



**GATE CITY TOWN COUNCIL MEETING MINUTES**  
**MARCH 13, 2012**  
**156 E. JACKSON ST.**  
**6:00 PM**

• **PUBLIC HEARING: WATER RATE ADJUSTMENT**

I. Vice-Mayor, Roger Cassell called Public Hearing to order at 6:02 P.M.

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

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

**Other present:** Town Attorney, M. Brooks, Town Manager, J. Keller, Town Treasurer, C. Edwards, Pat Elliott, Benny Reed, Ron and Debbie Kindle

III. **NEW BUSINESS**

• **Public Hearing on Water Rate Adjustment**

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

- Audits showed a deficit on water and sewer
- To receive grants need to be self-sufficient in paying for water and sewer
- Currently have three water projects grants that will need to be paid back
- Combination of projects and deficits is reason for Public Hearing

**Council Member, F. Perry – Suggests** Town Treasurer, C. Edwards to provide an explanation prior to opening public comment.

**Town Treasurer, C. Edwards – Discusses:**

- 2010 Audit showed deficit on water of approximately \$141,000
- 2011 Audit showed deficit on sewer of approximately \$63,976
- Current bonds of revenue bond and general obligation bond and explaining differences of each bond

- Refers to a handout that was included in Council packet and available for public going over current rate and explaining each example/option/scenario for water rate adjustment
- These will cover the loans, but will not cover the deficit. He provides explaining of the amounts to cover the loans and amounts to cover the deficit
- Refers to last page of handout regarding expressed concerns of what an average price of a monthly water bill would be providing an explanation at different rates.

**Town Attorney, M. Brooks** asks what figure would be required to cover our current obligation plus the new water? Do we know exactly? Can you give us a range to meet our current obligations to be in compliance with our bonds.

**Town Treasurer, C. Edwards** – To meet our current obligation it would have to increase at least up to \$23.00 and then the extra \$1-\$2 or \$3 would cover the extra. Discusses being reimbursed roughly \$90,000 where we had to pay out to fix a connection, should get that money back that will go back into General Fund coming through water but it needs to be paid back to General Fund. We have to make a good faith effort that we are doing this and can reduce it if we feel we have done too much, but it will take at least a year because we are almost out nine months of this fiscal year.

**Council Member, T. Herron** – Example 2 will take care of the grant we are getting with **Town Attorney, M. Brooks** interjecting the new stuff not what we are currently obligated to.

**Town Treasurer, C. Edwards** – States it would have to be Example #3 or Example #4 to take care to show we are getting that money back in to reimburse. That is if we can do it in a year and break even on that and not have to raise it again. Not sure if we would have to until we get the results of our audit.

**Council Member, F. Perry** – We asked you to ask RADA about the pay back on what we are already behind in and whether we needed to do that all at once.

**Town Treasurer, C. Edwards** – Rural Development said as long as we are making our monthly payments, we're in good faith. They would not require us to bring it up. They would like us to come up to compliance with what we have already to show the good faith effort in case we would have to get loans through them again, it would be to our best interest to do that.

**Town Attorney, M. Brooks** – Legally, they have the right if we're not in compliance to with **Town Treasurer, C. Edwards** – Reiterates Town Attorney they could come in and tell us how much we're going to charge. If we don't meet our monthly obligation, they could come in and take over and say this is how much you're going to charge for water and there is nothing we can do about.

**Council Member, F. Perry** – That's was one of the points I wanted to make. It's something that we're going to have to do. Whatever this Council decides it's going to be less than anybody else.

**Vice Mayor, R. Cassell** – What Chris is showing is water..

**Town Treasurer, C. Edwards** - It does not take into consideration the sewer. Sewer is 100% of the water.

**Vice Mayor, R. Cassell** – Discusses no action done with sewer rates pending decision on water rates and replacement of the inceptor line with costs of approximately 2-3 million dollars.

**Town Treasurer, C. Edwards** – States Sanitation is based on what PSA starts charging us because they went up last year about \$70,000 on the contract with them to run the sewer plant.

**Vice Mayor, R. Cassell** – Discusses further items relating to the Sanitation Authority and PSA.

**Town Treasurer, C. Edwards** – States that is basically what you are looking at which one to vote, Option 1-2-3 or 4.

**Town Attorney, M. Brooks** – Asks Town Treasurer asks what rate increase needs to be done.

**Town Treasurer, C. Edwards** – Feels we should go with Example 4. I don't like saying that or putting more on people than what they can afford , but if we can up to the point where we can pay ourselves back we can always reduce that extra 1,000 gallons. I asked Kathy to look when rates were increased and if we had been gradually raising water rates over the years it wouldn't be so much a hit at one time. The last time we raised our rates was June 29, 2007 with it being rates m \$15 on the main 2000 gallons and raised it a \$1 on the extra 1000 gallon and provides the rates of the rates for 1990, June 1990, June 2003 and the last in June 2007 with no increases since.

**Vice Mayor, R. Cassell** – Discusses his water bill with 7500 gallons the charge is \$53.50 and with Option #4 it would go to \$78.00 a \$25.00 difference.

**Town Attorney, M. Brooks** – Asks when will we have to start paying for the new water?

**Andy Miles** – Six months and they can grant you 12 months after completion.

**Town Attorney, M. Brooks** – What are we looking at realistically, time wise for that?

**Andy Miles** – You're looking at this time next year because it won't get finished until September, probably.

**Council Member, R. Lane** – States we had some discussion about the potential to start at a lower rate with an increase for an annual basis for like three years. Is that an option?

**Town Treasurer, C. Edwards** – States we could do that, if we can show we are in good faith and try to match what we need to and match what we are in the deficit with, I think we could. Is there any other questions?

**Council Member, W. W. Ross, Jr.** – Questions any other options asking if we can submit for a grant for a whole new system.

**Town Treasurer, C. Edwards** – Responds only way to get an emergency grant is if something happened to the system in place right now and had an emergency basis where we had to go in and do something immediately but it had to be absolutely not working.

**Council Member, W. W. Ross, Jr.** – We have a whole system that could fall into that category is it feasible?

**Andy Miles** – States there are some but with what you have done in the last 5-10 years plus what we are pursuing now will take care of the bulk of your current needs. What is probably not figured into that with each project will be a projected cost savings particularly the water plant with the higher end energy efficient equipment will get back some in savings.

**Vice Mayor, R. Cassell and Andy Miles** – Discuss the sewer interceptor lines and possible savings of what is paid to the County PSA if the leaks are fixed.

**Town Attorney, M. Brooks** – Asks of any necessity now under current obligations that we would raise rates in anticipation of that project or can we wait closer to do a two-step process or better to do it in one step.

**Andy Miles** – As long as the states gets their loan payment

**Town Attorney, M. Brooks** – They don't care.

**Andy Miles** – I don't think they care of you do it.

**Town Treasurer, C. Edwards** – Discusses looking at the minimum and later on we can increase it.

**Vice Mayor, R. Cassell** – If we increase minimum, either way it's going to cover either the deficit or loan and gives us an idea of where we stand for later on.

**Town Treasurer, C. Edwards** – Explains there will have to be reserve of how much will have to go in each month whenever they approve and tell us we have the loans.

**Vice Mayor, R. Cassell** – Asks if there are any questions to Chris from the public.

**Benny Reed** – Asks what the examples where that Chris was giving and what they mean?

**Town Treasurer, C. Edwards** – Explains that is how much it will be raised with the examples showing rates as they are now with different examples showing what revenue

**Benny Reed** – Asks for bottom line.

**Town Treasurer, C. Edwards** – Explains on which one we go with.

**Benny Reed** – You recommended example four, what is it?

**Vice Mayor, R. Cassell** – Raising the base rate from \$15 to \$23 and each additional from \$7 to \$10.

**Town Treasurer, C. Edwards** – The amount gained would be about \$17,000 with annual gain of \$213,000. Some of that has to go into reserve and it factors in we start paying it back as well.

**Town Attorney, M. Brooks** – This is not for the town to make a profit it is to cover our obligations.

**Town Treasurer, C. Edwards** – If we get these other bonds if we don't go through Rural Development than VRA can in, take over and say this is what you will charge to cover your base. That is not any additional monies to come in if we have any leaks that we have to fix. This is just to cover the loans and the deficits.

#### **IV PUBLIC COMMENT**

**Pat Elliott** – Being out of compliance, is that the state, who are we out of compliance with.

**Town Treasurer, C. Edwards** - VRA, who most of our bonds, who we borrowed our money from at a lower interest rate.

**Pat Elliott** – Asks how current rates comparable to other municipalities in this region.

**Town Treasurer, C. Edwards** – We are right in line, when we raise it, we will probably be the highest and explains the location of the new water line.

**Benny Reed** – Understands meeting our obligations, discusses if current audits would have known situation we were in and discusses past minutes regarding mention of past audits. Discusses his current water bill and increase and will pay it begrudgingly.

**Vice Mayor, R. Cassell** – Discusses timeframe of last audit with audits since then.

**Benny Reed** – Questions locality of past audits.

**Council Member, F. Perry** – States this is not what this public hearing is about. It's about comments of raising rates, so we are really off the subject. We're not here to criticize the past, but to look to the future.

**Vice Mayor, R. Cassell** – States first time we have had a deficit.

**Benny Reed** – Emphasizes the need of current audits.

**Close Public Comment at 6:30 P.M.**

#### **V. Public Hearing closes at 6:30 P.M.**

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Vice Mayor, Roger Cassell

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Town Clerk, Kathy Riley

**I. COUNCIL MEETING CALL TO ORDER 6:30 P.M.** Vice Mayor, Roger Cassell

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

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

Others present: Town Attorney, M. Brooks, Town Manager, J. Keller, Town Treasurer, C. Edwards, Pat Elliott, Benny Reed, Ron and Debbie Kindle

**III. INVOCATION** Benny Reed

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

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

- **Mark Hutchison, Contego Group, regarding Speed Cameras** – Not present.
- **Earl Maine, Master Gardener’s Club, regarding pre-project sketch for beautification of Grogan Park**

**Earl Maine** – Provides handout to all Council Members explaining a design from Jeff Stapleton regarding Grogan Park. He explains different features of the plan concentrating on walking trails reviewing the charts to include a volley ball court, serpentine walkway as an uninterrupted walkway, along with separate areas with what they want to include in each area. Want to create an area where people can come and enjoy the beauty of the park. Basically, asking for approval to move forward to see if they can find money to do.

**Vice Mayor, R. Cassell** – Questions costs.

**Earl Maine** - Replies did not know. Not looking for money, but going for grants and have not found any yet. Asks for assistance of anyone may know of possible source of grants.

**Council Member, F. Perry** – Asks if they have looked into Lowe’s

**Earl Maine** – Yes, but their grants are usually small and will keep working at it if the design is acceptable.

**Vice Mayor, R. Cassell** – Asks about Civitan with Council Member, F. Perry stating they are looking at something else.

**Council Member, W. W. Ross, Jr.** – Questions, one restroom with Council Member, F. Perry stating there are existing restrooms.

**Council Member, R. Lane** – Questions features will be same materials currently used with possible borders currently used with Mr. Maine stating yes.

**Motion made to amend the agenda to approve the design for Grogan Park presented by Master Gardener’s Club placed under new business.**

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

VOTE:	Yeas,	4
	Nays,	0
	Absent,	0
	Abstain,	0

**VI. APPROVAL OF AGENDA**

**Motion made to approve the agenda.**

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

VOTE:	Yeas,	4
	Nays,	0
	Absent,	0
	Abstain,	0

**VII. COMMUNICATIONS - None**

**VIII. APPROVAL OF MINUTES**

**Motion made for approval of Town Council meeting minutes from February 14, 2012.**

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

VOTE:	Yeas,	4
	Nays,	0
	Absent,	0
	Abstain,	0

**Motion made for approval of Town Council Special called meeting minutes from February 29, 2012.**

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

VOTE:	Yeas,	3
	Nays,	0
	Absent,	0
	Abstain,	1-W.W. Ross, Jr.

