



GATE CITY TOWN COUNCIL MEETING MINUTES
FEBRUARY 14, 2012
156 E. JACKSON ST.
6:00 PM

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

II. ROLL CALL – Town Clerk Kathy Riley

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

Others present: Michele Brooks, Town Attorney, Jeremy Keller, Town Manager, Chris Edward, Treasurer, Andy Miles, David Rose, Benny Reed, Tommy Quillin, Jack Newland, Debbie Kindle

III. INVOCATION Dewey Hickman

IV. PLEDGE OF ALLEGIANCE Mayor, Mark Jenkins

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

VI. APPROVAL OF AGENDA

Motion made to approve the agenda.

Motion by: Council Member, T. Herron 2nd by: Vice Mayor, R. Cassell

VOTE: Yeas, 5
Nays, 0
Absent, 0

VII. COMMUNICATIONS

- **David Rose, Davenport, providing a presentation on refinancing of loans** - Provides a presentation packet to Town Council and re-explains the benefits of refinancing current Rural Development loans, requests approval from Town Council to continue working with Chris

regarding the refinancing and answers questions from Town Council, provides recommendations regarding the selection for Bond Counsel and explains terms of fees being on a hourly basis. Compensation to be paid only if a transaction works to save money. Discusses the schedule of getting a Bond Counsel on board, being in compliance with Rural Development regarding rates and charges, come back to Water Committee regarding recommendation in terms of rates and charges over a period of time and if all works and is acceptable will move into mode of sending out request to the various financial institutions. Recommendation for tonight is to see if we can get you comfortable with rehiring the folks with Spillman Thomas and to get comfortable with us to continue that process of coming back and talking about some recommended rate structures.

Treasurer, C. Edwards – Discusses proposals submitted, with copies sent to the Finance Committee explaining they range from small to large. States Spillman Thomas has done work in the past and they know what is in the best interest for the Town. I think with his recommendation and what we talked about I think it would be the best one to go with. That was we can move forward in the refinancing process.

Vice Mayor, R. Cassell – Mr. Rose, if you don't care to explain it, he probably knows where I'm going. Had opportunity with the Sanitation Authority, he was discussing financing and different terms. As you know, it's inevitable that we will have to purchase a garbage truck soon and other equipment with providing different equipment needed. I asked Mr. Rose, if it is doable if he can explain it, there's a good possibility that we could do a separate financing, like a capital for the equipment. A separate loan from this with possible tax exempt money from the bank, he feels we may do better if we went out on our own. That may help us on some of the equipment we need.

David Rose – What we talked about is this. This about this refinancing as one series with a separate series for one or two pieces of equipment and the beauty of that is it may have a final maturity of five or seven years versus 20 years. If the Council didn't like the rate on that piece, you don't have to move forward on that series but you may like the rate on the refinancing. You have the opportunity to pick and choose what you want. Depending on what I said, you tell us who will pay for that Sanitation Authority, Town or combination. With our follow up discussions we've talked about that, Chris and I. That's the nice part, the advantage of doing that is we will be looking at the refinancing you are not spending extra money, you get a firm rate on the various pieces and it is tax exempt. Changes are less owners, won't have a title on that piece of equipment or various pieces of equipment. Less paperwork, you're not going to have to pay for that part, just the full faith and credit of the town which is a better credit than having a piece of title on a piece of equipment. We do this quite a bit. It's the type of thing we would look at you for a useful average life of equipment. That is a tax exempt requirement Spillman Thomas will underscore that. For example if you think something has a ten year life, we don't recommend going beyond ten years in borrowing that. Federal laws may get you up to twelve years or something, but you only want to pay for something during the use of life of the equipment.

Vice Mayor, R. Cassell – Will we have to stick with this deadline?

David Rose – No, I think the point is if you are all good with this, we will try to initiate a call, very quickly, with Spillman Thomas then try to talk more with Jeremy and get various people together, Chris, etc and take a better look to see and better understand. Talk with folks with Rural Development with conference calls and get their feedback of what they like to see and we'll come back with some sort of recommendation. That will probably be next month.

Vice Mayor, R. Cassell – But doing the consolidated equipment loan wouldn't affect anything on this?

David Rose – No, it would not. That can be done at the same time. The thing is, some of the banks, they will be more interested in, you got about 2 plus million outstanding that they will be looking at. We only want to see if you are interested something other than \$150,000. That may

be a lot for the Town, but from the banks perspective that may not be as exciting as you might think. This way, you get it all in one it and they tend to get more excited about that
Vice Mayor, R. Cassell – Is that something that may be easier for us to get some of the equipment we needed instead of biting a piece at a time and take a loan on it?

Mayor Jenkins – It would be.

David Rose – Again, if you don't like it, if it's not working with you, we just won't do it. It's hard to imagine a leasing company, they typically won't be as competitive as you good full bank and credit in town.

Council Member, W. W. Ross, Jr. – So, you were saying that within a timeframe of 90 days that you would evaluate this to determine whether it is feasible to move forward.

David Rose – Yes sir, that's what we're thinking. Originally it was going to be faster, but as Chris we understand there are some issues to make sure we are in compliance with Rural Development we see that getting pushed back. If the markets done work in 90 days, you make the decision.

Council Member, W. W. Ross, Jr. – Basically, it is on how the market is plus rate at the time?

David Rose – And how your out of town and Sanitation Authority are viewed by the market place. We already know, for example, we took in bids for something similar today for the City of Fairfax. Very solid credit they were doing 18 years fixing their rate with a strong rate, better than we thought. We do know that someone like Sun Trust have a good interest in the town. We just need to make ourselves look as good as possible to them so they can indeed go to bat to their own credit committees. That is what we're thinking about, Mr. Ross. One thing, and you know this Mr. Cassell, we did this for the Scott County PSA just literally three months ago. Same thing and it worked very well. We did it for the IDA beginning of last year.

Mayor Jenkins – Does anyone have any more questions? Thank you, Mr. Rose and Chris.

David Rose – Let me ask you this, what is your next step in regards to the law firm and all that?
Mayor Jenkins – Place it on as an agenda item.

Town Attorney, M. Brooks – You can put it on the agenda, but we don't have to do it today, but if you all want to do it today

Mayor Jenkins – Preferable to do it.

David Rose – Very preferably, selfishly, because that way we don't waste another month. It would be preferable and that was an original and maybe I wasn't clear with a hope back in January that we could make a recommendation and be unanimous if you all are comfortable. I know you're taking a leap of faith, but if Ms. Brooks especially as an attorney is comfortable.

Mayor Jenkins – Would someone like to amend the agenda to discuss this item tonight?

Town Attorney, M. Brooks – Put that under new business, Mr. Mayor.

Motion made to amend the agenda to discuss this item tonight.

Motion by: Council Member, F. Perry 2nd by: Council Member, T. Herron

VOTE:	Yeas,	5
	Nays,	0
	Abstain,	0
	Absent,	0

Mayor Jenkins – There is one thing I would like to do, is to introduce our new Town Manager, Jeremy Keller. He's made it two full days. Hopefully we won't see a resignation for a long, long time.

VIII. APPROVAL OF MINUTES

Motion made for approval of Town Council meeting minutes from January 10, 2012.

Council Member, F. Perry – It's very insignificant but on page 13, first paragraph under J, the second line it says Mr. Cooper and it should be Mr. Kilgore and the next line down says Mr. Gerald and it should be Mr. Jerrell. She has corrected that in other places, but I think it's just an oversight which is easy to happen. Like I said, that's insignificant but those names are incorrect.

Motion made for approval of Town Council meeting minutes from January 10, 2012 with those two minor changes.

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

VOTE: Yeas, 4
Nays, 0
Absent, 0
Abstain, 1 – W.W. Ross, Jr.

IX. APPROVAL OF PAYMENTS

Motion made for approval for payment of bills for January, 2012.

Motion by: Council Member, T. Herron 2nd by: Vice Mayor, R. Cassell

VOTE: Yeas, 4
Nays, 0
Absent, 0
Abstain, 1 – W. W. Ross, Jr.

X. REPORTS

Mayor Jenkins – At the request of the Police Chief because he does have to leave and travel we will let him do the first report.

A. Engineer's Status Report

Andy Miles – There's really only one major item to discuss and that is the water line project which we opened bids last month on. Included with that was a letter, bid tabulation sheets, a two page letter and then a tab sheet that looks like this. We did open bids on 26th of last month at 2:00 p.m. We had four bidders ranging from \$1,019,000 to \$1,152,000. There wasn't a lot of range, so everybody was looking at the same thing. During the review process, we take the contractors bids and check their math and refers to a math error of about \$60.00. Checked all the contractors, all licensed and not on the bar list. The low bidder was from Central Builders Inc., from Rocky Mount, NC. The other three contractors are all based in TN, having no Virginia contractors bidding on this job. Getting to the bid evaluation, basically you have \$500,000 construction line item to do the work and the bids came in at a million dollars. Some decisions will have to be made. Had some conversations with the Health Department with them saying that is what happens when you get the money in 2008 and don't bid it out until 2012, with prices of fuel and crude oil going up. I did a pole with the two lowest bidders to see what was causing the higher prices. In looking at all the line items, everybody is fairly close for the most part when doing a comparison. The biggest item I would draw your attention to is the water line 12". The unit prices range from \$107 per linear foot to \$116 on the high side. That's fairly high for a 12" line. Which means for every foot that covers the contractors cost to dig it out, stock pile material, put pipe in, bedding, back fill it, compact it, etc. When I spoke to the contractors, independently, they were telling me the same thing with the biggest thing being no asphalt supplier would give them a

definite price, due to oil prices. The other was the amount of stone, working with VDOT to just bed it with the stone and backfill it with the soil and stone excavated from the trenches. The cost of the stone and asphalt was the two primary drivers according to the two bidders. The third item was the road borings. VDOT requires when crossing a road, they want it bored under the road, not cutting the actual road which is what would have to be done crossing Kane Street. Getting down to the recommendations with four options: Option 1 is to accept low bid as it is now and ask the contractors to submit a schedule of values and negotiate down from that which is a breakdown of price. If this option is pursued you have to back to the Health Department and the difference of funding in place they would have either edit or up your financing package. Right now it's all 0-3% loan depending on what section it is, so it would be all loan, would not be any increase in grant. Option 2 is a variation off that. It would be to go with the low bidder, but just do the critical section. The most critical section is being the section between the water plant, going up Harry Frye Drive by the high school and crossing Kane Street. That seems to be the critical section with the most problems. It would be maybe getting a couple hundred thousand more versus 500 thousand more. Option 3 is to reject all the bids, restructure the bid and get new bids next month. We would restructure the bid, pulling out items that had the most concern. Establish a unit price for bid item for asphalt, for aggregate. That way when the contractor is putting his bid together we try to minimize their risk. Right now this \$100 per foot contains a buffer because they don't know how much it is going to cost. This way, if we restructure the bid, we can take out the two most volatile items like the stone and asphalt. If you put that as two separate line items, get a price for it, if it does fluctuate it just affects those two line items not the whole water line price. If you decide to do that, you need to let the Health Department know. I did talk to the Health Department with the local Abington Office being more receptive to that saying the only thing you are out is another month. I know you are in the process of refinancing it would give you more time to work on that. Option 4 is basically is we gave it a try and we're going to stop where we're at and try to find more money next year. The only thing with that is money you spent to date getting to where you are now wouldn't be reimbursed. It's a lot of information to toss out to you at once. You don't have to make a decision tonight, but it would be great if you could.

Council Member, R. Lane – Andy in actuality with Option 3, if we went ahead and decided on that one, we are probably three months away from where we are at right now having these pulled in. We would have to advertise, we'd have to get them back in.

Andy Miles – We could put the advertisement in the paper this weekend. So you're talking open bid somewhere around the 20th, 21st of March. Of course, once we open them, we'll know where we are at and going in the right direction of down. A lot could happen to change the cost of oil. Getting it to the ground would be about 2-3 months.

Council Member, W. W. Ross, Jr. – So you're talking around the first of May to start digging to get the process move forward.

Andy Miles – That's probably a pretty good date. It's possible, if the next set of bids are good, to start first of May. It wouldn't be bad because school will be out unless they are having summer school.

