooks** – I have no opinion, no, anything legally other than let you know that if you table this to the next meeting you may very likely there will be no change of charter until next year if not 2012 but 2013’s legislator. Just to let you all know that.

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

**Town Attorney, M. Brooks** – You can take whatever action, but I just wanted to make sure you had all the information you need.

**Council Member, W. W. Ross, Jr.** – Legal aspect you all have to do something like always in a hurry.

**Town Attorney, M. Brooks** – No, is there a chance that he can do it in February, I don’t know. That’s what he told me is we really needed to do it December if it was going to be done.

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

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

Mayor Jenkins closed the public comment session for new business at 8:40 p.m. and opened the consent agenda session.

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

Mayor Jenkins opened the closed session at 8:40 p.m.

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

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

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

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

Council returned from closed session at 10:14 p.m.

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

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

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

### **CERTIFICATION OF CLOSED MEETING**

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



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

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

VOTE: Yeas, 5  
Nays, 0  
Absent 1 – T. Herron

**XVII. MOTIONS FROM CLOSED SESSION:**

**Motion made to offer the Town Manager job for Gate City to Ryan Spitzer to start as soon as available at a wage of \$47,500.**

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

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

**XVIII. ADJOURN**

Motion made to adjourn the meeting until the next regularly scheduled Council Meeting, January 10, 2012, at 6:00 P.M.

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

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

\*Mayor Jenkins adjourned the meeting at 10:14P.M.

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Mark Jenkins – Mayor

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Kathy Riley – Town Clerk

**RESOLUTION NO: 03-11**  
**CHARTER AMENDMENT - ELECTIONS**

**FOR** the purpose of amending the Charter of the Town of Gate City to alter the time for the appointment of the Councilmen from every two years to every four years and generally revising provisions of the Town Charter relating to the Town's election process.

**BY** repealing and reenacting, with amendments  
Charter of the Town of Gate City  
Chapter 3, Mayor and Council  
Section 3.1.B

**WHEREAS IN SUPPORT OF LEGISLATIVE ACTION**, that Section 3.1.B of the Charter of the Town of Gate City are repealed and reenacted, with amendments.

**WHEREAS BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF GATE CITY**, that Section 3.1.B of the Charter of the Town of Gate City are repealed and reenacted, with amendments, to read as follows:

**CHAPTER 3 – Mayor and Council**

**§ 3.1 Election, qualifications and term of office**

- B. The mayor and five councilmen shall be elected at large by the qualified voters of the town and their term of office shall be for four years; subject, however, to provisions for the terms for the years 2012 and 2014. An election shall be held on the first Tuesday in May, 2012, to elect a mayor and five council members. The mayor shall serve for the term of four years and three council members shall serve for the terms of four years from July 1, 2012 to June 30, 2016 and thereafter until their successors have been elected and qualify; two council members shall serve for terms of two years from July 1, 2012 to June 30, 2014 and thereafter until their successors have been elected and qualify, being selected by determining the two council members who have received the smallest number of votes during the May 2012 election. Thereafter, elections shall be held on the first Tuesday of May of each even-numbered year to fill the vacancies of the councilmen and mayor whose term of office expires in that year or to fill the vacancy of any member who has resigned or been removed from office during his term. The mayor and councilmen shall take office thereafter on July one of the year in which they have been elected.

**WHEREAS BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF GATE CITY** that the date of adoption of this Resolution is December 13, 2011, and the amendment to the Charter of the Town of Gate City, hereby enacted shall become effective on December 13, 2011.

**WHEREAS BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF GATE CITY** that as soon as the Charter Amendment hereby enacted shall become effective as provided herein the Town Clerk shall send to the appropriate legislators of the Commonwealth of Virginia.

The above Amendment to the Town of Gate City Charter was enacted by the foregoing Resolution #03-11 which was passed at a Town Council Meeting of the Town of Gate City on December 13, 2011. Three (3) members of the Town Council voting in the affirmative, one (1) members of the Town Council voting in the negative, zero (0) members of the Town Council abstaining and one (1) members of the Town Council absent and the Resolution #03-11 becomes effective on the 13th day of December, 2011.

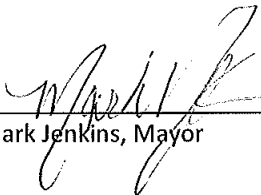
**PASSED, APPROVED AND ADOPTED this 13th day of December, 2011, by the following vote:**

AFFIRMATIVES: COUNCIL MEMBERS, LANE, CASSELL, PERRY

NEGATIVES: COUNCIL MEMBER, ROSS

ABSENT: VICE MAYOR, HERRON

ABSTAIN: NONE

  
\_\_\_\_\_  
Mark Jenkins, Mayor

ATTEST:

  
\_\_\_\_\_  
Kathy Riley – Town Clerk