**IX. APPROVAL OF PAYMENTS**

**Motion made for approval for payment of bills for February, 2012.**

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

VOTE: Yeas,	4
Nays,	0
Absent,	0
Abstain,	0

**X. REPORTS**

**A. Engineer's Status Report**

**Andy Miles** – Brief report with two items with the first being the February 29<sup>th</sup>, Special Called Meeting a recap at the recommendation of the state to accept low bid and issue change order to reduce cost with the Town Manager already sending a letter to that affect. Have not heard anything back, but once letter of approval is received it will clear the way to get started. No further action on Town's part, just wait for letter from state.

**Vice Mayor, R. Cassell** –Projecting April/May.

**Andy Miles** – April, with the contractor stating that would be a good time for him.

**Vice Mayor, R. Cassell** – Where will they start?

**Andy Miles** – Not sure, with schools or businesses during the off peak hours to minimize impact as much as possible.

**Vice Mayor, R. Cassell** – Possible for night time.

**Andy Miles** – Have mentioned it, but needs VDOT approval. The other item to note is the other two water projects, Moccasin Hills and the water meter jobs. Have submitted the construction documents to the state for approval. Once reviewed and reach that stage, will be able to go to bid. Current review time is about 45 days, with April getting the approval back.

**Town Attorney, M. Brooks** – The documents, the issue with the County, what else.

**Andy Miles** – The Moccasin Hills tank site with the golf course.

**Town Attorney, M. Brooks** – I've prepared that.

**Andy Miles** – The agreement with the County, deed preparation and we've prepared the plats.

**Town Attorney, M. Brooks** – I've done that.

**Andy Miles** – You have, they haven't been executed.

**Town Attorney, M. Brooks** – Will follow up on that and to get with you about the specifics of that contract as well.

**Andy Miles** – Once that is taken care of then it goes to the state for approval.

**Vice Mayor, R. Cassell** – Have you been coordinating with the property owners with people asking me questions of where the tank will be, where it will run and when it will be done.

**Andy Miles**- It will affect one property at the very top and once at the golf course, it's all County property. We'll get with them because there is an easement to go along with that.

**Town Attorney, M. Brooks** – I've prepared that as well.

**Council Member, W. W. Ross, Jr.** – Is there a possibility if we have a leak to apply for a grant to refurbish the whole system?

**Andy Miles** – There are grants out there, but Health Department has said until you get these taken care of they don't want to see an application from the town. Can apply and their consider it. Right now, next year's funding should be same amount of grants as they did this year.

**Council Member, W. W. Ross, Jr.** – So we are being penalized to some degree that they don't want to see no applications.

**Andy Miles.** They look at past history on performance, number of active projects with the town having four and the most they give out at one time is five. Want to get this one done before they get another application.

**Vice Mayor, R. Cassell** – Can't afford it unless we get a 100% grant to replace the whole water system.

**Andy Miles** – With the projects we've identified is the main water line based on the leaks they fixed and it being the worst section. It's not question of if you have to do it but when. Loretta said you are right at 35-45% loss which isn't good, but I know a system that has 60% loss.

**Council Member, W. W. Ross, Jr.** – Could we qualify for emergency funds?

**Andy Miles** – If you could document enough of them, yes. Everyone else is going through the same problems, so you would have to be really bad off to get the emergency funds. To get the free money you have to be in a really bad spot, which you don't want to be in. But, yes, there is money out there.

## **B. Treasurer's Report**

**Town Treasurer, C. Edwards** – Refers to summary page year to date, we have taken in \$1,203,000 about 20% of the revenue coming in and we've expended \$1,159,000 about 19.47% going out. We started the tax collection with collecting in Feb/Mar about \$13,000 in delinquent property taxes. Michele and I have been discussing a few of them with setting up payment schedules with people to have them pay their back taxes. Some we will have to go further and force the issue. We sent out the Business License last week and asks if there are questions.

**Vice Mayor, R. Cassell** – Asks if payment would be accepted on the older ones if they were willing to show good faith to make payments on them.

**Town Treasurer, C. Edwards** – If they show good faith and make a monthly payment, will work with them. Some are paying a set amount, but if someone owes a lot of taxes and they want to make \$25-50 a month payment, it wouldn't even take care of this year's upcoming taxes. They would have to pay more than that and they would have to pay the back one before they can pay the current year. They wouldn't be making any lead way. Those are some of the ones we have to look at.

## **C. Codification Committee/Property Maintenance**

**Vice Mayor, R. Cassell** – Michele has been working with Amy and can shed some light of where we stand.

**Town Attorney, M. Brooks** – Has been busy month. We had five of the worst properties in town went in front of Circuit Court the 28<sup>th</sup> of February with orders to demolish several structures and place a lien against the property. In these cases, none of the property owners responded. I have filed additional 8 or 9 properties that have been referred to me with those being filed and within their 21 days to respond. I have not received any responses back on any of those. Everything has been filed with the exception of one which I will discuss in closed session. If you wish to asks any questions, I would be happy to answer them. Amy and Robert Mullins, our Code Official, has done a fantastic job and we are seeing some proof.

**Tommy Quillen** – Asks who he responds to you or the Court?

**Town Attorney, M. Brooks** – States if you have been served with papers, a copy is filed with the court and copy comes to me. You have 21 days to respond and can't give you legal advice, but you have 21 days to respond to any civil action.

**Town Manager, J. Keller** – I received two calls regarding property on Grogan Street informing him they were hauling more stuff in there. Told the callers the town was doing all they could do



and a court action has been processed at the Gibson property. Told them it should be on the docket coming up soon, the Russell/Gibson/Gose.

**Town Attorney, M. Brooks** – Yes, that one has been filed. We are within that 21 day. They were served on the 29<sup>th</sup>, giving them 21 days after that. So, March the 21<sup>st</sup> we can set a hearing.

#### **D. Police Department Report**

##### **GATE CITY POLICE ACTIVITY SUMMARY February, 2012**

	<b>January</b>	<b>February</b>	<b>Year To Date</b>
<b>Calls for Service</b>	<b>304</b>	<b>294</b>	<b>598</b>
<b>Arrest</b>	<b>2</b>	<b>3</b>	<b>5</b>
<b>Summons</b>	<b>31</b>	<b>28</b>	<b>59</b>
<b>Crime Reports</b>	<b>11</b>	<b>12</b>	<b>23</b>
<b>Accident Reports</b>	<b>3</b>	<b>5</b>	<b>8</b>
<b>DUI Arrests</b>	<b>1</b>	<b>2</b>	<b>3</b>

#### **Significant Activity for February:**

- **Officer Gillenwater is performing well in the academy.**
- **Aux Officer Fink is attending Academy and doing well.**
- **Adam and Matt attended the “Surveillance Training” class at the Academy**
- **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.**
- **Providing extra patrol in Food Lion Parking Lot due to catalytic convertors being stolen from vehicles.**
- **Utilizing Speed spy almost daily.**
- **Chief attended the US Attorney’s Conference in Roanoke.**
- **Officer Templeton worked a case - offender currently charged with two felonies, kidnapping and unlawfully bodily injury. Protection order was issued against the offender.**

#### **For March:**

- **Chief plans to attend the National Child Care Passenger Training class the 12<sup>th</sup>.**
- **Nancy will be submitting request for 2 DMV Grants (Alcohol and Speed Control).**
- **Adam attending Regional K9 Training March 14.**

**Council Member, W. W. Ross, Jr.** – One question on last conversation we had at your office on February 13, 2012 you sent an email that I came in concerned about the Council packet that I was looking for and in that statement you said I was pretty upset, so I want to understand by upset, did I raise my voice?

**Chief Birchfield** – No, you were concerned is a better word. You were concerned you didn’t receive your packet.

**Council Member, W. W. Ross, Jr.** – Well, as a Councilman since I didn’t get it till that Monday that I had to evaluate and make a decision and was concerned about that so when you put pretty upset

**Chief Birchfield and Council Member, W. W. Ross, Jr.** – Speaking at same time – inaudible. –

**Chief Birchfield** – You were not out of line, you were very kind.

**Vice Mayor, R. Cassell** – Don't know where this letter came from regarding Auxiliary Officers Committee have you seen it?

**Chief Birchfield** – Yes, I brought that over to you.

**Vice Mayor, R. Cassell** – Are you going to try to get on that?

**Chief Birchfield** – I volunteered to be on that committee.

**Vice Mayor, R. Cassell** – Right now we still don't fall under the training standards to use

**Chief Birchfield** – Right now we can't, that's a decision you will make if you feel we are providing officers with the training they need and we can carry on as we have in the past. They may have got the cart before the horse and thought some agencies across the state may not have been handling the program the way it should be with sending cowboys out there, letting auxiliary officers ride by themselves, answer calls that type of thing. I assured them that was not the case here because it reflects back on me, our department and then ultimately you. They have given us the blessing if the Council sees fit for us to continue. What they are talking about doing are departments that already had auxiliary to grandfather us.

**Vice Mayor, R. Cassell** – The last communication Terry Kilgore sent me the bill died in Committees that were trying to appeal that.

**Chief Birchfield** – With the three that we have, John Gillenwater is a full-time officer, leaving us two auxiliary. Officer Fink is in the academy and is basically done with exception of taking the tests eliminating him so we would just have one auxiliary that is not fully trained through the academy and he was a Police Officer for five years in Knoxville and is TN Certified. If he wanted to come back to service in VA, he would be required to attend the academy. In good shape compared to other agencies.

**Vice Mayor, R. Cassell** – Maybe you and Sheriff Puckett would consider drug collection site. Do you think you and Sheriff Puckett could come up

**Chief Birchfield** – Absolutely and actually in April we have a Saturday where we are working with the Commonwealth of VA and we will advertise and have a collection day that Saturday where people can bring by to us. Health Departments usually take it because they have the facilities.

**Vice Mayor, R. Cassell** – Would you care to look into that. You accumulate lot and end up with a medicine cabinet full.

**Town Manager, J. Keller** – Are we seeing a lot a problem with bath salts and synthetic up here right now?

**Chief Birchfield** – Yes, still a problem with bath salts and the synthetics. With TN trying to introduce it into legislation. It's a \$50 fine for some possessing it and a misdemeanor. You're not going to get their attention, they have ½ to ¾ million in cash, 30-40 automatic weapons in their home, until it becomes a felony which VA did, until it's done, at that time, it'll make a difference.

**Town Manager, J. Keller** – We got a letter from the Gate City Funeral Home thanking us for the patrol detail on the fallen soldier, didn't know if you saw it?

**Chief Birchfield** – Yes, it came to me and I passed it to you.

**Council Member, W. W. Ross, Jr.** – Thank you for the patrol that my father had.

**Chief Birchfield** – Yes, sir. Glad to do it.

**Vice Mayor, R. Cassell** – Wants to commend the officers regarding their school patrol. You can see a difference when they are not there.

**Chief Birchfield** – Only one reason they would not be there is if they have a call. Other than that, they will be out there.

**Vice Mayor, R. Cassell** – All do a good just, but commends Pat Deskins he has it down to an art.

**Kim Birchfield** – He does and got with VDOT to change the light times at Jones and Kane to keep them moving longer.

**Vice Mayor, R. Cassell** – You mentioned about getting a traffic light. We road with Steve Buston, Traffic Engineer Supervisor, and he stated it would be about \$80,000 to put a light in that would be used just once or twice a day.

**Kim Birchfield** – I suggested I met twice with the Director of Schools because it was a school area was if they could get a light it would be functional for morning and afternoon school hours. Other times it isn't needed at that location. If we can operate it manually, it takes the officer out of harms' way. The Director of Schools was going to look into that.