Council Member, W. W. Ross, Jr. – Since we had to get penalized you said the cost of oil or gas go up would affect the whole planning situation. How much of a

Andy Miles – It could. Most of the stuff in here will have some kind of petroleum affect. Even the labor, depending on where the contractor is coming from. The biggest thing seemed to be the asphalt and stone.

Town Attorney, M. Brooks – Is it fair to ask you what you recommend?

Andy Miles – What would I recommend? I kind of hedge against doing that, because I'm not elected. From a technical standpoint, you would probably get a better refinement of prices if you would restructure the bid schedule and went out to bid.

Mayor Jenkins – That is Option 3.

Andy Miles – Yes. Even though this is all paid for by the Health Department , ultimately, the town is having to pay it back over a 20 or 30 years. It goes back to that financing thing. If you are inclined to rebid it, just give me the word and we'll put it back out in the paper this weekend and get it done next month.

Town Attorney, M. Brooks – Do you want to put in on the agenda under new business?

Mayor Jenkins – Does anyone want to amend the agenda to include the possible option of advertising or rejecting all bids and re-advertising projects for the one we want to entertain or appears to be the one.

Motion made to amend the agenda to include the possible option of advertising or rejecting all bids and re-advertising projects for the one we want to entertain or appears to be the one.

Motion by: Council Member, R. Lane 2nd by: Council Member, T. Herron

VOTE:	Yeas,	5
	Nays,	0
	Absent,	0
	Abstain,	0

Vice Mayor, R. Cassell – Mayor, from keeping Andy to stay, this pertains to the Sanitation Authority, but he's familiar with it. Could we go ahead and let him

Mayor Jenkins – Yes.

Vice Mayor, R. Cassell – What this is I found out talking with Loretta about these Sanitation Authority issues. Our sewer interceptor line and I'm asking Andy to explain this. Some time back, it was determined the interceptor line is in bad shape. According to Loretta, part of this line runs along the creek and when the water is up, our percentage of flow is up. Andy, in the past, has done a proposal with it being 2.1 million for the whole line. I know the Sanitation Authority will have to make this decision, but that is more money we wasn't aware of needing. Andy and Loretta states we are basically paying to treat creek water. He can fill you in on it a little more. Best thing to do is to explain it to the Authority as well.

Andy Miles – About eight years ago, a report was done before us, which looked at the overall town sewer system. The report stated the worst area with the worst being Little Moccasin Creek interceptor which goes from the old sewer plant to base of the railroad near the creek and US 23 following the creek to the Water Street parking lot. Pretty much all the sewer from the town eventually flows down to that. It was showing that line leaks pretty badly and it shows when you have a rain your flow meter goes way up. When it's dry, it's fairly constant, but then when it rains it starts spiking up due to leaks and man hole or pipes or what have you. A lot is on that line with some coming from other leaks up here in town makes it way down. Most is down through there. The other line is another interceptor that comes up by the water plant and goes out that road goes vocation school and then picks up all that flow in there. So that was a secondary line. That report was submitted to the state but not was pursued in getting any money for it I think eight years ago. I think last year or two years ago we contacted Rural Development about available money through grants to replace some or all of the line. They said yes, just up-date the cost, get an environmental review in here and we'll see what we can do. We have done most of that, but not much more was done by the Sanitation Authority as far as moving it forward. That is where it stands. Whenever you have a heavy rain or any kind of rain, those two lines you flow goes up. Each time it does, how much you are paying the County goes up. I don't think you want to clean up creek water and if you want to correct that, the amount that you pay out for treatment goes down. I think the first of the year USDA they have better money for allocation for the next fiscal year with more money

there to do this type of work. One option would be to file an application to see what kind of grant loan split you could get from the federal government for that. If you are looking at financing everything else, you may do a little better as far as the loan portion by doing something like what they're (Mr. Rose) looking at. By going through Rural Development, you could potentially get a grant.

Town Attorney, M. Brooks – Is that something we should do with PSA or is that something the town should do individually.

Andy Miles – The line is actually a town pipe.

Town Attorney, M. Brooks – So, it's not.

Andy Miles – You're just paying the County and are reaping the benefit by you not fixing the leaks.

Vice Mayor, R. Cassell – I hate to lay that on with everything else we have, but when it's called to my attention. If it's been eight years ago, you can imagine what kind of shape it is in now.

Andy Miles – Not to add another drop of confusion to all of this, I know the town's agreement with the County as to what you pay for the sewer plant operation is based upon portion of the flow. If you can reduce how much flow you provide them, your argument is that we reduced our flow so you need to reduce our price. That is something to think about.

Vice Mayor, R. Cassell – Guess we need to have that on the agenda next month.

Mayor Jenkins – Thank you, Andy.

B. Treasurer's Report

Treasurer, C. Edwards – I'll be looking off the two page report. Right now, to date, we've taken in \$1,123,352 in revenues. We're right at 19% on that. We've expended \$1,038,450. We've collected taxes, it is past the deadline and I got together with Michele the first of January and we were contemplating on what to do with delinquent tax. On the 2011 taxes that people still owed we sent out delinquent statements to everyone. On the 2011-2010-209-2008 and on back, we sent out some nasty legal letters. Telling people if they don't pay, we're going to take them into legal action to collect the taxes. Some of these were small, some were very large. We have about \$118,000 in uncollected taxes. We have taxes still on the books that have not been collected for over twenty years. We are going to start with Michele and get into the legal proceeding if these people do not pay.

Council Member, R. Lane – When were they sent out, Chris?

Treasurer, C. Edwards – I sent them out the first of February. I waited till after our meeting so I would have time to look at the statements and wait until we posted interest because it was so late in the month of January and with the holidays, so I sent them out the first of February. So, we have sent those out.

Town Treasurer, M. Brooks – Chris and I both signed those so they understand.

Treasurer, C. Edwards – I had sent out a letter in November telling them if they didn't do we were going to turn it over for legal and collection action. This is just following up and we had a lot to pay and we had some people who had missed some and forgotten it and paid it. But now we are going after them a little bit harder because of the revenue. I know it's a hard time, but the town needs the revenue as well.

Council Member, F. Perry – It's hard for us, too.

Treasurer, C. Edwards – It's hard for everybody. We are preparing to get ready to send out business license application usually trying to send them out the middle of March or first of April, because people will be getting their taxes done. That will be the time we'll be collected all the business license tax.

Vice Mayor, R. Cassell – Do we have any of those back from those.

Treasurer, C. Edwards – Yes, we do. Michele and I have talked on those, too. We have an attorney and a pharmacy, two or three that

Town Attorney, M. Brooks – I have letters on them I'm about to process. I have them drafted that I will send out to them. There is, actually, actions that we can take on that, I'll have to explain that to you on what legally we can do.

Treasurer, C. Edwards – Right now, they are operating without a license from the town. Will not accept their new license without them paying the old license and getting it up to date. Basically, it is just the way one of them is classifying their revenues. They'll putting category and they don't want to break it out. That's the ramification.

Council Member, T. Herron – I thought there was a couple that said they file taxes and they couldn't produce a

Treasurer, C. Edwards – They can get a statement from somebody. We try to get some type of back up, so to speak, for the auditors. They have to have a tax form, a return, a letter from their CPA or something saying this is the amount of taxes. We just cannot take their word for it. I understand how people are, our auditors requires to have proof that that was their actual sales was. So we ask either their bookkeeper, their CPA or tax return is what we are asking for. Some people don't want to give that and it is hard, but we just have to stand our ground and we won't issue the business license until they provide us with that information.

Town Attorney, M. Brooks – Chris and I talked about this too. It's one of the things I'll suggest is that we maybe clarify that ordinance just a little bit to make it a little bit clearer. We got what we need right now, but just to make it a little bit clearer for business owners so they understand it better.

Treasurer, C. Edwards – Back in February, they've been talking about bonds and everything and loans. We did pay our final payment to Suntrust. So, we owe Suntrust nothing now, unless they were to bid on the new bonds and all that. But we are free of that. One thing I want to reiterate what Andy said, about the rebidding on the construction price. If you don't do anything and just forget it then the amount of money the town has already spent will be out that much. I probably have about \$200,000 reimbursable expenses right now. He just sent me a bunch of invoices from the engineering report and plus on some of the water projects. On Kane and Water Street where we did (Mayor Jenkins-the road bore) the road bore, where we had to replace that line on Kane Street. We can get reimbursed for part of that too, because some of the grant money and everything that we got did not cover it all, so we can get reimbursement on some of that. That was almost \$80-90,000 right there and that was included in that \$200,000 figure I was quoted. That's how much I got right now. Andy knows he can't get paid until all the bonds and stuff and everything is signed. So, that is one reason he was recommending that. That is all I have if anybody has any questions.

Mayor Jenkins – Any questions?

Council Member, W. W. Ross, Jr. – You said you went back 20 years for people who hadn't paid their taxes?

Treasurer, C. Edwards – Yes.

Council Member, W. W. Ross, Jr. – And you have a record of that and accurate record?

Treasurer, C. Edwards – Yes.

Council Member, W. W. Ross, Jr. – Why, had not been

Treasurer, C. Edwards – The state law says that you can have delinquent taxes on file for 20 years. Now, why it hasn't been collected I have no idea.

Council Member, W. W. Ross, Jr. – That's what I'm saying. So after 20 years, it can be 25 years and it can still go delinquent?

Treasurer, C. Edwards – No, after 20 years you right it off.

Town Attorney, M. Brooks – Statute of limitations on a tax debt. It creates a lien on any property, it creates a lien.

Council Member, W. W. Ross, Jr. – And that was just, well, how did the how do the auditors account for all that if taxes is due. I mean that would not show up in bookwork that we have that kind of money sitting?

Town Attorney, M. Brooks – Are you asking me? I don't know.

Treasurer, C. Edwards – It shows up as uncollected on your audit report. It shows up as your uncollected and your delinquent taxes. That's still outstanding.

Council Member, W. W. Ross, Jr. – And so our auditors reports that we've been getting over the years reflect that, correct?

Treasurer, C. Edwards – Yes.

Mayor Jenkins – Our internal records reflect that.

Town Attorney, M. Brooks – Every locality has an element of unpaid taxes.

Treasurer, C. Edwards – Every locality has a record of twenty years delinquent taxes.

Town Attorney, M. Brooks – That's not unusual.

Treasurer, C. Edwards – It has a lot to do with an estate, somebody dies they don't know who to transfer the property. It's mineral rights and some people just kind of refuse to pay them until you force their hand.

Mayor Jenkins – But, it's unfair for those who do pay.

Treasurer, C. Edwards – It really is.

Vice Mayor, R. Cassell – I'm sure that's part of those we advertised in the paper as well.

Treasurer, C. Edwards - Part of it is advertised in the paper that we did a year ago when I started enforcing and we got a lot then. And now we started more legal, because some of them are still the same.

Council Member, W. W. Ross, Jr. – Now, how much penalty is applied to that for that 20 years.

Treasurer, C. Edwards – You have a flat 5% penalty the day after deadline. Then you have 10% interest per year that goes on top of that. It accumulates each month.

Vice Mayor, R. Cassell – Is the interest accumulated on the interest or is it strictly the principal?

Treasurer, C. Edwards – Penalties is on interest and interest is on principal, that's all it is. You can't do interest on interest.

Council Member, T. Herron – You collecting it?

Town Attorney, M. Brooks & Treasurer, C. Edwards – We started.

Council Member, F. Perry – It's easier said than done.

Town Attorney, M. Brooks – It's one of the things Chris and I talked about once we get to a certain point, it may be in the town's interest especially some of these older debts that will be more difficult. It may be more cost advantageous to the town to hire a collection firm that does that exclusively. They have a higher recovery rate. That's an option that you have. That is just whatever you all want to do, but that's an option that you have.

Council Member, T. Herron – We had one of those at one time.

Council Member, F. Perry – Sometimes it costs you more in legal fees.

Town Attorney, M. Brooks - And I agree with that, but if you get the right one, they do an excellent job. But, that may be something that is in the town interest, but we'll cross that bridge when we come to it.

Mayor Jenkins – Anything else for Chris? Thank you, Chris.

C. Codification Committee/Property Maintenance

Mayor Jenkins – We do have three new notices of violation letters that went out this month. The one was to 192 Magnolia Street, 174 Magnolia Street and an address on Estil Street behind 330

Estil Street which is the one that the Robert's requested that we serve them that is adjoining the property that recently bought. Michele is proceeding with court cases that are set for the 27th of this month. Robert Hensley of 497 W. Jackson, Alonzo Sexton of 398 E. Jackson Street and what is known as the Chapman Store, Lucy Brickey on Park Street and Jerry and Betty Fields on Poplar Street and James Rogers at 499 E. Jackson Street. These are the first one that will go to court.

Town Attorney, M. Brooks – Yes, since they have been filed and there are a couple of them that are working on getting in compliance. The balance of the ones that you see there, I had a long conference call with Robert Mullins yesterday and I anticipate filing 10 more by the end of this week.

Council Member, T. Herron – What are you going to do about Alonzo Sexton, I thought he was in jail?

Town Attorney, M. Brooks – He had been and he is not anymore. We did get him served. It took some effort. I had to hire a private process server to get him served and it took five attempts I think to get him, but they finally did get him.

Vice Mayor, R. Cassell – Were you able to talk to Mr. Bellamy?

Town Attorney, M. Brooks – I haven't called him, no.

D. Police Department Report

GATE CITY POLICE ACTIVITY SUMMARY
January, 2012

	January	Year To Date
Calls for Service	304	304
Arrest	2	2
Summons	31	31
Crime Reports	11	11
Accident Reports	3	3
DUI Arrests	1	1

Significant Activity for January:

- Officer Gillenwater was hired and started academy this month.
- Aux Officer Fink is attending Academy.
- John and Adam attended the Breathalyzer School and are now certified.
- Officers continue to provide extra patrol on Sue Street and Elm Street due to complaints.
- Our department continues to work in a safe manner
- Officers continued with Radar Enforcement throughout town in an effort to slow down traffic and monitoring both traffic lights.
- Had our first Team Meeting.
- Providing extra patrol in Food Lion Parking Lot due to catalytic convertors being stolen from vehicles.
- Conducted average week-day traffic count on E. Jackson near Thriftway per Mayor's request
- Utilizing Speed spy almost daily.
- Nancy and Chief Birchfield attended the DMV Grant Training at Academy
- Officer Whitt attended the Rapid Response to Active Shooter Training class at the Academy

For February:

- Contego Group scheduled to speak to council reference Speed Cameras.
- Chief plans to attend the US Attorney's Conference in Roanoke.
- Nancy plans to attend Report Beam Training at SWVCJA.
- Adam and Matt plan to attend the "Surveillance Training" class at the Academy
- Adam and Nele (K9) plan to attend the K9 Certification Training on Feb 11.
- We have another two meetings for February 27th.

Council Member, W. W. Ross, Jr. – Do you have a mandatory schedule for patrolling the streets and the neighborhood around?

Chief Birchfield – You mean like a certain street at a certain time?

Council Member, W. W. Ross, Jr. – I mean just patrol the whole city, do you have certain things you take “a” to south western part part “b” and east north south do you have so

Chief Birchfield – No, you mix it up on purpose because that way the perpetrator don’t know where you’re at. You may be on the west end, drive straight out Jackson, hit two or three streets on the east end and go back checking businesses just to keep them off track. They use scanners and everything possible to know where we are and what we’re doing. They have look outs with radios and cell phones watching for us and we know this. They stay several steps ahead of us, electronically and other ways. No, we don’t have a certain schedule.

Council Member, W. W. Ross, Jr. – So, so you don’t, you may patrol may come up a certain street one night and maybe not patrol that street two or three nights.

Chief Birchfield – I would hope certainly not. I would hope as small a town as we are that they are on each street. And I’m sure they are sometime serve more on one street then they would another one and tomorrow night it might be different they hit another street three times and another two. There’s no way to tell.

Council Member, W. W. Ross, Jr. – Well now, I know they on interstate and a lot of times I go to Kingsport I do a lot of activities in Kingsport and I come home different times and I see them down here on that street and I is that I know that you trying to warn the job for traffic but is that taking away from them patrolling the streets up here?

Chief Birchfield – No, sir. They’ve been told is not to stay anywhere for long periods of time. They may sit down there and part of it is to save fuel because it is so high. Just sit in that area and watch for things going by. As you well know, one of the biggest cases we’ve had in a long time here was because of a headlight out. We got the big drug bust, conducted traffic stop. The time that they spend on 23 speaks for itself. No, I don’t want them there the whole shift. I want them down there a hour at a time. Ten, fifteen minutes sitting and conserving gas, I don’t see a problem.

Council Member, W. W. Ross, Jr. – So, what you’re saying is by them being down there doing that crime, which is wonderful, so has that crime up in the neighborhood patrolling has gone down that you don’t need as much?

Chief Birchfield – No, we haven’t had any major crime in the neighborhoods. We haven’t had auto burglaries, haven’t had home invasions, we haven’t had home burglaries. What we did have two three months ago we were on quickly and solved so I’m happy to say we’re not having anything going on. If it would start back, we would concentrate our efforts to that more. Staying in the neighborhoods

Mayor Jenkins – They do, if I’m correct, maintain a patrol log that gives us a record and the ones I’ve reviewed, they are pretty much hitting every street a couple times per shift.

Chief Birchfield – They do that, Mayor, and also with that patrol log they’re filling out a business check log and it tells them the times that they checked. That may be Hardee’s, Pizza Plus and Pal’s all at one time because in a two minute period you can check all of that, a minute sometimes. But they are doing log sheets on that.

Council Member, W. W. Ross, Jr. – Well, could you also tell me how come I didn’t receive my package at all until I came and got it Monday about 11.

Chief Birchfield – Yes, sir. As you and I discussed, it fell through the cracks. I spoke with the officer that picked them up Thursday afternoon. He tried to deliver them, he said up to

approximately 10:00 Thursday night he couldn't find anybody home at your house. That is what he told me.

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

Chief Birchfield – They're passed back onto the next shift, or should be. Friday morning the officer didn't know that the night shift officer placed it on his desk. That shouldn't have happened, I've taken measures to correct that and then I received email today or we did from the Mayor telling us that that wouldn't be a problem any longer that we would not be delivering packets anymore.

Mayor Jenkins – I made that decision, yes.

Council Member, W. W. Ross, Jr. – What?

Mayor Jenkins – Because we're all responsible adults and we can get by here and pick up our own packets. We do not need the police acting as a personal mail delivery service.

Council Member, W. W. Ross, Jr. – Oh, excuse me

Mayor Jenkins – There has been instructions put out that they are not to leave them in the door.

Council Member, W. W. Ross, Jr. – Excuse me, can I may I speak now since you

Mayor Jenkins – Yes, you may.

Council Member, W. W. Ross, Jr. – Thank you. My understanding if why somebody didn't make a call and leave an answering machine on my thing that my packet was at the police station?

Mayor Jenkins – It was a mistake and

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

Mayor Jenkins – measures have been taken to correct that mistake. The police department will not

Mayor Jenkins – fail to deliver your packet anymore.

Council Member, W. W. Ross, Jr. – Excuse me sir. Now I was the only one who didn't receive anything. Didn't anybody was having problems?

Mayor Jenkins – I picked my own up. I always pick my own up.

Council Member, W. W. Ross, Jr. – Well, before I mean I've been here for almost how many months and I hadn't had no problem before. Besides I was home because the fact is that Thursday my father had been sick so I was at his house. My car was parked at his house. I was there Friday, he was sick. I was there all day Friday. I was there Saturday, Sunday. I had to take him to the hospital. He's in the hospital, so I know that. So I've been pretty much I was scheduled to be out of town. But I, so, I don't know why if you don't call, but I still came down and had to get it. So, when did you make the decision? Monday morning?

Mayor Jenkins – After you made the complaint to the Police Chief.

Council Member, W. W. Ross, Jr. – Well, I'd like to know how come I didn't have you when they've been delivering.

Mayor Jenkins – Do what?

Council Member, W. W. Ross, Jr. – When they have been delivering the process everybody else got theirs. Did everybody else come pick it up or did they get it delivered by the process?

Mayor Jenkins – I have no idea, but I - Interrupted by Council Member, W. W. Ross, Jr.

Council Member, W. W. Ross, Jr. – Oh, so didn't you evaluate

Mayor Jenkins – I don't need to evaluate every

Mayor Jenkins – everybody makes

Council Member, W. W. Ross, Jr. – Well you have to if you make a decision you need to evaluate

Mayor Jenkins – we had it until you complained that they put it in the wrong door.

Council Member, W. W. Ross, Jr. – I asked

Mayor Jenkins – They dropped every ones off at their door.

Council Member, W. W. Ross, Jr. – Who, excuse me

Mayor Jenkins – you complained that you wanted delivered to you personally. Okay, that didn't work

Council Member, W. W. Ross, Jr. – No, No, No, No, No

Mayor Jenkins – so from now on we will get our own. That solves the problem.

Council Member, W. W. Ross, Jr. – No, sir, I didn't complain that I didn't have them deliver.

Mayor Jenkins – Yes, you did.

Council Member, W. W. Ross, Jr. – I asked what happened to it, how come because the process has been going on for the last since I've been here.

Mayor Jenkins – No, the process changed because of you.

Council Member, W. W. Ross, Jr. – Excuse me?

Mayor Jenkins – Yes, it did. The process changed because they brought them to our houses and left them at the door. You did not go to the right door or they did not put it at the right door, so we have

Council Member, W. W. Ross, Jr. – Who didn't go to the right door?

Mayor Jenkins – Evidently you didn't because you complained before, you did not get it. They left it at your house. So

Council Member, W. W. Ross, Jr. – If they left it at my house, it would have been at my house.

Mayor Jenkins – Not this time, Wallace. You wanted it hand delivered.

Council Member, W. W. Ross, Jr. – I didn't say I wanted it hand delivered. When did I tell you that?

Mayor Jenkins – Did he not ask that it be hand delivered to him personally?

Chief Birchfield – That may have been before I got here.

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

Chief Birchfield - I don't recall that.

Mayor Jenkins – That is the reason we started

Council Member, W. W. Ross, Jr. – You can't okay

Chief Birchfield - I know there was a situation to that.

Council Member, W. W. Ross, Jr. – If he says, if he says he didn't come, now I have received it, no complaint. And then you come here and say that I come to him, which I came Monday. Today is Tuesday and you make a decision on based on what facts and on what information.

Mayor Jenkins – Based on the fact that we're having a problem getting to them and we are

Council Member, W. W. Ross, Jr. – Ain't no problem, you got I just I just discuss where I come in when delivery.

Mayor Jenkins – You won't have to worry about that anymore.

Council Member, W. W. Ross, Jr. - Asked, I do have the right to ask the question

Mayor Jenkins-Council Member, W. W. Ross, Jr., Chief Birchfield speaking at same time – inaudible.

Chief Birchfield – I'm the supervisor over there and I take blame, one of my officers it fell through the cracks

Council Member, W. W. Ross, Jr. – Well, like I don't I

Chief Birchfield – I apologize to you that that happened to you, but it did happen. So, I can't change it, but

Council Member, W. W. Ross, Jr. – But, I did have opportunity to study the process so I didn't have

Mayor Jenkins – So that settles it. We don't have to worry about it. We're not going to have them delivery. We'll going to come and pick our own up.

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

Mayor Jenkins – That's what we're going to do.

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

Mayor Jenkins – I've always have because, I see no reason for them to run to the house to delivery my packet when I can come by here and get it.

Council Member, W. W. Ross, Jr. – Well, if I normally I give the information if I'm going to be out of town, I'll either be out of town usually tell them ahead of time and I was planning to be out of town but I wasn't. So, evidently, everyone else received theirs by the police. I know where I live, they even have delivered to my father's home no problem, my car was there. So why is it all of a sudden it's a

Chief Birchfield – I can probably answer the why that night Mr. Ross a day shift officer traded shifts with a night shift this past week because of training issues and Officer Matt Taylor was working the night shift and he's not normally the one who would be doing that and when he told me he went to your house and couldn't find you home he went to Mr. Cassell's house

Vice Mayor, R. Cassell – It was eight o'clock

Chief Birchfield – his wife came to the door and accepted his or he wouldn't have left it there on the porch that time of night. It was a different officer that probably didn't know to leave yours at your father's house.