**Vice Mayor, R. Cassell** – He and another gentleman would make the decision, but questioned how much it would be used.

**Council Member, F. Perry**- Where are you talking about.

**Vice Mayor, R. Cassell** – At the Middle School at the Harry Frye and Jones where school traffic comes out.

**Chief Birchfield** – We have traffic vests and wands that are visible so we are doing everything safety wise.

## **E. Council Reports**

**Council Member, W. W. Ross, Jr.** – Would like to bring up something, would you turn to the minutes on page 17, please. When you made the statement, I sit here and listened to this bull for a year and sit here and tell us that other towns used them. I have two witnesses who sat right here at the VML conference and asked the Vice Mayor who has been on the Council 30 years and another Council Member that has been on it for 15 years they all are fine to come and cut good to fine to cut grass and stuff like that, but they are not to be left unsupervised. Well, when that question come up, I was just curious about that information. I was just curious. You could probably answer this for me. When that came up, it kind of resonated back into my mind. Went back to the minutes dated September 13, 2011, Mr. Jenkins, the Mayor, stated I met with the last time, I mean at the last time I'm at St. Paul I received a whole bunch of money, I mean, I'm sorry that's me. Where I have talked to St. Paul and got no confirmed that they had ever used them. I would talk, I had talked to some representative from St. Paul if you would like to issue a letter, I would ask them do that. Now he said that they never used Job Corp at St. Paul. You said you talked to the people from St. Paul and they had used Job Corp for St. Paul, so you have two different identities here who said what. Who do I believe? Cause this is the minutes on September 13, 2011

**Council Member, R. Lane** – Can I see that please/

**Vice Mayor, R. Cassell** – My specific question to the Vice Mayor was do you use the Job Corp? His reply was, you cannot use them for skilled labor they are okay to cut brush, but you can't leave them alone.

**Council Member, W. W. Ross, Jr.** – Well, that it derives another question, alright. When I asked Chris about that and he gave me some information, so I kind of went back and maybe I don't know where this will give you any detail but this is date the 11<sup>th</sup> 18<sup>th</sup> of 2010. These are the Job Corp and it stated right here that the person for flagging and directing traffic for five days. These are on the 18<sup>th</sup>, they did work the 11<sup>th</sup> 18<sup>th</sup> 2010 no flags men there. I mean unless he was standing down there and I missed them. I came by every day, so I happened to go back and use the pictures you can look at them and see. So this is international people, the Job Corp is and organization for people who trying to get better enhance their life and they wanted to come here to help us so I don't see where you would be calling them a group of people who's not qualified company cus they they called and tried as much effort as they can to come back and finish that. Now the section they did down there looked pretty good cus you made the point that they made the mistake and so and if they made a mistake I'm just use this as a think Ms. Riley made the mistake about the paperwork about the minutes that day so do you qualify everyone who make a mistake or do

you just qualify just certain individuals who make a mistake. So I mean there are and the sidewalk down there somebody is parking on it every often so evidently the quality of it must be pretty good. But I'm just showing you that these are the pictures no flags men out there so this one day here, I don't see so they can't count that has a day to have the flagman cus pictures verify that and I came by there more than one day.

**Vice Mayor, R. Cassell** – What's your point? We've been over this and been over this. I mean, what are you asking?

**Council Member, W. W. Ross, Jr.** - Well, is it no date the flagman person for flagging directing traffic for five days, \$446. Just shows you that one day flagman wasn't there.

**Vice Mayor, R. Cassell** – I don't know why we want to keep going over this and over it. What are you, what's your point? We've moved on since then.

**Council Member, W. W. Ross, Jr.** – Well, I'm bringing up the point that she that you by you brought up the question this is the minutes that said that you that they was not trustworthy and I just couldn't understand that. They've been here before. They've been in other localities, they've worked for the state use them, so and Mark said one thing, you saying something else.

**Council Member, R. Lane** – Well, one thing Mark says right here is, "While I have talked to St. Paul and got no confirmation that they used them extensively but yes they have got a lot of grant money." So, extensively is probably the key word there.

**Council Member, W. W. Ross, Jr.** – Well down here it said, but I mean I can see there is no flagman there and these are international people who doing work they are very busy to me. I mean they working very hard for free labor.

**Vice Mayor, R. Cassell** – We can always put that on the agenda and let the Council vote next month if they want to bring them back. I've talked to former Gate City Town Manager since then and I've talked to Public Works that was here in the past and

**Council Member, W. W. Ross, Jr.** – And it answers some of the some of the material that they used to the same day this is what's on some of the materials that the question it was also being used.

**Vice Mayor, R. Cassell** – Anything else. Do you want to request that be put on the agenda for next month to let Council decide one and for all if they want to be brought back? Would you like to have that put on the agenda?

**Council Member, W. W. Ross, Jr.** – Well, I thought it was left to the Town Manager?

**Vice Mayor, R. Cassell** – I think since there's controversy over it, I think the whole Council should have a say in it.

**Council Member, W. W. Ross, Jr.** – Who decide that? By who, where's that written?

**Council Member, F. Perry** – The Town Manager works at the Council's direction.

**Council Member, W. W. Ross, Jr.** – Well, you change the rules as they go, that's what you're trying say?

**Vice Mayor, R. Cassell** – You want to put it on the agenda or not?

**Council Member, W. W. Ross, Jr.** – Well, I would have to evaluate to see where it's properly done.

**Vice Mayor, R. Cassell** – Okay, you had your chance. Any other report?

**Council Member, W. W. Ross, Jr.** – One other thing, that I wanted to be aware of since going through town, where on main street I noticed some of the flowers where dogs have been using their waste there. Is that a normal thing, I don't

**Vice Mayor, R. Cassell** – Supposed to be a violation of Property Maintenance for animal ordinance actually to allow animals to use the bathroom even in somebody yard.

**Council Member, W. W. Ross, Jr.** – Well, I know well I know, not knocking dog lovers but I was getting to see some of that walking through town.

**Vice Mayor, R. Cassell** – I've heard other comments about people seeing some on the sidewalk, maybe we need to come up with some signage to address that issue.

**Town Manager, J. Keller** – Maybe some disposable kits.

**Vice Mayor, R. Cassell** – You can put on the poles, some old Food City bags.

**Town Manager, J. Keller** – Tiny plastic bags you can turn inside out once you grab the dogs waste and dispose of it.

**Council Member, W. W. Ross, Jr.** – Guess we need to put a little bit more I've seen on the streets a lot of cigarette butts. I don't know where a lot of them is coming down right on the sidewalk so I don't know where that can be addressed to help alleviate that kind of problem, you know people don't have to throw their cigarette down there.

**Council Member, F. Perry** – If our Police Officers see that happen they can fine them what \$250 fine?

**Officer Whitt** – It's a state fine of \$250 but we have to actually see them it down.

**Council Member, W. W. Ross, Jr.** – But if they had something to put them in than that way it would be they can't be everywhere so if we had some kind of something to put the cigarette butts in than that maybe help.

**Town Manager, J. Keller** – I agree there is a lot of butts

**Council Member, W. W. Ross, Jr.** – Help the problem. It would balance out because he can't be there all the time and then people who may want to put something may put something in and some people who do not you know may put them on the sidewalk.

**Town Manager, J. Kelly** – By the next Council meeting I'll have some numbers for some maybe ash trays, maybe some signs, stuff like that to put up and down Jackson Street here.

**Vice Mayor, R. Cassell** – The thing that you have to be cautious about is those cigarette butt holders, people cram trash in them and fill them full of cigarettes and then you got fire.

**Town Manager, J. Keller** – I'll look at different kinds plus cost.

**Council Member, W. W. Ross, Jr.** – Well, maybe then need to put more trash cans.

**Council Member, F. Perry** – There are some strategic points where we need something like that. The Dollar Store and the Courthouse, particularly.

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

**Vice Mayor, R. Cassell** – Ask Council Members if they have anything else for reports.

**Council Member, F. Perry** – The only think I would like to do is to just offer Mr. Ross our condolences on behalf of the Town Council on the loss of his father.

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

**Council Member, F. Perry** - I attended that funeral and it was a beautiful service. I told Mr. Ross I had wished I had known his Dad. It was a beautiful service and he must have been some kind fo gentleman.

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

#### **F. Economic Development Committee** - None

**Vice Mayor, R. Cassell** – Do we have any applications.

**Town Clerk, K. Riley** – No, we have it on Facebook and on our Website.

#### **G. Façade Committee** -

**Council Member, R. Lane** – States did not meet.

**H. Historical Committee** - Nothing to report.

**I. Manager**

**Town Manager, J. Keller** – The water department, we have a few leaks in town with Stoney and the guys fixed the leak behind the Courthouse/Sheriff steps yesterday with not even having to turn the water off. Two things I have listed on the report, on March 23<sup>rd</sup>, specifically, Vaughn and Melton Engineering want to test the life of the basin. To do that, we have to drain it for two days so they can do their test. During the two days that it is down, we need to find a way to supply the Town water. There are one of two ways we can do that, rely on Scott County PSA or we can use a detachable bladder which is not illegal in the state of VA but it is frowned upon and that is a Council vote that is left up to you. They want to do that on the 23<sup>rd</sup> and 24<sup>th</sup>.

**Council Member, R. Lane** – What level of competence do we have of the PSA being able to provide us.

**Town Manager, J. Keller** – I think they could provide it. We would have to up-grade one of the pump stations down there for them to do that, but they could provide it if that was done. I don't know if that is something the town wishes to do, but it is ultimately up to you guys. Another thing is, the testing they want to do on the basin includes core drilling. I think the Council needs to vote on this because if Vaughn and Melton do the core drilling and find the basin only has a few years of life left in it, we wouldn't want to spend the \$100-125,000 to upgrade it and postpone that upgrade and look at securing more funds in the future to redo the entire thing. Any core drilling they do, it will be replaced with concrete and repair it as is right now. That is one thing they really stress they wanted to do.

**Vice Mayor, R. Cassell** – You're talking about the 23<sup>rd</sup> of this month?

**Town Manager, J. Keller** – Yes.

**Vice Mayor, R. Cassell** – Getting a pump and all, that's a lot to

**Town Manager, J. Keller** – I think, maybe I got it confused, the first part with the town needing to supply the water for the two days I think that is in June. The core drilling they want to do that in March. I think Mark had some objection about doing the core drilling initially is why was going to bring it to Council.

**Vice Mayor, R. Cassell** – Probably, we need to put that on the agenda for next month where we can discuss it and Mark will be here to have some more details and have Andy

**Town Manager, J. Keller** – For the first part, the bladder. A separate bladder system to supply the water or from Scott County PSA is for June. Thank you for reminding me of that. But, the core drilling test, they want to do that in March in a couple weeks. I think Mark had told me he had some objection about that.

**Vice Mayor, R. Cassell** – Can they put that off to give us time or add it to the agenda but without Mark being here to know what his concerns are.

**Town Manager, J. Keller** – They probably could, but I don't know if they want to or not.

**Vice Mayor, R. Cassell** – Maybe he's afraid that once they start drilling they may damage something.

**Town Manager, J. Keller** – I'm not sure why Mark really had an objection about it.

**Town Attorney, M. Brooks** – Perhaps, the Council would want to hear from Andy for what the reasons for wanting to do it.

**Town Manager, J. Keller** – The core drilling. I think it is just a test the life of the basin.

**Town Attorney, M. Brooks** – Okay, I mean what the pros and cons are for us to do that.

**Town Manager, J. Keller** – I'm not sure right now.

**Vice Mayor, R. Cassell** – I think before we do something that major we should have it put on the agenda. It's went this long what's another month. I'd hate to go down there and have them drill

and that thing bust something and there we are with a cracked basin and asks Town Clerk to put it on the agenda to discuss the testing of the basin.

**Council Member, R. Lane** – And for Andy to present his opinion.

**Vice Mayor, R. Cassell** – That is a pretty big undertaking to go into it blind and find out we've done something wrong.

**Town Manager, J. Keller** – I went to the Board of Supervisor's last week on behalf of Council and our request to have a representative on the PSA board Wednesday night. I went back and read the minutes and it appears, I interpreted the minutes as saying that we wanted a Council Member on the PSA board as well. They denied that, but they didn't I don't see how they could deny just a citizen's application.

**Council Member, F. Perry** – I think that from talking with Jeremy that is the impression that the board had that we wanted a Council Member. I think what we need to do is to go back and tell them that was a misunderstanding that it is not particularly a member of the board from the Council but just a representative from the Gate City Town, citizens.

**Vice Mayor, R. Cassell** – Did they misinterpreted we wanted a special seat?

**Council Member, F. Perry** – According to what he said, they said that if they gave Gate City a seat, they would have to give every other little place that had a government representative. My argument to the, that would be, I would ask them as a member from a district in the county, did they not feel like their district needed a representative on the board? They are all going to say "yes" then we would say then why not have somebody from the town to be on the PSA board? How can they turn that down?

**Town Attorney, M. Brooks** – There are vacancies, correct?

**Council Member, F. Perry** – There are two vacancies.

**Vice Mayor, R. Cassell** – Then I need to go back and talk to maybe Joe, but according to Jeremy they didn't even present any applications to fill those vacancies.

**Council Member, W. W. Ross, Jr.** – With the by-laws, does it not say no or yeah?

**Town Manager, J. Keller** – Then can't add a seat just for us, but they denied

**Council Member, F. Perry** – I think that's where there was a misunderstanding all the way around. Maybe it needs to be explained to them that we are not asking for a Council Member to be a representative on that board, but just for a citizen from the Town of Gate City. If it happens to be a somebody who is sitting on the Council, so be it. But, if somebody other than the Council person who is interested in it enough to fill out an application then that would be great too. That would be good to get somebody else in town interested in it.

**Vice Mayor, R. Cassell** – Well, I submitted one but it wasn't presented. I don't know where it went. I took an application down there and submitted it.

**Council Member, F. Perry** – Like you said, they didn't, all they did was deny a Council Member a seat, right?

**Town Manager, J. Keller** – Yes.

**Town Attorney, M. Brooks** – Perhaps they'll take that up at the next meeting. That wasn't addressed at all. I'll see if I can talk to Kathie Noe and maybe look at it together to see when they're going to look at that.

**Town Manager, J. Keller** – But I did attend the PSA meeting this morning. I'm pretty sure they're going to raise sewer rates. That is what the Public Hearing is about in June. Mr. Danko is coming tomorrow night. He did confirm it this morning.

**Vice Mayor, R. Cassell** – We need to be sure and I had it highlighted and pointed it out to them they cannot do that without us sitting down and agreeing even though they had the Public Hearing that is the way the contract reads. We are a stakeholder in it and we're supposed to all agree before they raise it. It's in the contract.

**Town Attorney, M. Brooks** – Asks Town Clerk to call the Sanitation Authority to make sure they are aware that Mr. Danko will be there.

**Town Clerk, K. Riley** – I called them already, but I'll redo it again tomorrow morning.

**Town Attorney, M. Brooks** – Just to remind everybody.

**Town Clerk, K. Riley** – Not a problem.

**Town Attorney, M. Brooks** – Thank you.

**Vice Mayor, R. Cassell** – If any of the Council is interested, I don't know how long it will be, but Mr. Danko has been instructed to attend, not necessarily every month. It might be awhile before we get him back and he's supposed to be there tomorrow night to answer any questions.

**Council Member, F. Perry** - We did sort of hint at least once a quarter, didn't we?

**Vice Mayor, R. Cassell** – Right.

**Town Attorney, M. Brooks** – And we better have a quorum.

**Vice Mayor, R. Cassell** – He was here and we didn't have a quorum and all Sanitation Members have been notified if they have any questions to write them down and ask him.

**Town Manager, J. Keller** – I told him I would do my best to make sure we had a quorum there. The VA debt set-off submissions was for \$34,001 with receiving \$1,548 back. Historically, we run about collecting about 3% of that through the VA debt set-off. Have we ever thought about doing a collection agency is that something that we can't do in addition to this?

**Town Attorney, M. Brooks** – I'll look at that.

**Town Manager, J. Keller** – 3% is not very good collection.

**Town Attorney, M. Brooks** – It's not at all.

**Town Manager, J. Keller** – Then in *Grogan Park* the guys cleared some down trees from the high winds we had a couple weeks ago. The park looks good now. Carl Hurt and the Civitan wants the town to cut down a tree and beside the existing concession stand is a little old building and they want to remove that building and put a shelter there. One of the branches of that tree extends way out over it and I think it would be a good idea when that building is moved before construction begins on the new shelter to cut that tree down to save any damages in the future.

**Council Member, F. Perry** – I brought that before the Council before.

**Town Manager, J. Keller** – But, I told Carl I wouldn't have it cut down till he had that building actually removed. He said it would be around May or June. The business licenses 2010-2011 Business Licenses we've collected over \$129,000. There is only two or three that we haven't collected, which is Chris', Super Auto and Weber City Cabinet Shop. I think Super Auto has talked to their accountant for 10-11 and 11-12 business license and I guess they should be getting them to us soon. So far for 11 and 12 we've collected \$112,000 on business licenses. **Boards and Commissions** - we've advertised it on Facebook and I had one of my friends ask me about submitting an application. I encouraged her to and told her what it was for. She lives down here on Magnolia Avenue. **Ordinances** – The officers are still issuing the parking tickets, because we are getting a lot of complaints from people coming into Town Hall. **Policies** – At the end of February, VML came down as part of their recommendation they wanted to see a proof of a driving policy we had that also spoke about annual driving checks. Right now we do not have a driving policy in place to conduct annual driver license checks. So, I have drafted a little policy we can look at. In order to get our 5% rebate every year, premium rebate, they wanted to see an actual policy. So, I wrote one up and brought it to the Council tonight to seek your approval. I don't know if it is something that we can do now or in closed session. I have copies for everyone here.

**Vice Mayor, R. Cassell** – We can do a vote unless we place it on the agenda,

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



**Town Manager, J. Keller** - This is just a rough draft and of course Michele is going to look at it. But that is something VML wants us to have in place. They carry our insurance because we could have been in some trouble with the previous employee.

**Council Member, F. Perry**- That just went through my mind.

**Town Manager, J. Keller** – So, I went ahead and drafted this up real quick for the Council to look at. I've submitted all the stuff and even got us a dead line extension with VML for that premium credit and I think we got our 5% back which is about \$4,000.

**Vice Mayor, R. Cassell** – Michele said in looking at it, it is a legal issue so we can discuss it in closed session.

**Town Manager, J. Keller - *Friends of Southwest Virginia*** – Last year we had budgeted to spend two just for the Crooked Road but this that has been consolidated along with Round the Mountain and the Heartwood. They want Gate City to contribute \$5,000 this year. It is not one of those things that you can pick and choose and just go Crooked Road, I think it is all or nothing, all three or nothing, if we want to. I don't think we've paid the \$2,000 this year because they haven't submitted an invoice.

**Vice Mayor, R. Cassell** – Bad part is, we didn't budget but \$2,000 this year. We'll have to pull it from somewhere else.

**Town Manager, J. Keller** – This is for 12-13.

**Vice Mayor, R. Cassell** – 12-13? That's what the \$2,000 did go to, they want \$5,000 now.

**Town Manager, J. Keller** – The \$2,000 went just to the Crooked Road last year.

**Vice Mayor, R. Cassell** – So, it would be a total of \$5,000 no \$7,000.

**Town Manager, J. Keller** – The \$5,000 would go to the Crooked Road, Round the Mountain and Heartwood. ***Recycling*** – I got some quotes back, actually the next day after Council Meeting last month. A guy from R.W. Edwards came in and gave us a quote. To do just what we want to do, the, I think there was four, newspaper, cardboard, plastics and aluminum is the quotes I give to everybody to give me back some numbers. RW Edwards does recycling, Waste Management does not serve Gate City, Allied waste I called multiple times and never received a return call, Weber City Recycling does metals only, Omnisource does metals only and Reclaimed Resources in Bristol VA or TN that gave me some quotes back. It looks like right now Stoney and the guys pick up cardboard and newspapers from five local businesses, plus the schools and take it to Tri-Cities Wastepaper and we get about a little over 2 cents a pound or \$300-450 a month. My recommendation would be the RW Edwards because they're going to charge us an initial delivery fee for the big bin. They'll charge us \$185.00 a month rent and a haul fee every time they have to come and take, but they are going to give us rebates back. They're going to give us that 2 cents a pound back. Reclaimed Resources in Bristol who gave me a quote will charge us \$80 a month rent, and \$100 per haul but they don't give us any rebate back what so ever. It's my recommendation if we went with a recycling RW Edwards or the town could look at purchasing a bin themselves and have Stoney and the guys continue taking it to Tri-Cities Waste Paper on our own and get that rebate back. Currently, I think we are recycling between the businesses and the schools about 15,000 pounds a month right now.

**Council Member, W. W. Ross, Jr.** – How much does the gas cost?

**Town Manager, J. Keller** – To Tri-Cities Waste Paper and back, about once a week, probably \$10 – three gallons of gas.

**Vice Mayor, R. Cassell** – Is that the one on Riverport?

**Town Manager, J. Keller** – Right beside Evergreen.

**Vice Mayor, R. Cassell** – Do you know what the container costs, new?

**Town Manager, J. Keller** – About \$7,000.

**Council Member, F. Perry** – I have a catalog that has some that is not as large.

**Town Manager, J. Keller** – I was looking at the big ones because they are just doing it once a week for five businesses. If we are including citizens for Gate City and Scott County we may have.

**Council Member, F. Perry** – We shouldn't be doing the County. We'd just be doing the Town because the County has recycling bins and they have stations. But, I do think we should have something for the town and I think it would be a good idea to have a smaller one at the Park. Because there are numerous drink cans and plastic bottles that go into the trash down there that can be making some money on and not paying for it to be hauled down to Hawkins County.

**Vice Mayor, R. Cassell** – They would still have to pick up the businesses as far as the cardboard. You just want the above and beyond the City.

**Council Member, F. Perry** – I'm talking about the citizens, but yes.

**Town Manager, J. Keller** – With the first option RW Edwards we would probably break even if we got the same amount that Stoney is getting just from the businesses.

**Vice Mayor, R. Cassell** – What they recycle in the garbage truck would pay for.

**Town Manager, J. Keller** – If we got that amount, just I this bin. That bin would pay for itself. It would be pretty much self sustaining. Aluminum was quoted at 38 cents a pound. If we had a bin for aluminum we might get a little more back, so we might actually come out to the good. You never know until you try.

**Vice Mayor, R. Cassell** – We might just put it out and open it up. A lot of people don't like having to drive down to a manned site and trying to cross the road. They might bring it to ours instead of fooling with that. It may actually pick-up some more us.

**Town Manager, J. Keller** – They also asked me what we would do about guarding against contamination, people throwing trash or dead animals in there. His initial thoughts we could put a camera up or have someone in the parking lot, but my initial thoughts was to open it from 7:30 a.m. or when the Public Works guys get into the office and have someone lock it at 5:00 p.m. to prevent contamination.

**Council Member, F. Perry** – That's what I thought. Put it to the back of the municipal parking lot and put a fence around it and have hours posted and have it open and close during that time. Not open at night because that's when people will really put the trash in it.

**Town Attorney, M. Brooks** – Jeremy, did any of them, what kind of contract are we looking at, length of time, did any of them require a specific length?

**Town Manager, J. Keller** – Only one gave a specific length was the Reclaim Resources and it was a minimum of 12 months. Mark and I did to look at Tommy Quillin's property and the ditch part, Mark and I thought it looked fine the way it was. The Town repaired it well when the tank overflowed. The upper part of it there, the pump house, the Elliott Smith tank had a leak in it and it was running out the drainage and what appeared to me was causing Mr. Quillin's property at the top to be a little soggy. Stoney and Loretta got a guy in here to replace seal in that pump, the "o" ring which should have stopped the leak and I think it cost us about \$50. That is the only thing I know to do as far as that complaint. Humphrey Enterprise has also called and that is what I got Michele looking at it right now about who owns. They want the pot holes going to Gateway Plaza then left towards BB&T they're claiming it's a town road. GIS and every I found shows it as privately owned, but they want us to repair those pot holes and I'm not sending my guys out there to repair pot holes until I know it is ours to repair. So, I'm having Michele look at all the stuff I dug up Humphrey's has brought us.

**Town Attorney, M. Brooks** – It's about as clear as mud right now. It appears that it is private land, that we do not own it. But, I'm going to make sure that that is the case.

**Town Manager, J. Keller** – I've spoke with John Miller, he's been by twice to drop stuff off to me.

**Council Member, F. Perry** – But we did, we did repair that one pot hole two three months back, when you turn right?

**Town Manager, J. Keller** – Back in January 13th, but that is because of the stuff we caused. We caused the damage so we repaired it.

**Council Member, F. Perry** – Okay. Can we go back to Mr. Quillin's?

**Town Manager, J. Keller** – Yes.

**Council Member, F. Perry** – Mr. Quillin called me today and asked me to go up there and look. Maybe, I'm not understanding. I thought where he was talking about was where the gravel had washed down onto the road there. When I looked, it started to washing behind the gate and it comes, the gate is here and it started coming this way and then it's down on the town. So, what's in question?