Council Member, W. W. Ross, Jr. – Well, I was, my car, yeah well my car was at my father's home anyway. So, if he did

Chief Birchfield – I apologize it happened

Council Member, W. W. Ross, Jr. – But even though I asked for the reason, I didn't receive, I wanted to know why I didn't receive it. I asked. That's the question. So, I found out what it was.

Council Member, R. Lane – I picked my packet up.

Council Member, W. W. Ross, Jr. – I picked it up before, several times, myself.

Mayor Jenkins – And we will continue to do that.

Town Attorney, M. Brooks – Will we be sending an email, Kathy, when they are ready?

Town Clerk, K. Riley – Yes.

Town Attorney, M. Brooks – Okay. That way everybody knows.

Vice Mayor, R. Cassell – Do you want to share with the Council what you were telling us about the Auxiliary force?

Chief Birchfield – The Virginia Attorney General gave the ruling that we haven't received in writing yet, we have received an opinion. In Virginia Auxiliary or Special Police Forces are illegal unless they went through the full academy. Which you are not going to find an auxiliary officer that can come in here and leave his job for four month with no pay and leave his family and go to an academy just to help the town out. They've been doing the same thing for many years and all of a sudden they're changing things. So we have the House and Senate working on a Bill to correct this. With us it hit at a good time because we just hired John Gillenwater, he'll be a full-time officer. We don't have to worry about him. Officer Fink, when he receives the rest of his training, three more weeks or whatever, he will follow in the category of academy training so it won't phase us there. So, it leaves this one officer which Tracy Rhoten is an auxiliary officer who has five years experience with the Knoxville, TN Police Department. But, we'll have to suspend, when we get this letter, we'll have to suspend him working as an auxiliary if they get this worked out. I feel they will. There's a lot of people working on it and I'm working with other small time Chiefs to get this straightened out.

Town Attorney, M. Brooks – Chief, is he actually working right now as auxiliary?

Chief Birchfield – He is assigned an auxiliary but he is not working.

Town Attorney, M. Brooks – Okay. We need to talk about that before he does any shifts.

Chief Birchfield – He's not doing any shifts.

Town Attorney, M. Brooks – Alright.

Chief Birchfield – Until I hear different.

Mayor Jenkins – Is VML taking an issue at all, are they addressing that?

Town Attorney, M. Brooks – I don't know about VML, the local government attorneys are very much opposed to it as well. So, hopefully, I think it's going to come through.

Chief Birchfield – What, I guess the thing that bothers me from the whole thing is the Virginia Chiefs Association opposes this. I know that's bigger departments, bigger fish and bigger towns and what they're telling us is they are afraid of if they pass that to where the departments themselves set up the training like it should be. I'm not going to send an officer out without training. I'm not going to send him without the firing range training which he has to have. It's mandatory and without 40 hours in service a year. I wouldn't put anybody out there. But they're afraid that you going to get cowboys that just go out and grab a car and a gun and take off enforcing the law. I don't know of anybody that's going to do that, but I'm sure, I guess it could happen. That was their issue with it. But we certainly hope to have that straightened out very soon.

Mayor Jenkins – Thank you.

D. Council Reports

Council Member, W. W. Ross, Jr. – Well, my question, again, does this board keep accurate records of work labor for to accountable for the labor in the Town of Gate City? Reason I'm asking that question, I was hoping that the situation that between the Job Corp and you would be resolved from the fact that you would have sent a letter to the Job Corp thanking them for the work that they had done and maybe ask them that they would in the future would be more – inaudible. I think that their integrity has been questioned for the fact that is they came on their own to provide us service, to provide us service which they did. The state, other localities has used them. I think the state had a the state of Virginia has a bigger budget. They do not have no problem with it and I don't think anybody else has a problem with them. They came here. They've been here before over the years. They came here this time and the thing about it is that you initiated this process they didn't and then you want to challenge their ability about something that -inaudible -. So, I'm asking if you keep accurate records, that's what you said that you do. Then you shouldn't have any qualm about any question you should be able to go to the books and get that information right off without any problem. The audit report says that if you keep labor, keep a report of the labor process than you ought to be able to go look at the books and tell what the labor is whatever. And in the process, I think, I have that information, that you was there asked to have a meeting with Stoney about the streets and I asked to talk to him and you was there. And he said he couldn't provide me no information at all. He didn't keep no record. But then here you can have, you can have a year go by and information is still maintained. I asked Chris who picked up the where the sidewalk work was performed by the Job Corp. A year later, statements is given, the Job Corp will not give out any information about the work they have done to nobody. When they

Mayor Jenkins – Now what, you're rattling to me. What are you saying? First do you want me to write them a letter thanking them for the work done.

Council Member, W. W. Ross, Jr. – And apologize and hope that they would come back. I was hoping that you

Mayor Jenkins – I have nothing to apologize to them. I have approached them about nothing.

Council Member, W. W. Ross, Jr. – Excuse me?

Mayor Jenkins – Excuse me, what? I haven't talked to anybody at the Job Corp. If there has been any questioning done and it has got to them it had to go through you.

Council Member, W. W. Ross, Jr. – Why you figuring me?

Mayor Jenkins – Because you're the one asking all the questions.

Council Member, W. W. Ross, Jr. – Could you read that?

Council Member, R. Lane – Can I?

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

Mayor Jenkins – Wallace, you can read it yourself.

Council Member, W. W. Ross, Jr. – To, Council Member, R. Lane, Please would you please.

Council Member, R. Lane – The text of the

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

Council Member, R. Lane - I placed a call this morning to Mr. Jesse Rea, with Job Corp and left a message on his office answering machine. Mr. Rea is the Cement Mason Instructor who oversaw those individuals who performed the sidewalk work on Kane Street. I requested a return call from him requesting a breakdown of the actual days, hours and work performed while here at Gate City. I called the Job Corp office for Mr. Rea's cell phone number and was connected with Mr. Dan Long, his Supervisor. I asked Mr. Long if they keep a log of each job they perform, which he said they did. I asked if he could provide a copy of that information to us. He said he would get with Mr. Rea and would call me back.

I had left messages on Mr. Rea's voice mail for this same information several months back, but he never returned my calls.

Vice Mayor, R. Cassell – Was that email from Kathy (Town Clerk)?

Council Member, R. Lane – Yes.

Mayor Jenkins – So, what does that have to do with me?

Council Member, W. W. Ross, Jr. – Well, who initiated her to do that?

Mayor Jenkins – I'm assuming your questioning of what has been done has initiated that.

Council Member, W. W. Ross, Jr. – No, the question was, this is the sheet that you initiated when I asked the question. Your question was a year ago that you said that you could do the job quicker or more efficiently than Job Corp. And I asked the question well how did you evaluate that with the labor because the labor was free. So, they have the dates right here of when they came here. They came they gave the dates of the 11th the 10. They also had the dates of the 10th when they did the work of the 10th, of the 10th 20 10th of 10. It was one section in there that wasn't finished which got too cold for them. And, and, your they got a \$140.00 on February 7th of 11 which was the town. Which they filled in, but in the meantime, they charged a \$110.00, \$37,00 and another \$110.00 another \$800.00 another \$400.00 and \$446.00 of \$1,503.00 equipment used, person for backhoe use, person for finish one yard of concrete from February 11th. Well, two days and five days, but the Town of Gate City did this didn't have any date. I asked, I said well the Job Corp called me they wanted to come back and finish that whole section. They called me four times I said well would you give me your answer, you never gave me no answer. It's gone a whole year and I still haven't heard so I was hoping that you would just call them and say well you know it was oversight and but it's still is I can't understand how come it takes a year to do. You said that you all keep accurate records. I've asked this several time when the audit was done and you said yes. I've asked this, do you keep records of the labor, you said yes. But, then when I asked Stoney, he couldn't give me no information on what streets he

Mayor Jenkins – Have you looked at these sheets? Can you see what the Public Works does? If you want, if we need a timekeeper to go out here and write down every time that they strike a lick with shovel, but when they handling this many work orders a month. When they're charging their fuel bill, when they're recording how much waste and everything, that is pretty accurate.

Council Member, W. W. Ross, Jr. – But you said they could do this cheaper. They haven't done it. I mean they didn't finish the work.

Mayor Jenkins – I guarantee it, they can do it cheaper.

Council Member, W. W. Ross, Jr. – A year later, you still evaluate it to where they can do

Mayor Jenkins – I'm not evaluating anything. I'm been trying to answer stupid questions that you're asking and that you can't read off that sheet and make it out yourself.

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

Mayor Jenkins – You, got the same information in front of you. You're the one that has been asking the questions.

Council Member, W. W. Ross, Jr. – Now, you was the one who initiated this. You was the one.

Mayor Jenkins – I initiated that because you asked, why I won't call them back. I want to know where that much wire went. I want to know why

Council Member, W. W. Ross, Jr. – I said when I you asked you did the Job Corp call me and said could they come back and you said that you could do this cheaper. And I asked where is the report? I got the report from Chris and wanted to talk to you about it and I still haven't got your answer do I, cause it doesn't have any dates on it. I said what's the date, they gave the date. You said that it took five days \$446.00 Town of Gate City, what date did they go down?

Mayor Jenkins- That was for flagman.

Council Member, W. W. Ross, Jr. – What where what date did they flag it?

Mayor Jenkins – The date that they were there. I'm sure they didn't do it on the dates they weren't there.

Council Member, W. W. Ross, Jr. – They have the dates up here when the Job Corp came over here and did their work and how come you don't have any date when you did the work?

Mayor Jenkins – It was the same dates that they were there.

Council Member, W. W. Ross, Jr. – Excuse me?

Mayor Jenkins – Well, excuse me?

Vice Mayor, R. Cassell – I've sat here and listened to this bull for a year and you sat here and told us that other towns used them. I got two other witnesses who sat right here at the VML conference and we asked the Vice Mayor who has been on the Council 30 some years and another Council Member that has been on it for 15 years they said they are fine to come and cut grass and stuff like that, but they are not to be left unsupervised. Which is exactly what happened down here.

Council Member, W. W. Ross, Jr. – Well, what does that

Vice Mayor, R. Cassell – And they said the County used them, let me finish.

Council Member, W. W. Ross, Jr. – Excuse me? Hey! Hey! Hey! Wait a minute. I'm not no child. You know, cool it.

Vice Mayor, R. Cassell – They said that

Council Member, W. W. Ross, Jr. – You are grown, just like I am.

Vice Mayor, R. Cassell – And I'm tired of you

Council Member, W. W. Ross, Jr. – Ah, ah, ah, you do not

Vice Mayor, R. Cassell – You wanted an opinion I'm going to tell you.

Council Member, W. W. Ross, Jr. – You don't have to raise your voice.

Vice Mayor, R. Cassell – I will not sit here and vote to bring them back to do any labor unsupervised. They want to come back and cut grass they said the County out there used them but

Council Member, W. W. Ross, Jr. – I don't understand them came now, them came and did the Courthouse without any problem before you even got on this board. They did not have no problem with them and they came out before and I asked and I didn't hear any problem. The time when a whole year six months went by or longer and nobody said a word.

Vice Mayor, R. Cassell – That's where I stand. I will not sit here and vote. I'm not going to listen to this again

Council Member, W. W. Ross, Jr. – Hey! Hey! Hey!

Vice Mayor, R. Cassell – to bring them back.

Council Member, W. W. Ross, Jr. – you have your rights. You know, you vote the way you think you need to vote.

Vice Mayor, R. Cassell – They stayed up here

Council Member, W. W. Ross, Jr. – But, don't be shouting at me

Vice Mayor, R. Cassell – They stayed up here, half the time, in the office

Council Member, W. W. Ross, Jr. – I, well I think

Vice Mayor, R. Cassell - and they had to come and find them.

Council Member, W. W. Ross, Jr. – I think that's the problem it may be you all are just a little bit ah are

Vice Mayor, R. Cassell – You want an answer? If I'm sitting here next term, if they come back it'll be to do something simple and that came from somebody that you said used them. I got two witnesses we asked that specifically and they said they are fine for cutting brush and doing stuff like that

Council Member, W. W. Ross, Jr. – Well, just, well get a

Vice Mayor, R. Cassell - but not to use them unsupervised. Randall Hurt stayed right out there with them the whole time they worked. We had a town crew with them and a lot of times my brother was on this Council, but I saw Randall out there every day and a Public Works person with them.