**Town Manager, J. Keller** – I think Mr. Quillin states the over flow back in October or past overflows from the water tank has caused that ditch to fill in.

**Vice Mayor, R. Cassell** – Behind the gate?

**Town Manager, J. Keller** – Yes, that caused that was on his property, if there was a ditch there that the overflow has caused a silt and erosion to fill the ditch in.

**Council Member, F. Perry** – I wasn't aware there that there was a tank up there the one that I was looking at. I thought he was talking about, he said run-off.

**Town Manager, J. Keller** – From the Elliott-Smith tank when it overflows.

**Council Member, F. Perry** – Okay.

**Town Manager, J. Keller** – He was wanting the town to re dig that ditch. Re dig a ditch along the side of the road.

**Vice Mayor, R. Cassell** – That's what gets hairy because it's on his side of the gate and Stoney and them did repair the gravel initially back in October.

**Council Member, F. Perry** – Well there is gravel all over the place and it is washing out from up there. I went by there on the way to Council, that's why I barely got here on time.

**Tommy Quillin** – Can I say something regarding that?

**Vice Mayor, R. Cassell** – We have Public Comment down for all items.

**Town Attorney, M. Brooks** – Can you wait until Public Comment, Mr. Quillin?

**Tommy Quillin** – Speaking from the back, inaudible.

**Council Member, F. Perry** – We'll discuss it further then.

**Town Manager, J. Keller** – That's the complaint as I understood it, he wanted the town to repair that ditch. That the town's tank overflowed and it caused it to fill in.

**Vice Mayor, R. Cassell** – The telemetry equipment stop that now?

**Town Manager, J. Keller** – Supposedly, the new telemetry equipment has stopped it and it shouldn't happen again. Mayor Jenkins and I thought the road looked pretty good when we went up there after the last Council meeting.

**Vice Mayor, R. Cassell** – So, there's a possibility that it could have been just water, rain water when we've had. Jeremy said there was grass already growing back on it so if it's been done, it's been done awhile.

**Town Manager, J. Keller** – It would appeal to me an overflow of that magnitude would create a ditch and not fill one in. Just common sense told me that.

**Tommy Quillin** – I think it may be important that I make a statement .

**Council Member, F. Perry** – We'll bring it up in Public expression so you can talk, okay?

**Tommy Quillin** – Speaking from the back – inaudible.

**Town Manager, J. Keller** – Mr. Sallee of Scott County Schools Maintenance came by to speak to me. He wanted the Town to waive the garbage collection fee for the school sites and specifically the bus garage, high school, middle school, school board office and Shoemaker Elementary which totals about \$100 a month. He said they are not using in and they want it waived. I said it is

included in the sewer. Garbage rates included in the sewer and that is something that I would take before Council and get an answer for you, but my answer is it is with sewer and if you use sewer, you'll be charged for garbage regardless of whether you use it or not.

**Council Member, F. Perry** – We have had merchants in town that said I don't use your garbage pick-up so why should I pay it and we didn't. If the service is there for them to utilize and it is their choice if they don't use it. It's not our choice to pass up just because.

**Vice Mayor, R. Cassell** – There's been instances where we've picked up items from Shoemaker before when they've had landscaping or when we tore that playground down, I had Stoney and them come and pick the boxes and stuff up. It is not often, but they do occasionally utilize it.

**Town Manager, J. Keller** – I did tell them we do pick up cardboard from the schools right now.

**Vice Mayor, R. Cassell** – Well the policy on sewer is, if it runs by your house, it's your option whether you take it or not, but you'll still pay because the service is there.

**Town Manager, J. Keller** – His other complaint was, they wanted to know if the sewer fee could be reduced for the Gate City field house particularly. He states that a lot of the water usage is to just water the field and isn't entering the sewer. I told him right now there is no way we could determine the specific amount. I told him the best thing we could do was to hook that particular meter up to a separate that line up to a separate meter just for watering the field because there are showers and laundry going on in there too while they're watering the field during the summer. It would be hard to determine.

**Vice Mayor, R. Cassell** – I don't think you want to get into reducing fees.

**Council Member, F. Perry** – How could you do a meter if it is going to go through a meter, it's going to through a meter. If it goes through a meter, it's has to be charged and it goes through the meter it has to be with the sewer also.

**Town Attorney, M. Brooks** – Really that has to go before the Sanitation Authority. If they want to make a request, the Sanitation Authority can make a decision on that. But, my guess is they would not.

**Vice Mayor, R. Cassell** – I think you're opening a can of worms.

**Council Member, F. Perry** – I can sympathize with them because some of us may water our lawns and some of us wash our cars

**Town Manager, J. Keller** – I think he was under the impression that in the past it had been set up that way. I told him I didn't know if it was or not.

**Council Member, F. Perry** – Not that I'm aware of.

**Vice Mayor, R. Cassell** – Even if you do that somewhere down the line someone is going to come in and put a sewer line in to that facility and be using the sewer anyway or whatever. I think you're just starting a bad precedent.

**Council Member, F. Perry** – Well, they do have a sewer line, because they wash, shower and all that so they do have a sewer line, they have the restrooms, they have to have sewer line.

**Town Manager, J. Keller** – His complaint was that water and he gave me a copy of the bill here and you can see in June, July and August the water and sewer rates spike up. He said because a lot of it is the water is going on the field and not entering the sewer.

**Town Attorney, M. Brooks** – Perhaps that is something, in addition, needs to be made to Sanitation Authority agenda for tomorrow night. At least, bring that to their attention.

**Town Manager, J. Keller** – I told him I would take it to the Council and to the Sanitation Authority. Last year it was in opposite order or last month.

**Vice Mayor, R. Cassell** – Don't take this the wrong way, I'm not criticizing but items like this even though it's in your report if it's something that we need to act on you probably need Kathy to put it on agenda because we either have to amend the agenda or carry it over to next month because we can't vote on anything if it's not on the agenda. So if there are any question and we may need to vote on it, you might want to have Kathy put it on the agenda.

**Town Manager, J. Keller** – I need to learn, yes. I spoke with Haley White’s parents, along with Jeffrey Sams of VDOT, and he has initially looking at the route said there should be no problem in getting a 5K route approved through VDOT. What I’d like to do is to host of 5K in honor of her and her family because I know trips to St. Jude and all that has got to be super expensive. Any proceeds from that race go directly to her family. I’m looking at June 16h because in the Tri-Cities there are no other races on the calendar for that weekend. There are thousands of runners in the Tri-Cities so if we can get 200 or 300 over here that would be quite a bit of foot traffic and two quite a bit of money going to their family. Dwight Pierson from Rural Development and this is something that can be placed on the agenda for the next Council meeting. I know in the past we have applied for grants for police cars with a match of 45 – 55 match. He said that the grants right now aren’t there until September. Even when September comes when the new funding comes around that grants may not be there for three or four years to come. He said we can apply for it and be in line if it does happen, but more than likely if we want the new police cars under that same program, it’s going to have to be loans. I think talking to Chris we’d be better off if we wanted to buy new police cars via loan is to include them in the new financing. But I told them I would talk to you guys and get approval just to apply just for the grant part if you wanted me to, for down the road, three or four years.

**Vice Mayor, R. Cassell** – I think we need to keep that going, personally. I think with budget, talking with Chris today, we’re going to next budget cycle look at just doing that group purchase and try include as much as we can and see if we can afford it and if we can’t we’ll just eliminate it from there and buy what we can buy. Davenport who is looking at doing refinance it he feels we can do better going through him than we could if we went out on our own. I know we got \$5,000 off the police car that we got from VML that maybe we can put one in this budget or something or \$5,000 for it we’re going to look at that next budget cycle maybe.

**Council Member, F. Perry** – Did you skip the Farmer’s Market?

**Town Manager, J. Keller** – I think I did. I was looking at the Farmer’s Market, sort of like Duffield is going to start. They put advertisement out and there is going to start in June. I would like to start in doing something and getting the press out there that we’re wanting to do a Farmer’s Market on Saturday mornings from 8-11:30 or noon. I was also looking at getting maybe a fire or police car down there and maybe an inflatable to draw the kids and kind of make it a family event. Just something that I had ideas in the works that we can put that on the agenda if it needs a vote or thought I’d bring that idea up at the Council Meeting.

**Council Member, F. Perry** – We did that last year. Have you talked to Amy about that?

**Town Manager, J. Keller** – No.

**Council Member, F. Perry** – You might want to talk with Amy she headed that up last year.

**Vice Mayor, R. Cassell** – I don’t think it ever died as far as we were concerned, it just nobody participated and she kind of let it drop.

**Town Manager, J. Keller** – Did we advertise?

**Vice Mayor, R. Cassell** – She tried everything.

**Town Attorney, M. Brooks** – The Council has approved the Farmer’s Market so as far as that I don’t know if you need separate approval.

**Vice Mayor, R. Cassell** – I say if you can do it, more power to you.

**Council Member, F. Perry** – You know what would really be great if we can get whoever owns the Daugherty Brothers to let us use the garage bays where it would be inside in case the weather wasn’t good they could at least go in. If we could get them to donate Saturday mornings, that’s a thought. My grand daddy always said, you don’t know if you don’t ask.

**Vice Mayor, R. Cassell** – I haven’t seen any transactions that it has sold other than, according to Mark, Drew Johnson was a partner and I think he may be have transferred it over to him but I’ve heard rumor that they are going to put a gas station/McDonald’s in but there’s not been any proof

that other than he just gave him more of a ownership in it. We have a key to the main building and he said we can come and go but now using it, I don't know. I know when AEP rented it, it wasn't cheap. I don't know if he'd let the Town use it as long as it was available, but it was \$2,500 a month just for the building, not it was an additional \$1,000 to use the parking. So, I don't know if he'd let us. I'll give you his phone number if you want to ask. He's a super nice guy. There has been more than one person who has said it's been sold. I've been meaning to call him.

**Town Manager, J. Keller** – I think I heard those rumors too before I even took this position. It's going to be a Daniel Boone Travel center like in Duffield and McDonald's.

**Vice Mayor, R. Cassell** – I was telling Jeremy today, I know we have big undertakings, but I wish we could come up with a grant for the town and make that a multi-use facility. We have no where to have meetings or anything in town. Keith Memorial Park for anything like that. It would make an excellent multi-use facility for classroom, small stage or anything with it. The price tag would kill us.

**Town Manger, J. Keller** – I think the money out there for stuff like that is already with the Tobacco Commission through Jay and Carol's former foundation that they might transfer to the County. They're looking at founding the theater project maybe with that money. That's the only money that I'm aware of that is out there for that kind of stuff and it has already been allotted to Jay and Carol and they're going to transfer it to the County. There is one grant for railway access that I'm going to tell Drew about for a potential business, but other than that.

**Vice Mayor, R. Cassell** – Can you call him and ask him about Frances's proposal and see what he says. As long as it's vacant, he might.

**Council Member, F. Perry** – We wouldn't have to have anything except those bays on the back right where the building "L's".

**Town Manager, J. Keller** – I was just thinking if you advertise that you're going to have a fire truck and a police car and maybe a inflatable for kids to get in there and jump around on where kids go, mom and dad will follow.

**Council Member, F. Perry** – Yeas, you're right.

**Town Manager, J. Keller** – That includes everything that I had.

**Council Member, F. Perry** – Would you call him?

**Town Manager, J. Keller** – Yes.

**Vice Mayor, R. Cassell** – I think one of the things that Amy ran into on that Farmer's Market is many of the fruit vendors was used to coming to the flea market and paying \$5 or \$6 for a Friday sale and when it had to come on Saturday

**Council Member, F. Perry** – One of the things was that it had to be locally grown, you couldn't go to Ashville and buy at the Farmer's Market over there and bring it up here and resale it. It had to be locally grown. I think we need to adhere to that.

**Town Manager, J. Keller** – Yes. Not just produce, but maybe made goods like jams and stuff.

**Council Member, F. Perry** – Anything that is locally produced. Honey.

**Town Manager, J. Keller** – Maybe quilts or crafts.

**Vice Mayor, R. Cassell** – Thank you, Jeremy. Is that all you got?

**Town Manager, J. Keller** – Yes and I apologize for putting stuff that I should have put on the agenda.

**Vice Mayor, R. Cassell** – You got to learn, I think done a good job. You've been hit by everything that could be hit in the first month. You're still here, that says a lot.

## **J. Park Committee**

**Council Member, F. Perry** – I was the only member from the Park Committee that showed up. Jeremy was here as the Manager and Jeff Stapleton, our Project Director for the park was also here. We did have some discussion with one thing was about the water play that I reported on before we are stilling looking into that. I have gathered some information and Jeff was going to get some and that was one of the things we were going to do was to have a presentation for me to take to the Civitan. We may be able to have the up and going by the summer time. He had done some research on it as well and we are looking at nothing less than \$5,000 even though it was something small. The Parks Committee does have some money and the Civitan will have to put up some. We are in that direction. Jeff did tell me that he had worked the garden here and Mr. Jerrell and he was very much in favor as our Park's Director of what they were planning for us here. In his capacity he would recommend that the Council would approve that. It would fit in well with what we had going already. If I get to go to the Civitan, I'm going to talk to them about trying to impress upon their members of the committee but it's important to come to the meetings so we can have a meeting.

**Vice Mayor, R. Cassell** – Has the Little League approach you about some of the changes they were going to do down there? Is that correct?

**Council Member, F. Perry** – We've already approved those.

**Vice Mayor, R. Cassell** – Were you aware of the concrete block wall they put up from dug out to dug out on the Little League field. Was that according to Carl, asked him today, that wasn't approved.

**Council Member, F. Perry** – There wasn't anything about a concrete wall.

**Vice Mayor, R. Cassell** – I know they always funded that and kind of had free reign on it, but I think when you start doing major structural changes I think the town, and I told Carl, this morning, I think a lot of that stuff needs to come before the Park Committee. That's just my personal opinion, but I think it looks tacky.

**Council Member, F. Perry** – Where did he put concrete walls?

**Vice Mayor, R. Cassell** – You know where the two dug outs are on the Little League field?

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

**Vice Mayor, R. Cassell** – They have run probably a 4 ½ foot concrete block wall from dug out to dug out so you can't see in the field. It's nice block, by my opinion it looks tacky.

**Council Member, F. Perry** – Are you talking about directly in front of each dug out?

**Vice Mayor, R. Cassell** – It goes from the front of the dug out to the next dug out, completely. So you can't see in anywhere from dug out to dug out. They've run it from dug out to dug out all the way behind the batter and to the press box to the next dug out, so people can't see in. There was not approval. He just happened to come in this morning when we were talking about it and I asked him but he said he didn't come before the Park Committee. Now it's done.

**Council Member, F. Perry** – Well, he might have to be informed that any structural changes at the park need to be taken before the Park Committee to bring before the Council. That would be the proper steps, wouldn't it?

**Vice Mayor, R. Cassell** – Minor changes are one thing, but when you do major structural changes. We still own that, we're still liable for it. Maybe have Jeremy send the Little League a letter instructing them from now on any major changes need to come before the Park Committee, so at least the town is aware of it. You get a phone call of why they put up a wall that we didn't even know was there.

**Council Member, F. Perry** – I started say maybe it was for protection for people going from dug out to dug out, but they shouldn't even be doing that, should they?

**Vice Mayor, R. Cassell** – What he said this morning was to keep people from standing back there hollering and I think maybe some of them have been sitting out kind of on the street watching and they just did that to keep them from harassing the

**Council Member, F. Perry-** Well, it sounds like good reasoning but he should have followed the proper steps. I don't think the kids need to be harassed from behind the plate, but he doesn't need to take the initiative on major structural.

**Vice Mayor, R. Cassell** – I was going to ask him, but he answered it for me.

**Council Member, F. Perry-** I think if we work with Carl, he'll work with us.

**Vice Mayor, R. Cassell** – Right. Anything else? Frances on the Park Committee?

**Council Member, F. Perry** – No, those two things are, like I said we didn't have anything official, just a discussion, but we can't sit around and wait for quorum all the time.

**Vice Mayor, R. Cassell** – I think you have good ideas for when you've been able to meet. I wouldn't have dreamed when that park initially of thought of it would ever be used as much as it is.

**Council Member, F. Perry-** It's already started this spring. When I came out to work this morning there were younger kids down there.

**Vice Mayor, R. Cassell** – Just about every day after school it's full on a pretty day.

### **K. Planning Commission**

**Vice Mayor, R. Cassell** – I wasn't able to attend the Planning Commission and I know Jeremy went. I think they just had a short meeting. The only thing we have pending is the King Ford lease and we're still working with VDOT. I did receive an email a couple days ago from Steve Buston. They are going to require a site plan of what we are planning on doing. Once we give them that and establish the parking lot opening will be he has VDOT talked into closing the cross over which is just the yellow post. The town won't be liable for that. They did say they needed the site plan to determine where the parking lot will be.

**Town Attorney, M. Brooks** – They're going to give us a new contract, release agreement.

**Vice Mayor, R. Cassell** – The only concern and I'm glad Jeremy ended up going when we rode around with the Traffic Engineer. They kind of back peddled and the question came up about the oil residue of where they just covered it up with so many inches of dirt. The hang up has been, Michele wanted to find excavation. Now he backs up and says we asked even about grading it, if there was a high spot. It's kind hard to tell right now with the grass as it is. He said if you grade you're moving that dirt and we were under the impression that you were going to mow it and use it like it was. Now we are back to where there is a possibility if we need to grade a hump down we go down to the cap they put on it or haul dirt in. He said if we get into disturbing it, he said it is not that expensive to haul to the land fill which is about \$400-\$500 a load. That may not be much to VDOT, but it is a lot to us if we disturbed that soil.

**Town Attorney, M. Brooks** – The concern I had was defining excavation and what they meant by that. I mean that is what I told them is Steve Buston may say one thing, that's not even relevant information that can be introduced if we got into a litigation. I want to make sure we are covered on that, so we need to do a little more digging.

**Vice Mayor, R. Cassell** – When they go back now and say we can't even take a tractor down there and level out the humps in it that's asking for trouble if we got down into that oil residue. It's not like it's standing in puddles, but if we disturb it.

**Council Member, F. Perry** – Can't utilize.

**Town Attorney, M. Brooks** – We don't want to be dealing with oil residue. We do not.

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

**Town Attorney, M. Brooks-** The other thing, and you wasn't there. There was some discussion about doing some green spots in different places. I think the Planning Commission had recommended Cleveland Street. Is that the one that Jo Ann and Fay had looked at? Am I wrong? There was a green spot it's somewhere I believe was off a Cleveland Street.



**Vice Mayor, R. Cassell** – Somewhere up around your house, that would be around Cleveland.

**Town Attorney, M. Brooks** – There was a spot they were talking about putting up a picnic table. They were asking whether the Town Council has ever taken any action. I know that was thrown out to you, to the Town Council, but that may be something you all want to do that. The Planning Commission wanted to know what action the Council wanted to take with that, if they did. They were recommending to put picnic tables and a couple of other things.

**Vice Mayor, R. Cassell** – That actually came from Mark when they were asking for work to do. That was one of his projects. He had all the details of where they were putting it.

**Town Attorney, M. Brooks** – I think what they did, they canvassed the people around it to see if that was something they were interested in it and I think there was one who had concerns about it turning into a congregation place after dark, but the rest of neighbors were in favor of it. This is what the Planning Commission was discussing at the last meeting.

**Council Member, F. Perry** – Did they have any suggestions for the financing for it?

**Town Attorney, M. Brooks** – I don't know anything about that.

**Council Member, F. Perry** – That always puts a different look on it.

**Town Attorney, M. Brooks** – I think all it really was, was maybe cutting some weeds and putting up a picnic table. It really wasn't any great deal of money.

**Council Member, W. W. Ross, Jr.** - It's not that level.

**Council Member, F. Perry** – It's not level?

**Council Member, W. W. Ross, Jr.** – No, it would have to be leveled before they put a picnic table there.

**Council Member, F. Perry** - Probably needs to be leveled and put a concrete slab.

**Town Attorney, M. Brooks** – So that won't be cheap.

**Council Member, W. W. Ross, Jr.** – I was just thinking, with maybe the Planning Committee, I don't know where this maybe talk to Weber City and the reason I'm asking that is to go in and try to incorporate that down into this park at the Ford place and what I mean by that not to take their thunder away from there but to if we do put a park there put a place there and maybe they would be interested in putting some money there and they could put more information about Carter Fold and other info, Crooked Road and any other information that be more feasible and they would be, this would enhance all of us from different areas when people would stop and even though they stop down the road they would stop there and that would that would also give them opportunity to you know we have a little booth and table and all that and if we ever get them sign, which I don't they said no put signs up there. But, well the thing about it is we still have signs that right there in front of the fish place and those signs right there that people don't even get to see. I mean we pass them every day so we should ask move them there and maybe that would give opportunity to people to stop and be able read. I mean we are a historical fact, we in the history book, we have Wilderness Road, why we don't advantage of that of all this history we have Crooked Road. So, and this is the main traffic from north and south so I mean you have opportunity to if we may be incorporate Weber City maybe they try incorporate them in there and maybe they may put funds in and would help all of us in this part of the country.

**Council Member, F. Perry** – I agree with all of that 100%. I've always said that we're missing an opportunity to promote Moccasin Gap for what it is and it is a great historical place and it needs to be enhanced and it looks like a junk yard. And it needs to be the Weber City and the Gate City and the County of Scott. All three working together and make that a big play, but we got to get all three governments working together.

**Vice Mayor, R. Cassell** – Is there not literature in the little booth down there now as far as some of the County attractions that

**Council Member, F. Perry** – Some, yes and that’s some of the signs he’s talking about that is down there too. So, that is probably why Weber City on its own probably wouldn’t want to go with us, plus they’re going to say we already got ours.

**Council Member, W. W. Ross, Jr.** – Right. But we’re not you know wouldn’t want to take away what they have to move, what they already have their booth

**Council Member, F. Perry**- Just enhance it.

**Council Member, W. W. Ross, Jr.** – Just a small area and it’s very difficult for cars to park. But, if we had a bigger area they would be able to reflect if people stopped down there and people stopped up here they would still be able to get a whole view of what we have to offer.

**Town Manager, J. Keller** – I spoke with Jennifer Puckett, Director of Tourism of Scott County, she is wanting to put a welcome center somewhere in along 23. She was looking down there in Weber City where they purchased the Bray property. I told her what we were looking to do with King Ford, but I told her the hold up with the excavating. She’s wanting to put a welcome center somewhere right there and she wants it in Moccasin Gap, right there.

**Council Member, F. Perry**- Where the Scott Motel was. That’s where it needs to be.

**Town Manager, J. Keller** – But I told her we couldn’t put it on that property because VDOT doesn’t want us to excavate because of the oil residue.

**Vice Mayor, R. Cassell** – The County wouldn’t want to get involved in that because they don’t own it and VDOT can come in at any time and

**Town Manager, J. Keller** – But she was wanting to do something.

**Vice Mayor, R. Cassell** – That would be a good idea of what Frances said if we could get it put there where Scott Motel. That’s a historical landmark anyway.

**Council Member, R. Lane** – Any of those place right through there would be an improvement, a highway department improvement. It’s already designated right of way right through where that motel was.

**Vice Mayor, R. Cassell** – I know a nice little place right up the hill from there.

**Council Member, R. Lane** – That’s way up the road. I would bring up one thing that has kind of been sitting here. I have it on pretty good authority that there is going to be quite a bit of dirt and I don’t know if it has been pigeoned hole for certain other applications. The First Baptist Church of Weber City is going to be excavating a pretty good size lot and quite a bit of dirt and sod off of that to be making a parking area.

**Vice Mayor, R. Cassell** – That would be great and we asked him about that and he said you can haul all the dirt you want and it’d probably be cheap. But if we can get it free.

**Council Member, R. Lane** – There’s several people saying they’ll take it several miles up Big Moccasin Creek.

**Town Attorney, M. Brooks** – We need to get this settled. They have to give us permission to do this because we’re lessors. We really need to be careful, but I think that’s a fantastic idea.