Council Member, W. W. Ross, Jr. – I came down every day and came by and looked at them and talked to them every day, every day. I didn't see, I didn't see you all all of what you just said. They was working and they had supervision. They are, they are the supervision from the Job Corp. They've been doing their job a lot longer hadn't had any complaint. They've been here before. So why all of a sudden

Vice Mayor, R. Cassell – And they under estimated the concrete.

Council Member, W. W. Ross, Jr. – Excuse me?

Vice Mayor, R. Cassell – They were so good they under estimated the concrete. That's why Stoney had to go do it to start with.

Council Member, W. W. Ross, Jr. – What do you mean? They, they the one little section of that they spent one yard of concrete? Excuse me?

Vice Mayor, R. Cassell – If they can't even figure concrete, they're not that skilled.

Council Member, W. W. Ross, Jr. – Well, I'm

Vice Mayor, R. Cassell - So, you want an answer, if I'm here next year

Council Member, W. W. Ross, Jr. – Well, now that's, that's part before now that part was not finished it's better than what it was, whatever the situation is.

Vice Mayor, R. Cassell – I'm talking about

Council Member, W. W. Ross, Jr. – I mean and they was going to finish, they wanted to come back and finish the whole process. So, it looks better when it did before. You all did not do anything to it. The Courthouse is not, no other sidewalk is it, they was looking at doing another job around here. So, I think they were try to want to be helpful as much as they can.

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

Council Member, W. W. Ross, Jr. – No.

Council Member, F. Perry - Why would they call you back to see if they could come back?

Council Member, W. W. Ross, Jr. – The same reason, the same reason people call Mr. Roger Cassell over there.

Council Member, F. Perry – To ask if they can do a job for the town?

Council Member, W. W. Ross, Jr. – Cause I was at the meeting. They knew I was on the town. It's like Roger get called from VDOT about certain jobs.

Council Member, F. Perry – VDOT don't ask Roger if they can do a job, I can guarantee that.

Council Member, W. W. Ross, Jr. – Well he gets information from VDOT about certain things. I asked Roger

Council Member, F. Perry – Yes, he initiates calls where he gets his information. My question to you is why would the Job Corp

Council Member, W. W. Ross, Jr. – I was in

Council Member, F. Perry – call you and ask you for permission to come back and do a job?

Council Member, W. W. Ross, Jr. – Cause I was in on the meeting when they did the job.

Council Member, F. Perry – Do you think you have the authority to give them

Council Member, W. W. Ross, Jr. – No, no, excuse me.

Council Member, F. Perry – Well, that’s what I’m asking. Do you - Interrupted by and speaking over

Council Member, W. W. Ross, Jr. – Miss Frances – Miss Frances

Council Member, F. Perry - have the authority to give the Job Corp permission to come to the town to do a job? I’m asking a question.

Council Member, W. W. Ross, Jr. – Miss France, if you let me

Council Member, F. Perry - You can never answer a question that I ask.

Council Member, W. W. Ross, Jr. – Miss France, if you would be quiet please?

Council Member, F. Perry – Why should I be quiet when you interrupt me?

Council Member, W. W. Ross, Jr. – Because of the fact that you asked a question. The fact is that you can’t.

Council Member, F. Perry – And you can’t answer me.

Council Member, W. W. Ross, Jr. – No, I can’t answer you. It was through the Town Manager, the Job Corp came over.

Council Member, F. Perry – That wasn’t what you said. You said the Job Corp called me and asked me if they could come back.

Council Member, W. W. Ross, Jr. – You’re not listening. Not listening.

Council Member, F. Perry – You’re not listening.

Council Member, W. W. Ross, Jr. – Okay, let me break it down to you. Before the Job Corp did the job, they had a meeting with Mr. Templeton and I was there. I notified Roger to tell them that they were coming. They sit down and had a discussion about the job.

Council Member, F. Perry – Right.

Council Member, W. W. Ross, Jr. - But it was necessary

Council Member, F. Perry - The Street Committee. Street Committee?

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

Council Member, F. Perry – Okay.

Council Member, W. W. Ross, Jr. – Roger was asked to be at the meeting.

Vice Mayor, R. Cassell – No, I was not. I found out about it from Mr. Templeton that you and him met.

Council Member, W. W. Ross, Jr. – I told you. I told you, Roger.

Vice Mayor, R. Cassell – No.

Council Member, W. W. Ross, Jr. – Yes. I, yeah, whatever. I mean but anyway the fact is that the process happened and they came in and that’s how they worked in. Because, the Job Corp was associated with me to come, so when I came in they called me and I could not because I said call here. They came into the, they came to the Town Hall and left a card and wanted to talk to and no and some reason the process just fell through the cracks. Then they called me try to find out what happened because they wanted to come back finish the job.

Mayor Jenkins – I’ll be glad to write them a letter thanking them. Do you have any more reports? Randy, do you have any report.

Council Member, R. Lane – No sir, Mr. Mayor.

Mayor Jenkins – Tommy?

Council Member, T. Herron – No, sir.

Mayor Jenkins – Frances?

Council Member, F. Perry – No.

Mayor, Jenkins – Roger?

Vice Mayor, R. Cassell – It's not necessarily a report, but I wanted to say something to the office employees who are here. I wish the third was. Contrary to some statements that have been made in beliefs, I think we have an exceptional office staff. I know personally, I have asked between the Planning Commission, Street Committee and Sanitation Authority a tremendous amount of paperwork to look up, contact, email and with everything else they got to do I think they do an exceptional job. I have never one time had any of them to refuse to help me with anything and I always make sure before I either hang up or finish an email or walk out that door that I thank them.

Mayor Jenkins – Thank you, Roger. I agree with you, we have an excellent staff. Is there any more Council Reports?

E. Economic Development Committee

Mayor Jenkins – Has not, have they been meeting?

Council Member, T. Herron – No.

Council Member, F. Perry – Do we need to take a look at that and maybe try to get some new life into it, some new members. I know Mr. Dixon passed away so he needs to be replaced.

Mayor Jenkins – We do need to pursue new members.

Council Member, T. Herron – Joe Coates is Chairman, he has been in bad health too.

Council Member, F. Perry – Let's look at that and see who's on that Committee and see if we can get that back acting.

F. Façade Committee

Mayor Jenkins – The full Façade Committee has not met. Rob Jones and I did meet with Joy Rumley from DHCD last week. She is actually tickled with the progress that has been made in town on the revitalization and has actually recommended that we put out for bid, and I did put this on the agenda, to do a 21-day turnaround on a bid for demolition or demolition and stabilization on the theater, since we have a really good bid on the razing of the Starnes Building and Little Store. That will allow us we will have enough money left in the grant to cover quite a bit of another demolition project, maybe a full demolition project. We actually talked about at least cutting and stabilizing the rear of the theater and actually applying some façade grant money to the front of the theater to keep that main street look to it. Either way, the theater is going to have to be taken to the ground and come back up. We'll do the engineering study to see if the front end is even savable at this time, which we think it may be since it's a separate part of the structure itself. There a six or eight inch space between the façade part. She said if we could do that, we could use the grant money to do that and they are going to do some I guess mural work with the façade money with several of the buildings and there will be no honor match. That's restoring some of the old signs that are on the buildings. The original old signs and Mr. Quillin's building would be one of them. He wanted the gray seal paint to "Cover the World". That would be one of the signs and we would have to get building permission, building owner permission to do it. But, there wouldn't be any cost to you, the owner's themselves. It would be to get the permission and have that signed restored. That's where we are at on that.

G. Historical Committee

Council Member, F. Perry – I don't have anything to report.

Mayor Jenkins – I should say that Randy, Jeremy and I met last night as a part of the Façade Committee and basically discussed the same items that the DHCD, Rob Jones and I discussed.

H. Manager

Mayor Jenkins – I have met with a couple potential business up starts on the ones that bought the old Woody's property. He's actually checking into some set-backs for him, but he is looking to demolish that building and potential build another business there. He's already got VDOT approval on the set-backs and everything. You and I will be meeting with him in the next few weeks. That's a new potential business coming into town.

Vice Mayor, R. Cassell – Have you heard if this property has been sold.

Mayor Jenkins – It has not.

Vice Mayor, R. Cassell – Because somebody asked me that they had heard rumor it had been sold.

Mayor Jenkins – It's not.

Council Member, F. Perry – Which one are you talking about.

Vice Mayor, R. Cassell – Daugherty's, the old Daugherty's building.

Town Manager, J. Keller – Who did you hear bought it?

Vice Mayor, R. Cassell – I was just asked. A neighbor asked me that they had heard they were going to put up a convenient, like in Duffield, a Travel Center with a service station and MacDonald's. She said that the sign is gone, which it is on the main part of the property.

Mayor Jenkins – I know that Wendell Barnett, himself, has taken half ownership in it now. But other than that, I don't know.

Vice Mayor, R. Cassell - and he started the Black Diamonds didn't he?

Mayor Jenkins – I mean, not Wendell the other guy.

Vice Mayor, R. Cassell – The one we talked with?

Mayor Jenkins – Yes. He has taken half ownership from Wendell. So, they may be getting ready to do something with it since they did do that transfer. That may be where came that it got sold because there should have been a property transfer transaction between the two. They're partners in the business.

Vice Mayor, R. Cassell – I sure wish there was a way that we could come up with the money and make something out of that facility. Mark, myself and Andy had probably had a telephone conference call with him and he would love to us to have and would work with us to develop it, but he was asking 1.2 million for the whole lot.

Council Member, F. Perry – I'm writing a check.

Vice Mayor, R. Cassell – But, he told us that anything you could imagine put before me and if I can make it work, I will make it work. We batted around and he told us that he has either done it, in it now or has tried about anything that you can think of. We kicked around a multi-use facility, a community center, and he said that he'd love for the town to have it. I don't know if we could come up with the money but that's, I know that we need the tax revenue, but other municipalities spend millions of dollars for community centers and so forth. Mark had even mentioned an idea of using it for a satellite college training facility and a community center and stuff like that. There's all kinds of ideas, but if anyone can come up with a way to get some money that is one project I'd love to see us do. You would have to meet this gentleman, he's real smart, knows the ins and outs, knows the money. So, that is something you might put in the back of your mind, but that kind of came about I met him through coming to get a key to the building and proposed to him. I actually had a call from Mr. Kilgore, Economic Development, that somebody was looking at it and I've not heard anymore from that. He said that it was a multi, he just called it a multi-use

facility so I don't know where that went. I'd just be curious if you, I thought you might have heard if

I. Park Committee

Council Member, F. Perry – We did meet and the guys from the Civitan Club have asked that we look at buying some gravel to put on the old walking trail and the tree that is close to where the Little League is building their shelter, it's old and rotten and they wondered if we would have our town guys to take that tree down. We did talk again about the play station, water play station and I did some research on the internet and I found a place that you could order them from and the price range from \$5,000 up. But, we could get something for about 5 or \$6,000 so that is something that we are going to look at and the Civitan will look at with us. One thing that I read it says that was one of the fastest growing things that towns were doing in their parks and it was a big success everywhere it had been tried. So, I think it is something that we do need to pursue and we do have Jeff Stapleton our Park Coordinator looking at plans to see where that might be placed and doing some preliminary studies on it. Hopefully before too long we'll have some definite things to bring back to the Council.

Vice Mayor, R. Cassell – Would it be back far enough to where if the water got up it wouldn't damage it or anything?

Council Member, F. Perry – I can't answer that question until Jeff comes up with a site. That was one of the things we discussed about flooding.