**Council Member, R. Lane** – It would kind of help both, it’s close

**Vice Mayor, R. Cassell** – That was my exact question that day, could we haul it in? He said you could haul in all you want

**Town Attorney, M. Brooks** – What he says, but we have to get that on paper.

**Town Manager, J. Keller** – When are they going to do that?

**Council Member, R. Lane** – Soon, we’re getting estimates on getting the job done. We have the permit to do it.

**Vice Mayor, R. Cassell** – We have the one big hurdle, closing the cross-overs. If we get the agreement to take that dirt, that would solve the problem of excavating.

**Council Member, R. Lane** – I don’t know if it can be done or not, but that would be an easy dumping area for them. That’s a mile and half away.

**Council Member, F. Perry** – We have a dump truck.

**Council Member, R. Lane** – That may enhance it even more. We could provide that as part of the deal.

#### **L. Public Works**

**Vice Mayor, R. Cassell** – Brush picked up was 20,300 pounds, trash was 150,440 pounds, recycle boxes was up this month 13,740 pounds, no newspapers this month, work orders were up by nine, doing 79 work orders. If you ever browse through these work orders, they do a lot of work in a 30 day period.

#### **M. Sanitation Authority**

**Vice Mayor, R. Cassell** – We don't meet until tomorrow night. Mr. Danko is on the agenda to come to the Sanitation meeting tomorrow night, along with Andy Miles will be there to do presentation on requesting that sewer interceptor line. There was a study done on it 4-5 years ago and it was in pretty bad shape then. We did not take any action on a Public Hearing on the water rates we were just going to leave it at 100%. Sewer rate is based at 100% of the water until we get a feel of where we stand financially. The estimate for the sewer interceptor line several years ago was 2.1 million and could probably add another \$500,000 to million on that.

**Town Manager, J. Keller** – At least 30%.

**Vice Mayor, R. Cassell** – That was replacing both ends of it. The end at the creek was the worst part. If we don't do something, our flow goes up paying PSA more. Billing is based on flow. Could cut cost if we stop the inflow. I'm playing catch up with the Sanitation Authority but feel like we've made a lot of progress. The PSA bill actually did get to us on time this month, it came today on the 13<sup>th</sup>, still a little late but better than 2-3 months. The board was adamant stating Gate City is one of our biggest customers and need to be taken care of. Mr. Danko and Melinda were instructed to do whatever they need to do to take care of us. We raised some eyebrows with the Board not aware of what was going on. I expressed our disappointment that we haven't had representation at the PSA and informed them that was why I was there to get that communication back between us.

#### **N. Street Commission**

**Council Member, W. W. Ross, Jr.** – Do we still have, how much do we have in the Street Improvement at this time, is it \$22,553?

**Town Attorney, M. Brooks** – Chris can answer that question.

**Town Treasurer, C. Edwards** – The remaining \$22,553 is what is in the budget remaining.

**Council Member, W. W. Ross, Jr.** – Okay, so we used \$2,044.

**Vice Mayor, R. Cassell** – One other thing, I forwarded this to the Mayor and Ms. Jenkins, not to leave you out. I got an email from Mr. Buston who was going to bring the Traffic Engineer down to look at some of the concerns we presented. They could actually do it without town input, but requested I come and ride with them, along with Jeremy. He will issue an official report, but we looked at King Ford property, The Bakery parking, handicap/loading zone parking, the turn from Jackson and Broadwater, and the step assist pedestals we were going to put on the sidewalk. Out of all that was looked, the only thing that would be permitted was the step assist pedestals. Another email that I received that I forwarded to Michele, he recommended to the Traffic Engineer they permit the hand holds. His concern was how we were going to attach them to the curbing. They looked at The Bakery for parking or loading zone with the biggest hang up being is the location of the lights on the mast. There was mention of another type of mast but it was a couple \$100,000 dollars. A cheap alternative was some federal funds possibly available to put a secondary light down at eye level. That is permissible, but they were going to go back and check

the federal guidelines for this money. If they could bring the light down where people could see, it may be able to bring back a couple parking spaces there.

**Council Member, F. Perry** – Some areas have lights on the poles.

**Vice Mayor, R. Cassell** – We discussed the proposal for a jet-out for picnic tables with him saying it was too much of a safety concern with people sitting too close to traffic.

**Council Member, F. Perry** – There would be a barrier. Other places have them.

**Vice Mayor, R. Cassell** – Jeremy asked him about building it up.

**Council Member, F. Perry** – You would have to put a rail around it. Some sort of a guard, but they are all over the place and I've eaten at them.

**Town Manager, J. Keller** – They said in their formal response they show us what we have to do to approve it, but it would probably be real expensive.

**Vice Mayor, R. Cassell** – Out of everything he looked at, the impression he left was the only thing would be permitted was the step assist.

**Council Member, F. Perry** – Did you have them sit out there the New Peoples Bank, Jones and Jackson Street traffic trying to merge.

**Vice Mayor, R. Cassell** – We have asked several times for a traffic light and they had never heard that. They're going to do a traffic count this month with them going to look into it. She asked if there was a concern and I said there is a lot of concern.

**Council Member, F. Perry** – I sat there 15 minutes one day trying to get out of New Peoples Bank.

**Vice Mayor, R. Cassell** – That might be something that we want Jeremy to follow up on to Steve as a formal request. She was receptive of it and the Traffic Engineers are the one to recommend or turn down and trying to get the turn lane in at the Broadwater Avenue for the school. When we actually go through someone came and turned there and question was if there was enough room to stack cars. Told Steve you may sit out here all day and not see 4-5 cars but it's the safety factor and he agreed.

**Town Manager, J. Keller** – Their disapproval was where the angle is acute would have to turn wide into that turn lane. They were looking at making it a straight 90 degree turn. I don't know how they would do it with the way it is laid out.

**Vice Mayor, R. Cassell** – But he physically drove and looked at all this stuff and will issue a formal report. They are very receptive and we have made good contacts.

**Council Member, W. W. Ross, Jr.** – I believe I maybe sure but I think if he comes down we can all be together as long as we don't discuss anything then we not have meeting.

**Vice Mayor, R. Cassell** – If we discuss with him any town business it's a meeting.

**Council Member, W. W. Ross, Jr.** – No, we don't discuss anything. You discuss, I don't say anything it's not a town meeting.

**Vice Mayor, R. Cassell** – It would be questionable if somebody came by and saw it.

**Town Attorney, M. Brooks** – I disagree with that.

**Council Member, W. W. Ross, Jr.** – I think I seen that in the, I have to find it.

**Vice Mayor, R. Cassell** – That just means for like picnics and so forth like that. But, if you are meeting with somebody on town business, it's a meeting.

**Town Attorney, M. Brooks** – Whether you say anything or not it's regarding town business.

**Vice Mayor, R. Cassell** – This and I sent the email to her and Jeremy, specifically, he requested just one town representative and my name was mentioned because I've been working with him. He led us to believe the handicap you cannot do on parallel parking. The one at the courthouse was questioned, with him saying we don't know it's there don't question it because it could be removed. It's there, we don't know who put it in, but more you question it, someone may ask for it to be removed. The reason you can't do it on parallel is if someone has to get out to walk around and get a wheel chair you're opening your door into the street for them to get out. With

the diagonally, they didn't want to get into that and will be sending me the specs. But he said you can make as many as you want on diagonal but it will probably take up two spaces. He also pointed out that the sidewalks do belong to VDOT pretty much all over town. He said he pulled the plats and the sidewalks belong to VDOT.

**Council Member, F. Perry** – They have a 50' right of way. That's common sense will tell you they own the sidewalks.

**Vice Mayor, R. Cassell** – He first questioned some of this up towards the AU and all and he said it was pretty much on the plats they were VDOT sidewalks. He said up here at Cotton's you can pretty much do what you want on the sidewalks. If he wants to put a picnic table out there, whatever, they're not going to tell you what you can do on the sidewalks.

#### **O. Safety Committee**

**Council Member, W. W. Ross, Jr.** – Not today. Oh, who do we see where in the papers that Kingsport had up-graded their warning system to notify people for severe weather are we still are we still on the agenda to try to get that done or we still in the back seat of it?

**Council Member, F. Perry** – That's your 911 wouldn't it. That's what we were told. You have to go through 911, it's not for us.

**Vice Mayor, R. Cassell** – Yes, the County would have to handle that through 911. Mr. Brickey is your Emergency Management Agent for Scott County he would be the one

**Council Member, W. W. Ross, Jr.** – Well, with all these storms, tornadoes we had in the last four days it's pretty tight there.

#### **P. Water Plant**

**Vice Mayor, R. Cassell** – I won't read everything on here. Our main concern is the percent of water loss is up a little over what they consider efficiency. 30% is the concern, we're at 33.55% on water loss.

**Town Manager, J. Keller** – I think a lot of that is from the Phase 1 and 2 that we're going to replace. I think a lot of the water loss is coming from those two.

**Vice Mayor, R. Cassell** – How are we doing where we lost the water plant operator, we covering that okay?

**Town Manager, J. Keller** – The Department of Health came down to inspect last week and they want somebody there that is licensed. So, I think Loretta is adjusting the schedule so her and Wendell are doing twelve hour shifts.

**Vice Mayor, R. Cassell** – It's not costing us anything different because they're not running the whole 24 hours anyway are they?

**Town Manager, J. Keller** – No.

### **XI. PUBLIC COMMENT**

**Pat Elliott** – Representing the Community Fellowship Baptist Church regarding renovations and additional sewer line. Understands there is a tap fee of \$900 but is requesting for a reduction or waiver of the fee if they perform all the work in laying the 300' of pipe.

**Vice Mayor, R. Cassell** – Informs Mr. Elliott this is a sewer subject and needs to be addressed at the Sanitation Authority.

**Town Manager, J. Keller** – Apologizes for inconvenience and states he would state his case for him if he did not want to attend the meeting.

**Pat Elliott** – States he would be there.

**Randy Bledsoe** – States he has expressed an interest in purchase 25’ of the Starnes building the town currently owns. Can’t understand why the town can’t sell it to him. States he has approached the Mayor and Rob Jones would be to Town’s advantage.

**Vice Mayor, R. Cassell** – Explains no bids were received to purchase the building and currently have signed a contract to demolish the building. Thinks Mark told you we advertised it and no one bid.

**Council Member, F. Perry** – Do you want building or just lot?

**Randy Bledsoe** – Just 25’ of building. States Mayor informed him it was advertised you could bid on any amount you wanted to.

**Vice Mayor, R. Cassell** – It was for the whole building.

**Council Member, F. Perry** – Asks Town Clerk for copy of ad?

**Town Clerk, K. Riley** – Explains the order to proceed has been placed in the mail for the demolition company to demolish the building.

**Council Member, F. Perry** – Curious how the ad read.

**Town Clerk, K. Riley** – It was for the whole building. Had a meeting for those who were interested in the building to go down there and any questions would have been answered at that time.

**Randy Bledsoe** – Questions the liability expense and is town paying to have it torn down.

**Vice Mayor, R. Cassell** – It was part of the Revitalization Grant money and Mayor informed him the contract has been signed to demolish it.

**Town Attorney, M. Brooks** – The documents have been submitted, we would be in breach of contract if we went back on it at this point.

**Council Member, T. Herron** – It was condemned. Buying 25% of it, it would still have to be brought down.

**Tommy Quillin** – Discusses-

- Don’t have the facts
- Not taking advantage of J. Keller, new Town Manager
- Mayor and Jeremy did look at situation, did not find over flow pipe and informed it will never happen again (overflow)
- Ten inch water line in ditch, easement and town’s responsibility to clean the ditch
- Damage done from last rain fall during Jeremy’s meeting
- Tank overflow of water

**Council Member, F. Perry** – Asks when over flow occurred with J. Keller informing her October.

**Town Attorney, M. Brooks** – Asks if he is saying it was the water that caused the ditch to be in disrepair?

**Tommy Quillin** – Part of it.

**Town Attorney, M. Brooks** – What’s the other part? That different, understood from what you said last time whatever the water situation was that caused damage to your property.

**Tommy Quillin** – States water did cause damage.

**Council Member, F. Perry** – Explains the location of gully behind gate on his property about 6-8’ long.

**Town Attorney, M. Brooks** – Two different issues, gully and you want ditch cleaned out. Am I saying that right?

**Tommy Quillin** – Yes, one is town’s responsibility and states there is an easement and should be a maintenance agreement.