J. Planning Commission

Vice Mayor, R. Cassell – We're still working on the King-Ford lease. We did find out through email the reason no one has been able to get in touch with Juanita Wells she had taken a fall during the first of the year and had done quite a bit of damage and had some surgery and she is off for quite a while so we are having to go through her supervisor, Mr. Steve Buston. He said it was okay for Michele to direct the questions about the lease to him. The hanging point was closing the cross over and when the lease came back they actually had drawings with their specs in it and what Steve had said is let me see if we can do that and just use the yellow posts. All they want is a deterrent to keep somebody to cross. One other option he mentioned is said they make a, I know you had asked about the big concrete construction barrier. Anything that high would have to have the buffer on the ends. He said they made a shorter rubber version that may be a possibility. But, he said he would try to encourage them, he seems to have quite a bit of pull, to allow us to use the yellow posts. He even mentioned, I don't know if they will go for it, but if you off-set the end the park, they may even forego the cross over. He led me to believe he may be able to work out having the yellow post put up. I told him if we get into much we have to start paying flaggers to be down there to pour concrete, we hadn't planned for that. He seemed to think he could get it done or at least get it approved to make it as easy as possible. That's kind of where we stand right now.

Town Attorney, M. Brooks- He and I are playing phone tag. The other issue there is the petroleum residue that is on the property. That is something I want to make sure the town doesn't have any liability with that. I think we can do that.

Council Member, F. Perry – Did you all reorganize?

Vice Mayor, R. Cassell – Yes, we did have election of officers and we appointed Faye for another terms and we had an election of officers at the January meeting.

K. Public Works

Mayor Jenkins – Brush is down 10,000 pounds the month before. Trash pick-up was 156,000 pounds, recycled at 10,000 pounds and recycled newspaper at 15,000 pounds. They had work order from the prior month 55 to 70 this month. They did get called out over the weekend for snow or for salt spreading.

Council Member, T. Herron – Where do all the newspapers come from?

Mayor Jenkins – I would assume from the Scott County Virginia Star. They do so much and then call for a pick up. We actually do several of these of cardboard and newspaper pick-up.

Council Member, F. Perry – Where does the cardboard come from?

Mayor Jenkins – Different locations, I'm not sure.

Vice Mayor, R. Cassell – The Dollar Store is one of the big ones.

Council Member, F. Perry – We don't have any kind of private cardboard pick-up, private residents.

Mayor Jenkins – No, it's mainly from the businesses. I guess the Dollar Store is the biggest one.

Council Member, T. Herron – What happened to the guy who was going to do recycling around here? Go away, I guess.

Mayor Jenkins - He's still there. I don't know what he's doing. He doesn't seem to be moving much.

Vice Mayor, R. Cassell – He came in here one day when I was in here and I asked him about that and he said that his last study he was going to make about \$20 per person. He has not done a lot of advertising, but he said that he studied based on looking at different places to take it. I think the County has started taking some of the things that he wanted to take and he said that it looked like he'd make \$20 per person he re-evaluating. Really, I think we had him done November/December to come back and give us a report.

Mayor Jenkins – Yes, he had called and asked to be taken off the agenda then.

Vice Mayor, R. Cassell – That's been just a week or two ago I think he was in here and he said the he just didn't know if it was, but he's still doing it and he's picking up some at Shoemaker and places like that. But, I think he realized it's not going to make the money and feasible of what he thought unless something changes. That was the last thing he told me.

Council Member, F. Perry – Could we look at having recycled containers put on our municipal parking lot?

Mayor Jenkins – We probably could. I know the County tried that and they had dead animals thrown in and everything, but

Council Member, F. Perry- Well, they don't know because they have a man at stations. We can't do that, but I know the County is really doing great work with the recycling and I don't think the people in town load it and take it down. It's a lot easier to put with trash. That would be something that we might look at because we're probably paying a certain percentage of every ton of trash that is hauled to Scott County to the Hawkins County to get rid of and while we're doing that, we could be put into recycling bins down at the parking lot. That would be a good convenient place to put them. Put them out there in the back and get people involved with recycling.

Mayor Jenkins – We can get something done. We'll let Jeremy check to see if he can run something down. I should have said that Waste Management came back where we had them looking at picking up trash in town instead of us providing that service and they said they are not interested. They just flat said it would not be profitable to them and they would have to put in another truck on and it would have to be a smaller truck, they would have to make multiple runs than what they are used to running. They said with the trade we got it's just not they're not interested. They said they didn't even want to provide an estimate of what it would be.

L. Sanitation Authority

Vice Mayor, R. Cassell – This month we did the elections. Mr. Craft has changed his mind and just decided to step down as Chairman and stay on the Sanitation Authority so we do still have a five member board. We did adopt a change of wording to the by-laws that Michele drafted for us that shall consist of five, but we need to have a minimum of four and that allows us to, if we drop somebody, that we can still meet where before we couldn't. We did adopt that and we found the by-laws were old and the times, the meeting day and time was wrong so we had to do an amendment to correct that to the Wednesday at 6:00 p.m. They asked me and voted if I would take Chairman, since I've been on the Council and been on Sanitation Authority and was familiar with the business. The other two members, Dewey wasn't interested and the other two members are new. So I asked their blessing, we discussed having a representative go to the PSA meeting. They were fine with that. I had Kathy, Michele and I on the agenda. She went with me this morning, Frances went and I asked Jeremy to go so he would be familiar with it. I had a list of issues I addressed and I went into it gentle explaining to them to resolve some issue and as well to open communication with them between those two boards. It has been there in years. The main issue was the billing that this has been going on for the previous term of the Council. They would do better than we would get two months at a time and in January we got three months. The bills run \$22,000-\$25,000-\$28,000 you times that times three that's a hard hit at one time. I felt sorry for Melinda, because the Chairman stopped me saying before we go any farther, and of course Mr. Danko was sitting there beside of her and he looked right over to her and said Gate City is one of our biggest customers and we need to be taking care of them. Do you think, from now on, you can get that bill on time? Bless her heart, she just sit there and she was terrified and she said, "Yes sir". Mr. Danko's response was we have taken on so much other area that we are going to have to hire another person. He said I'm not trying to make excuses. We got their attention, because he had already asked another board member why we were on the agenda that he saw at another meeting. He has said he has told Melinda to go into the office, lock the door and not come out until Gate City bill was done. With all that she has to do, we need another person and the board was not pleased at all that it had come to this. I told him that we have directed our attorney, she has emailed, made phone calls, sent letters and I said I'd give Mr. Danko credit did come one time but we did not have a quorum. Of course he brought that back and he said he don't care to come but he says he's been here several times. This has only been one time that he's come that he's not been able to meet. He said I don't mind coming, but I'm not going to come and not have a quorum. They pretty much told him he needed to be coming to the meetings. The board was not pleased at all that it had come to this point that we had to come to the board. They said, don't let it go this far anymore. If you have problems come to them. They welcomed our input and we were welcome at anytime. I did, on behalf of the Council and the Sanitation Authority, again requested representation and they said it had to go to the Board of Supervisors. I said, again, I want you to know what we are doing I don't want to go to them and request this and you don't agree. The board felt good with it if the Board of Supervisors would approve it. Of course he asked me how long it has been since anyone has attended one of his meetings. I told him I'm embarrassed to say, years. We even had to go back and pull the agreement, because nobody had looked at it in so long. We just, things came in, we paid did whatever and went on and nobody had looked at it and I said I'm trying to play catch up and that's why I'm here I want to go back and establish that through the PSA where we have communication. Of course we received this letter about an employee being terminated that it would affect our billing and just left it at that, another open ended letter. We didn't know if it was to the good or to the bad. Of course, Mr. Danko popped right up and said I figured I'd get a phone call the next day when I sent that out and nobody questioned it. I feel like we made a lot of progress today and I spoke to Jeremy today and he said

he may be attending some. Mr. Danko is supposed to be at our March meeting. He started out saying I don't want to come out every time the board changes and explain this. I said the board has not changed so much. I've been in this too long. We have a stable board now and can pretty much assure you there will be a quorum if you come. He was pretty much directed to start coming to the meetings.

Council Member, F. Perry – I did ask him if he could come quarterly.

Town Attorney, M. Brooks – It was suggested by the Chairman. I think we will be seeing him more often.

Vice Mayor, R. Cassell – He did volunteer to come to the Sanitation Meeting. He thought he still had this month, but he did say that he would be at the March meeting. I also had Chris draft a letter and we sent it to him. We've been having to request the master meter be calibrated every year and it states in the agreement that it would be done at their expense. We had to request it every time. We were informed today that Mr. Danko was told all the operators that they were going to start a program that all the meters would be calibrated between January and February so it doesn't get missed. I think we kind of stirred things up. The board was not aware all of this was going on. Hopefully, we'll see some improvement.

Council Member, T. Herron – Who's the chairman of that board?

Vice Mayor, R. Cassell – Edgar Hood.

Town Attorney, M. Brooks – Kathy, can you put that on the Sanitation agenda, please? For Mr. Danko and make sure the members are aware that he's going to be there. I want to make sure that everyone is there, if possible.

Vice Mayor, R. Cassell – We've just been getting open ended letters. We get a letter that their budget is going up \$70,000, well why? That's kind of how it all got started. We wanted him to come and explain. We couldn't get him to come. I hope to see some improvement and if I'm back next year, I assured them that it wouldn't get this far again. That we will try to stay on top of it and work with Mr. Danko.

Town Manager, J. Keller – I'm planning on going every meeting, it's at 9 a.m. same day as our Council meeting.

Council Member, F. Perry – I have a question, though that came to my mind while I was at that meeting. A statement was made we could have a representative on the board that we wouldn't have a vote. Why would that be that we wouldn't have a vote?

Town Attorney, M. Brooks – I don't have an answer to that.

Council Member, F. Perry – I think Roger was the one that made the statement, though.

Vice Mayor, R. Cassell – We've been told that in the past.

Town Attorney, M. Brooks and Council Member, F. Perry – Speaking at same time – inaudible.

Town Attorney, M. Brooks – Gate City is a part of Scott County, it's one part and maybe I'm missing something and that is something that I need to talk to Sally Kegley about. But I definitely think that is something that you all need to think about is going before the Board of Supervisors and asking for representation.

Council Member, F. Perry – That was going to be my next thing, can we put that on the agenda that a motion be made to approach the Board of Supervisors as Council requesting that they give us a seat on the commission. Do I need to make a motion to amend the agenda to that affect?

Mayor Jenkins – Yes.

Motion made to amend the agenda to include a motion to present a letter to the Board of Supervisors asking for representation from the Town Council on the Sanitation Board.

Town Attorney, M. Brooks – There is nothing in the agreement that would preclude from someone from being on there. I went through it really carefully.

Council Member, F. Perry – I’ve always contended that we are the largest customer they have and I don’t know of any other organization that a main stock holder doesn’t have a say in it. So, why shouldn’t we have, I mean, that’s a six member board, seven? Anyway, whatever it is

Vice Mayor, R. Cassell – At least, yes. Of course, Mr. Danko is the executive director.

Council Member, F. Perry – Right. But even if we had a vote and they didn’t like our vote, they could out vote us. But, at least we’d be there and know what’s going on. I’m like Roger, I got the feeling that the Board has a whole were in the same boat that we’re in that we won’t be in a communication gap bridged and for the working between the two to be congenial.

Motion made to present a letter to the Board of Supervisors for a seat on the PSA Sewer Board, adding this item on the agenda under New Business.

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

VOTE: Yeas,	5
Nays,	0
Absent,	0
Abstain,	0

Mayor Jenkins – Thank you, Roger. Thank you for all of you going and talking to them.

M. Street Commission

Council Member, W. W. Ross, Jr. – The last meeting we had I had mentioned the handicap parking -inaudible someone coughing – at a location at this end. And, I guess you can elaborate on this more that I can, I didn’t talk to VDOT. I had talked to Roger the day before, but I didn’t know that Mr. VDOT was going to be here the next day, so I just happened to run into you all when you all was on the street, so. I presume maybe the street the handicap parking street was mentioned, I don’t know.

Mayor Jenkins – The handicap parking was brought up a couple of months before you brought it up by the owners of the bakery and we had already started pursuing that. It’s in the minutes, you can go back and look they had requested that there prior to you bringing it up so. Yes, it is being addressed so are other items and Roger can report more on the meeting with Mr. Buston if he wishes.

Vice Mayor, R. Cassell – In trying to contact Juanita, this got referred to Steve and of course we are only allowed two Council Members and he asked me he gave a date and said can you do this date and I knew Mark needed to see him and my main concern was presenting Cotton’s proposal to him, which we did. He took the drawing and we went to the intersection and had Mark take pictures from every angle and actually after we go finished talking, Mr. Buston is a man who likes to be hands on. We got into the vehicle with Mark asking him to look at and he left here with a full page of items that we had questioned him about. One of them was the no parking in front of The Family Bakery and he had pulled his vehicle over and drive up to where the parking spaces used to be do see how far he could get and still see the light. We did mention about the handicap and somebody mentioned that you can’t have the vehicle door open out into traffic and Steve wasn’t sure about that and check the ADA rules on that.

Council Member, F. Perry – The one at the Courthouse is parallel.

Vice Mayor, R. Cassell – But he was supposed to check on that. One thing he said he was going to do was check the town plats to see how the sidewalks lay to see if they belong to the town or belong to VDOT. He said he could have those plats pulled up to look at. He was supposed to be

back sometime this month, but with what we had given him was quite a bit of work. The main thing that I had was that we promised Cotton that we would try to do something and this kind of got referred from Juanita to Steve and he wanted to come down here and that was the date he had and Mark wanted to come and it just happened. We discussed about turning over the streets. He was supposed to get us some information on that of exactly what they look for assuring me he would get that looked up. Kathy found a website, but it's hard to interpret and pretty in depth. They did change their standards. He actually drove up and looked at some of Moccasin Hills and so forth. To my understanding he said pretty much as far as the town is concerned if we turned it, this is him speaking, but if we requested it to be turned over, they really couldn't deny it. Was that pretty much not what he put it? So he was supposed to do some checking on that some criteria and. I was approached by, in general conversation, but we apparently stirred something up. Mr. Buston contacted Ronnie Flanary, he used to do some of this work back several years ago. According to what Ronnie told me they could not find where some of this Moccasin Hills the request that we requested up there was ever approved. And he, at the timeframe, he said Mr. Buston contacted him it would have had to been because this came up. Juanita had told us at a Planning Commission meeting this last section of Moccasin Hills that we had requested probably would not be approved because of these changes. So, apparently, Mr. Buston is checking on that and Ronnie said he remembered working on it and there was a section of Moccasin Hills turned in and he said there was another proposal turned in and there was another proposal turned in and they didn't know which one to act on. Apparently, that's where it stood.

Mayor Jenkins – That one was at the direction of Ronnie Lane to turn in multiples just in case one fell through. I do remember that.

Vice Mayor, R. Cassell – We pretty much put before him everything that has been questioned here about the parking situation and he pretty much said, Mark was standing there, he said we really don't want to get into that as far as the parking spaces and all. He said that's pretty much up to you all as long as there wasn't any hang up on the handicap part. He said we really don't want to get into telling you all what you can and can't do.

Council Member, W. W. Ross, Jr. – Question on this now, you said that I mentioned the handicap parking and you said by the record that it was mentioned by someone else?

Mayor Jenkins – Yes.

Council Member, W. W. Ross, Jr. – How was it mentioned? I mean, could you

Mayor Jenkins – They requested with a handicap parking on that corner. You can go back and read the minutes, it's there. I did to make sure before I said that.

Council Member, W. W. Ross, Jr. – Oh okay so, in front of Chris's right?

Mayor Jenkins – Yes.

Council Member, W. W. Ross, Jr. – Now, how was it stated it put handicap loading zone and then a handicap parking or a handicap parking?

Mayor Jenkins – Handicap parking there on the corner.

Council Member, W. W. Ross, Jr. – And, okay and then what about the rest of it, in front of the bank did they mention that and then out here did they mention that?

Mayor Jenkins – No, but the handicap parking that we were addressing in front of Chris' yes.

Council Member, W. W. Ross, Jr. – Well, this was all handicap parking all over because we don't have handicap parking. That should be in the minutes here in front of the bank and we don't have any on this side cause it has been mentioned. That's what I mentioned at the last meeting that the handi that place and here and it front of the bank so was that left out of the minutes?

Mayor Jenkins – I don't know I only looked at one spot to see. I have to see because someone said they brought that up before.

Vice Mayor, R. Cassell – Mark, pretty much left that up to you and I as the Street Committee to make the recommendations where to put them and we kind of gave Steve the general location

where we're looking. Pretty much of everywhere of where we were looking it was going to be a parallel space. So, that's kind of where it stands now. In front of the bank is parallel, the one in front of Chris' would not be

Council Member, W. W. Ross, Jr. - Right, because it was mentioned to take that first parking space, now I suggested to make a loading zone and then put a handicap on the next one and then across there and then out here. So, I just, you know.

Vice Mayor, R. Cassell – He had quite bit he needed to check out and it was kind of where we stood. But he is aware of kind of what we had planned and he needed to go back and check some things on VDOT's part. He was supposed to either send me something or come back down here with the information he said some time in February. That is kind of where he left it. Apparently, he's doing two people's work, with Juanita being off.

Council Member, F. Perry – Well, I did ask the question if we couldn't have a handicap spot on every block, at least on every block. I do remember asking that question the last meeting.

Vice Mayor, R. Cassell – He pretty much said if there wasn't anything ADA they didn't want to get into telling us what we could or couldn't do. Mark heard that as well.

Mayor Jenkins – And it may be, the one at the Courthouse is a parallel following diagonals and there may be something on starting the block because you wouldn't have any shun to push out. I mean if you had a parallel at the start of the block. That is why they wouldn't let us put one right out here because they said we'd be opening into traffic.

Council Member, F. Perry – But that one does open into traffic.

Mayor Jenkins – But it does has the parallel following diagonal.

Vice Mayor, R. Cassell – You have the diagonal kind of blocking

Mayor Jenkins – You have a separator there that is showing the roadway is at this spot prior to that parking place.

Council Member, W. W. Ross, Jr. – Yeah, but the other problem with that is when you're coming down the Courthouse because of that and bigger trucks is very hard to pull out right there. Used to, it's very difficult when you pull out the car will be on you before you get out it's the biggest problem. The bigger trucks park in the parallel parking and it is very difficult to see traffic coming and that's the one big thing. Me, I hope no accidents happen, but time is when is done because it's pretty close.

Council Member, F. Perry – Most of them don't stop anyway, they just come on out and dare you to hit them.

Mayor Jenkins – Is there anything else for Street Committee?

N. Safety Committee

Council Member, W. W. Ross, Jr. – Now, on this Safety Manual the book, I asked this question in the Safety Committee. That book has a lot of defiance of things that you check you know the Fire Department like if they had an accident down there and all this other individual stuff. So, does that cover that or is it just in there for the process of just being in there?

Mayor Jenkins – I haven't read the book.

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

O. Water Plant

Mayor Jenkins – Our loss last month may be affected by the billing cycle versus the actual monthly cycle because we're showing a little higher loss. Addresses, Treasurer, C. Edwards, did they ever get that settled Chris, do you know, the discrepancy over the billing cycle?

Treasurer, C. Edwards – Yes, it was where Loretta has it going from day 1 of the month to end and the way our billing cycle works are the days that are not corresponding with what she does and it did get straightened out.

Mayor Jenkins – So we are up a little bit on loss but we are still at a decent level. We would like to see that other 25%. They haven't had any reports or findings of major leaks. It seems like everything else, we have had one issue that we will discuss in closed session that has to do with the water plant. Other than that, everything else has been fairly normal.

XI. PUBLIC COMMENT

Jack Newland – Discusses:

- Commends Town's selection of Jeremy Keller as Town Manager
- His receipt of speeding ticket and concerns regarding possible speed traps
- Asks what selective enforcement is with Mayor Jenkins and Officer Whitt providing a definition for selective enforcement
- Asks who determined different speed limits from Daniel Boone Road into Town with Mayor Jenkins explaining approved by Town, based on population of area and receipt of complaints from residents regarding motorist speeding.
- Asks if he will receive a ticket if he travels 5 mph below posted speed, with Officer Whitt explaining a ticket would not be issued at 5 mph below, but if impeding the flow of traffic a ticket would be issued. Michele Brooks states no ticket at 5 mph under posted speed, won't prosecute it.

Tommy Quillin – Discusses:

- He has no real problems but is requesting if the Town Crew could clean the ditch that filled with silt due to the overflow of Elliott Smith water tank. Mayor Jenkins states he and Town Manager will look at it, asks if Town has R-O-W or easement access, with the Town Attorney stating we need to check the legality of being on the property.
- He presents his concern of what will happen to his building that is tied to the G/C Theater if it is demolished. Mayor Jenkins informed him a structural study will be performed.

Mayor Jenkins closed the public comment session at 8:36 P.M. and opened the consent agenda session.

XII. UNFINISHED BUSINESS

- **Advertise for Public Hearing for Water Rate Adjustment**

Motion made to advertise for a Public Hearing for a water rate adjustment prior to the next Town Council Meeting, prior to the March 13th meeting.

Motion by: Council member, F. Perry 2nd by: Council Member, T. Herron
Council Member, W. W. Ross, Jr. – Are you going to have the hearing before the meeting or at the meeting at the time.

Mayor Jenkins – We will have the Public Hearing prior to the meeting, but it will at 6:00, we'll just push the meeting back following the Public Hearing. Are there any other comments?

VOTE: Yeas, 4

Nays, 1 – W.W. Ross, Jr.
 Absent, 0
 Abstain, 0

- **Demolition of the Starnes and Little Store Building**

Mayor Jenkins – We have done all the proper advertising and opened the bids last week for the demolition of the Starnes Building/Little Store. We had bids come in with the range of \$15,800 and some odd dollars versus up to \$68,000. The low bid was almost \$15,900 and we did call and verify and they said it was a good bid and they will be willing to take the buildings down to clean slab and structurally reinforce the common wall between the two buildings. They have bond, proper insurance and Rob checked everything so we’re ready to go. Once we notify them and they sign the contract it has to be completed in 30 days or there are penalties on that.

Town Attorney, M. Brooks – He sent me those documents yesterday.

Mayor Jenkins – Yes.

Council Member, F. Perry – Did we look at salvage some of those brick for future use, maybe.

Mayor Jenkins – He will as long as we don’t hold up their schedule. We will be available for the Town or certain people to go in and salvage some of those bricks. But, not during their working hours or not impeding any of their progress on the building.

Council Member, F. Perry – And if don’t they haul it all off?

Mayor Jenkins – They will, they are going to redistribute it to different places. The church may be another place that you could go if you wanted to salvage that brick after that it would be up to the person and Community Fellowship that is the approved field site for any hard demolition like that. Of course all the wood and other stuff would have to go too.

Motion made to proceed with the demolition of the Starnes Building/Little Store to the lowest bidder for demolition.

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

VOTE: Yeas, 4
 Nays, 0
 Abstain, 1 – W.W. Ross, Jr.
 Absent, 0

- **Ron Baker – Water Bill**

Mayor Jenkins – Ron Baker was removed from unfinished business, water bill per his request.

XIII. NEW BUSINESS

- **Council approval for amendments to Article 3.1 and Article 7.1 of the Sanitation Authority By-Laws**

Mayor Jenkins – We do have copies of that.

Town Attorney, M. Brooks – I think Roger has explained to you why we were doing that. It just allows us to have meetings without five people being present. It just makes it a little bit easier to have meetings and the second amendment is just for the time and date to change. Somewhere

along the way, the time and date got changed but it does not appear that the by-laws ever were amended to reflect that. So, really what the change is only reflecting what is actually being done.

Council Member, R. Lane – Was there any consideration, I may not even be asking the right question. On the meeting date, just to say that to try to keep from getting into the same issue again just to say something like, a monthly meeting that’s publicized whatever, I mean I just wondered.

Town Attorney, M. Brooks – That’s not what they decided to do.

Council member, R. Lane – That’s fine.

Town Attorney, M. Brooks – This is what’s been done for a very long time, best that I can tell.

Vice Mayor, R. Cassell – The wording was added at one of the member’s request to leave us an out if we couldn’t meet on Wednesday

Town Attorney, M. Brooks – Legal holiday or

Vice Mayor, R. Cassell – Special meetings shall be called as needed.

Town Attorney, M. Brooks – If you have any questions, I’d be happy to answer. But, that’s, it’s all in for vote.

Motion made to approve the Sanitation Authority’s amendments to the by-laws.

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

Council Member, W. W. Ross, Jr. – Have they been in compliance so far, these changes won’t affect any other decision they made?

Town Attorney, M. Brooks – The first change actually will make it a little bit easier. At one point when I came on, I looked at the by-laws and we didn’t have enough people on there. That’s one of the reasons we were talking about the day that Mr. Danko came. We actually, I found, I think Kathy sent me the by-laws that same day. I was reading the by-laws and I was like that is not a legal meeting because we don’t have enough people. So, what we did was, or what they did, was to amend it to allow four people instead of just having five. You have to have a minimum of four people to have the Sanitation Authority.

Council Member, W. W. Ross, Jr. – So, was that did they carry on votes? I mean they had a voting process

Town Attorney, M. Brooks – No, sir we did not.

Council Member, W. W. Ross, Jr. – I mean prior before you came along. Was any business

Town Attorney, M. Brooks – I don’t know

Council Member, W. W. Ross, Jr. - conducting a voting manner?

Town Attorney, M. Brooks – Every other meeting that I have ever been to, there has been a full number of people. On that particular night there were not. I think Roger actually was, that was during when the tornado came through and he was actually gone. The circumstances caused us to look at things and we made sure we are in compliance. This will permit us to be in compliance a little bit easier, if that makes sense.

Vice Mayor, R. Cassell – We actually had a member resign during that time and we were one short on top of that. When I didn’t make it, we didn’t even have a quorum.

Town Attorney, M. Brooks – Didn’t have a quorum and we didn’t have a full membership and now we have both.

Vice Mayor, R. Cassell – And that was actually another attorney that was here to meet that actually caught that too and pointed it out. It was mentioned after that.

VOTE: Yeas, 4
 Nays, 0
 Abstain, 1 – W.W. Ross, Jr.
 Absent, 0

- **Request for Qualification for General Engineering & Architectural Services for Town of Gate City**

Mayor Jenkins – I guess we have to advertise for a resident engineer. Vaughn and Melton’s contract is time is coming to an end. We have to put it back out.

Council Member, F. Perry – We have to advertise for this?

Mayor Jenkins – We’ve had a certain time period plus and expandable contract and we have used it all. So, we do have to do it over now.

Motion made to advertise for request for qualification for General Engineering & Architectural services for the Town of Gate City.

Motion by: Council Member, T. Herron 2nd by: Council Member, R. Lane

VOTE: Yeas, 4
Nays, 0
Abstain, 1 – W.W. Ross, Jr.
Absent, 0

- **Advertise for bids for the demolition of the Gate City Theater building**

Mayor Jenkins – Next is to advertise for bids for the demolition of the Gate City and this should say demolition or demolition and stabilization of the Gate City Theater building. This is at the recommendation of Joy Rumley from VHCD since we did get as extremely, attractive, low bid on the other two that and she recommended that we expedite this. Use the bare minimum in advertising and she would give us all the guidelines, but we are just going to flat go short ad, I think it’s a two week ad and then a bid opening in 21 days which falls within all the legal guidelines.

Vice Mayor, R. Cassell – What’s going to determine whether it’s demolition or stabilization?

Mayor Jenkins – Engineering study as far as what can be saved and what cannot and then stabilization of the surrounding buildings or the stabilization of the surroundings and the façade itself.

Council Member, F. Perry – Well, I have a question. If we haven’t done that engineering study and we don’t know whether we’re going to have to tear it all down, or whether we’re going to be able to stabilize part of it how are we going to ask anybody to give us a bid?

Mayor Jenkins – We’re going to have the engineering study done.

Council Member, F. Perry – Well is that not what we need to do first?

Mayor Jenkins – She’s working on that.

Council Member, F. Perry – You don’t have to vote for that?

Mayor Jenkins – No. That is paid for by VHCD and Rob as already lined that up as part of what we have to do.

Council Member, F. Perry – I just want to make sure we weren’t putting the cart before the horse.

Mayor Jenkins – No, that doesn’t take a vote to do the engineering study. It’s, I think, \$1,500 study that can be approved and the administrator of the grant actually does it.

Council Member, F. Perry – I guess my question is, how is anybody going to know how to bid until they see the study?

Mayor Jenkins – They won’t. It will be a, Rob is supposed to be taking care of every bit of this of where it will fall within the proper period.

Council Member, F. Perry – Okay.

Mayor Jenkins – If he does

Council Member, F. Perry – If I was going to put a bid in, I would want to know what I’m going to do before I put a bid on it.

Mayor Jenkins – Yeah, and it’s, he assured her that he could get it done if we voted to do the advertising. Which we don’t have to accept any of the bids, either way. But he said everything

Council Member, F. Perry – Okay, so long as we’re covered.

Mayor Jenkins – So, do we have a motion? I’m sorry, I should have or did we already have a motion?

Council Member, F. Perry – No.

Motion made to advertise for bids for the demolition of the Gate City Theater building.

Council Member, R. Lane – Demolition and stabilization?

Mayor Jenkins – Yes.

Motion made to advertise for bids for the demolition or demolition and stabilization of the Gate City Theater building.

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

VOTE:	Yeas,	4
	Nays,	0
	Abstain,	1 – W.W. Ross, Jr.
	Absent,	0

Mayor Jenkins – The additional items were Bond Counsel, we were going to take action on

Town Attorney, M. Brooks – The Davenport and Company, we almost need to discuss that, we need to table that till after closed session because there’s a legal issue with that.

Mayor Jenkins – Okay, so we will

Town Attorney, M. Brooks – May I suggest that we do that?

Mayor Jenkins – Yes.

Town Attorney, M. Brooks – I’m making life complicated. I’m sorry.

Mayor Jenkins – The other motion was on rebidding the water project and referring to the option #3 that Andy had presented to us is actually rebid, re-advertise project for the construction bid and breaking out the more volatile expenses and just get a bid on everything broken down. I don’t know how to say all that.

Town Attorney, M. Brooks – Perhaps which of any of the options that Andy presented the Council if somebody wants to make a motion on one of the options that he presented.

Mayor Jenkins – Okay, that would be

Town Attorney, M. Brooks – Would that be simpler?

Mayor Jenkins – That would be simpler. Does anyone want to make a motion to rebid the water projects based on any of the four options that Andy Miles presented to us?

Motion made to accept Option #3 which was to totally advertise and rebid the complete project.

Motion by: Vice Mayor, R. Cassell 2nd: Council Member, T. Herron

VOTE:	Yeas,	5
	Nays,	0
	Abstain,	0
	Absent,	0

Mayor Jenkins – Next is presenting a letter to the Board of Supervisors for a seat on the PSA Sewer Board.

Council Member, F. Perry – I'll make that motion. Do we need to have our attorney write that letter?

Mayor Jenkins – I guess she would.

Council Member, F. Perry- Does it have to come through our legal or does it need to come through

Town Attorney, M. Brooks – I think, I mean, I'll be happy to do it, but I think that perhaps even the Town Manager could do it.

Motion made to present a letter to the Board of Supervisors for a seat on the PSA Sewer Authority, PSA Sewer Board.

Motion by: Council Member, F. Perry 2nd: Council Member, T. Herron

Council Member, R. Lane – Should we add the word voting? I heard that discussion, a voting seat? Instead of

Council Member, F. Perry – If that need be in there, yes.

Council Member, R. Lane – Since it was brought up.

Town Attorney, M. Brooks – I don't know if they have non-voting members. I don't believe they have non-voting members.

Vice Mayor, R. Cassell – That might have been something we were told to discourage us from asking. That was mentioned years ago. I don't even remember who, if it was Danko that said it. It was early on in this agreement that because it involved things outside of Gate City wouldn't have a vote. That didn't come from anything in a letter, but that has always been their excuse. That might have been somebody's opinion.

Council Member, W. W. Ross, Jr. – Is that in their by-laws?

Town Attorney, M. Brooks – I don't have a copy of their by-laws. I have a copy of the agreement that we entered into with them. But you're still a resident of Scott County. I don't understand what the big deal would be, frankly.

Vice Mayor, R. Cassell – I've seen in their ad to fill that board, they have specifications that you have to live on their lines or in their territory. It's been a long time since they've had a vacancy. But they had some weird wording in

Council Member, F. Perry – When I applied for it, it wasn't like that. I applied for it when it was advertised. When I was still on the planning commission, I applied for a position and they gave it to somebody out in the County.

Town Attorney, M. Brooks – Well that's the other thing too, there may be a vacancy. I'm sure their by-laws call for a certain number of members. I don't know, it may be that we have to wait till they have a vacancy. They could amend their by-laws and add a permanent member from the Gate City Town Council. I don't know if there's anything that would preclude it.

Council Member, W. W. Ross, Jr. – Our agreement, doesn't it have, you said no clear defiance of to their by-laws for that question to have anyone put on?

Town Attorney, M. Brooks – No, there is nothing in our agreement that would preclude it. But, then again, I have not examined their by-laws to determine if something if there is some kind of prohibition.

Council Member, W. W. Ross, Jr. – Okay, so who wrote the agreement?

Town Attorney, M. Brooks – I don't know somewhere a long time before me. Was it Terry? Terry Kilgore, my understanding.

Vice Mayor, R. Cassell – He was the attorney, at the time.

Town Attorney, M. Brooks – The agreement, if I remember correctly, was entered into in 2001.

Vice Mayor, R. Cassell -2001 was the final signing. But now everybody that was there they lived out in the County. They had represented from pretty much from every zone.

Council Member, F. Perry – There has never been anyone from Gate City on it.

Town Attorney, M. Brooks – I'll give Kathie Noe a call on it and tell her that this might be coming and see what she says and maybe feel her out.

Council Member, F. Perry –She'll probably will get that idea from today's meeting. I know she wasn't there, but her attorney was. Their attorney was.

Mayor Jenkins – Is there anymore discussion on item? Calling for a vote.

VOTE:	Yeas,	5
	Nays,	0
	Abstain,	0
	Absent,	0

XIV. PUBLIC COMMENT – NEW BUSINESS - None

Mayor Jenkins closed the public comment session for new business at 8:59 P.M. and opened the consent agenda session.

XV. CLOSED SESSION

Mayor Jenkins opened the closed session at 8:58 P.M.

Mayor Jenkins – Do we have a motion to go into closed session to discuss legal and personnel issues?

Council Member, F. Perry – Before we make that motion I'd like to say one thing. Tommy and I did request our Treasurer to be at tonight's meeting in case there were any questions in regards to this water rate thing. Just wanted that on the record that he was requested to be here tonight. The other thing that I wanted to say was, I'm a skin flint, pinch a penny. Every time we meet we get this in our packet (Ron Baker) and this is how many pages and it keeps getting tabled. I would make the suggestion that the Council would put this somewhere where we can bring it back the next time and our Clerk doesn't have to make this many copies all over again. We've got a dozen of these things.

Mayor Jenkins – Yes, if we wish we could just turn them in tonight for the next meeting and have them redistributed, if everyone would want to do that. That's a good idea because that is a lot of paper for one item.

Council Member, F. Perry – Yes, a lot of paper, lot of ink and lot time.

Mayor Jenkins – Thank you, Frances.

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

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

VOTE:	Yeas,	5
	Nays,	0
	Absent,	0

VI. RETURN FROM CLOSED SESSION

Council returned from closed session at 9:25 P.M.

Motion made for Council to return from closed session.

Motion by: Council Member, R. Lane 2nd by: Council Member, T. Herron

VOTE: Yeas, 5
Nays, 0
Absent, 0
Abstain, 0

CERTIFICATION OF CLOSED MEETING

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

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

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

VOTE: Yeas, 6
Nays, 0
Absent, 0
Abstain, 0

XVII. MOTIONS FROM CLOSED SESSION

Motion was made to table the discussion and decision on the selection of the Davenport and Company on the potential refinancing of the Rural Development loans.

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

VOTE: Yeas, 5
Nays, 0
Absent, 0
Abstain, 0

XVIII. ADJOURN

Motion made to adjourn the meeting until the next regularly scheduled Council Meeting, March 13, 2012, at 6:00 P.M.

Motion by: Council Member, T. Herron 2nd by: Vice Mayor, R. Cassell

VOTE: Yeas, 5
Nays, 0
Absent, 0
Abstain, 0

***Mayor Jenkins adjourned the meeting at 9:29 P.M.**

Mark Jenkins – Mayor

Kathy Riley – Town Clerk