**Town Attorney, M. Brooks** – If we have a water line up there we should have an easement.

**Council Member, F. Perry** – Could not see a ditch on Betty, like the ditch ends and water detours to road which caused the gully. No open tile under her driveway.

**Tommy Quillin** – Discusses location of gully and wants to know if anything will be done.

**Town Attorney, M. Brooks** – Not on agenda for tonight but if someone wants to reconsider it and put in on the agenda, they can do that or Jeremy can look at the situation and make a decision, up to the Council.

**Council Member, F. Perry** – If we are responsible to keep the ditch cleaned out, we need to look at it.

**Town Attorney, M. Brooks** – Would be surprised in an easement agreement, there is anything specific about a ditch. Usually it is rights of ingress and egress and to maintain the water line. Would be surprised if it was that specific Frances is what I'm trying to say.

**Town Manager, J. Keller** – My logic was, if there is an easement it's for any repair or disrepair that is done for maintaining or installing that water line. Tommy's concern was the overflow from the Elliott-Smith is what caused the damage to the ditch. I saw the ditch that was probably 10-15' from one point going to the gate but just me looking at it with Mark that day, it didn't look like a ditch has been there in a long, long time. I would think there would be some kind of agreement between Mr. Quillin and the Town of Gate City for letting that overflow pipe come on to and jet out of his property.

**Tommy Quillin** – Remembers he disagreed with inspector of the job, sure he signed an easement, but asked no overflow on him.

**Council Member, F. Perry** – Asks if he has a copy of all that paperwork with Mr. Quillin replying no.

**Tommy Quillin** – Discusses when the road was put in.

**Town Attorney, M. Brooks** – If Council is in agreement, Jeremy and I will look at this and I'll pull the easement to see what I can find out and try to get an answer, if that is okay with the Council.

**Vice Mayor, R. Cassell** – Do we need Council action if Jeremy and Michele can find the documents we need and put it off another month. It's been an ongoing problem for years.

**Town Attorney, M. Brooks** – Will look at it and if not up to your satisfaction, can come back to Council, how's that?

**Tommy Quillin** – That's fine. Just like to know what you decide and knows he could be wrong, but feels he is right.

**Vice Mayor, R. Cassell** – So, Council agreement if Jeremy and Michele find what we need, we let them correct it if legally okay.

**Council Member, F. Perry** – Would feel it would have been recorded.

**Town Manager, J. Keller** – Looked at the courthouse, but could not find it.

**Town Attorney, M. Brooks** – Not the first time an easement was not recorded, but it doesn't mean it doesn't exist. It does not mean it's not binding. How long ago was it done?

**Tommy Quillin** – Not sure of year, assume in the 80's.

**Council Member, F. Perry** – Need to find out if we have the right to do it on private property. Asks if property is in your name?

Vice Mayor, R. Cassell, closed the public comment session at 9:14 P.M. and opened the consent agenda session.

## **XII. UNFINISHED BUSINESS**

- **Decision on the selection of Bond Counsel on the potential refinancing of debts and Rural Development loans**

**Vice Mayor, R. Cassell** – We deferred from last month.

**Town Attorney, M. Brooks** – I think we should go with Spillman/Thomas that is who Davenport recommended. I want you to know, I did call several people in the area that I knew who had worked with them and they had nothing but good things to say. I spoke with 5-6 people who have dealt with them, so I feel confident we will be well served. I think Chris had done a little research and that would be who they recommend. You all do whatever you want, but that would be, I think you would be well served.

**Motion made to accept Spillman, Thomas, Battle and Battle, PLLC as our Bond Counsel.**

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

VOTE:	Yeas,	4
	Nays,	0
	Absent,	0
	Abstain,	0

- **Kramer Recycling, Matt Cramer, regarding status of business** - Not present.
- **Ron Baker – Water Bill** - Not present, struck from agenda

**Vice Mayor, R. Cassell** – I discussed this with Michele to take this off and if he wants to come back let him come back under Public Comment. This has been on here every month and it’s getting old.

**Town Attorney, M. Brooks** – He has recourse to come in Public Comment if he has something to say.

**Council Member, F. Perry** – If he requests to be placed on the agenda, he needs to show up.

**Vice Mayor, R. Cassell** – Until whatever, it’ll be taken off the agenda.

**XIII. NEW BUSINESS**

- **Approval of design from the Master’s Gardeners Club for work at Grogan Park**

**Motion made to approve the design from the Master’s Gardener’s Club for work to be done at Grogan Park.**

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

VOTE:	Yeas,	2
	Nays,	0
	Abstain,	2 – R. Lane, W.W. Ross, Jr.
	Absent,	0

**Council Member, R. Lane** – I don’t think we have enough information yet. That’s the first I’ve seen it and I don’t know public opinion on it. We’re changing something about the park. Just my thought.

**Council Member, F. Perry** – Changes, something about the park.

**Council Member, R. Lane** – We’re making changes to the park without any public input.

**Vice Mayor, R. Cassell** – Did that come before the Park Committee?



**Council Member, F. Perry** – Yes.

**Vice Mayor, R. Cassell** – That is kind of our route is the Park Committee.

**Council Member, R. Lane** – Okay, so you're making the motion from the Park Committee.

**Council Member, F. Perry** – Right. To me, it only enhances what we got down there and it's not costing anything.

**Council Member, R. Lane** – I like the design, I really do, but I just happened to hear

**Council Member, F. Perry** – Well, it was also, did you not hear me say Jeff Stapleton is our Park Design?

**Council Member, R. Lane** – Yes, I did and he supported it.

**Council Member, F. Perry** – He worked with them in working this in with what we paid him to go down there and plant for us and he also took into consideration the placement of the volley ball court which was in our original plan that at some point we put the volley ball court in there. They have still allowed for us a spot for that. He was also taking into consideration a spot if we get this water park approved and money for that, that it will all fit together so it. It's in his mind and he's a professional here.

**Council Member, R. Lane** – Well, I like the design, I like the looks, and I do think it's very positive. I just didn't know if we've had public input or availability of public input.

**Council Member, F. Perry** – I don't know if that we've ever had any kind of public opinion for this. It usually comes before the Park Committee makes the recommendation to the Council just like the Planning Commission or the Street Committee or whatever. I'm not trying to change your mind. I'm just trying to explain

**Council Member, R. Lane** – I've changed my vote. I just wanted to make sure that we had followed the process. We made that, public could have come to that committee as far as that goes to have heard that. I vote "aye".

**Vice Mayor, R. Cassell** – So, we have three "aye's" and one abstention.

VOTE:	Yeas,	3
	Nays,	0
	Abstain,	1-W.W. Ross, Jr.
	Absent,	0

**Council Member, W. W. Ross, Jr.** – Do you have anything for the young, you got the volley ball but are you putting anything in there for the younger folks, young men basketball, something in there for them or that's have they looked at

**Council Member, F. Perry** – We don't have anything for basketball, at the present time. We have basketball goals on the municipal parking lot. That's where the people go to play basketball.

**Council Member, W. W. Ross, Jr.** – Well, you may have young children, you know

**Council Member, F. Perry** – Okay, that's the water parks for young children, plus the playground is already there.

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

**Council Member, F. Perry** – And the outdoor classroom.

**Vice Mayor, R. Cassell** – We actually voted on that so.

- **Resolution – Irrevocable Election Not to Participate in the Line of Duty Act Fund**

**Vice Mayor, R. Cassell** – We have a copy of this in our packet resolution for the irrevocable election not to participate in the line of duty act fund. Which one of you want to explain this, Jeremy or Chris?

**Town Manger, J. Keller** – VRS, unless you vote otherwise to not participate you will be charged for the Line of Duty Act (LODA) Fund about \$475 per employee right now and if you opt out, you still have to have that coverage, we can get the same coverage through VML for about \$250 per employee. The reason it went up to \$475 is last year when they figured these numbers they were counting on roughly 70,000 employees in the state of Virginia participating in this. About half of the municipalities chose to opt out which dropped the enrollment in half so they almost had to double their rates. But Chris has talked to the VML and we can get it for roughly \$250 a person as opposed to \$473 per employee. We have to have this coverage.

**Vice Mayor, R. Cassell** – I went to a seminar on this at the VML conference and the state is mandating the localities to pick it up now is how this came about. You have an option of going under the state to do it or VML stepped up and we can do it opt out. What we're doing is opting out to go through state and pay them a premium, instead pay it to VML. What this is anybody, police or fire or whatever that has the potential of line of duty death and there are certain terms on disability. If it happens now, ten years down the road we're liable for that line of duty. Used to be the state did it, now they are putting in on localities.

**Council Member, F. Perry** – Is it death or is it death and accident?

**Vice Mayor, R. Cassell** – Well, it's not accident, there is a certain percent of disability in it if it's a lifetime disability.

**Town Treasurer, C. Edwards** – Disability/death, if they get hurt in the line of duty.

**Council Member, F. Perry** – My question is, does it only apply to death or does it apply to death and accident?

**Vice Mayor, R. Cassell** – If it's a permanent disability, kind of like some life insurance you get a percentage. Once thing that they did point out that I told Jeremy today, we need to make sure there is a form that every person and we have to clarify because the question came up we have a volunteer fire department with our name on it and it doesn't matter if they are paid or volunteer, if the County is going to pick them up or if the town is going to pick them up. There is a form that we are to get everyone who is covered to sign saying that they are aware of it. If they get hurt today and ten years down the road they are disabled and can prove it was over that, we're liable all the way back for that ten years. All they have to do is come up and say I wasn't aware that it was available or I would have taken it ten years ago. We have to go back and pay that ten years, so there is a form that VML recommended. The VML rep is the one that had the seminar and they recommended that you get each employee to sign that form saying that they are aware of this benefit is available. To my understanding, even the family if it's a death, the family can come back and find out about it "x" number of years down the road and we're liable for back pay. We need to make sure we get all our ducks in a row that we're covered. At the time, VML was looking to try and get this set up so we wouldn't have to go with the state. We don't have any choice, they put it back on the localities, we have to do one or the other. All this is saying is if we pass this resolution, I guess your irrevocable, once we do it, we can't go back to the state and say we want to do it, but VML is going to cover us and it's cheaper.

**Town Manager, J. Keller** – About half the rate.

**Town Attorney, M. Brooks** – And it's the same coverage for

**Town Manager, J. Keller** – Yes.

**Council Member, F. Perry** – So, is it per person?

**Vice Mayor, R. Cassell** – Per person.

**Council Member, F. Perry** – So, how many people we talking about?

**Town Treasurer, C. Edwards** – Well, you have six right now with the Police Department.

**Council Member, F. Perry** – Six.

**Vice Mayor, R. Cassell** – If were forced, the last time I talked to one of the representatives as a fire association. They were trying to get through the county. But like it or not, we are obligated to

**Council Member, F. Perry** – I understand that, I just. So who does it cover, who are those six people?

**Town Treasurer, C. Edwards** – It will be Kim, CJ, Adam, Matt, John, Bill

**Council Member, F. Perry** – Just our Police Officers?

**Town Treasurer, C. Edwards** – Just our Police Officers. It's just anybody in the line of duty if they get shot, killed in an accident, or while performing fire rescue, police, something like that.

**Council Member, F. Perry** – Okay, what if Stoney is operating a big machinery and he gets, does that kind?

**Vice Mayor, R. Cassell** – No.

**Town Attorney, M. Brooks** – It would be a separate kind of disability.

**Council Member, F. Perry** – Okay. That clarifies what I'm asking.

**Vice Mayor, R. Cassell** – This is just one of those things the state is trying to pass on localities to get out of paying.

**Council Member, W. W. Ross, Jr.** – How much time do we have. Do we have to decide tonight or

**Vice Mayor, R. Cassell** – We don't have any choice we have to do, I mean why would you pay \$400 to the state and go VML and get half.

**Council Member, W. W. Ross, Jr.** – The deadline?

**Town Manager, J. Keller** – July the 1<sup>st</sup>.

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

**Town Manager, J. Keller** – We have to decide by July the First.

**Motion made to accept this resolution for the irrevocable election to not participate through the state for the Line of Duty Act Fund and go through VML.**

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

**Council Member, W. W. Ross, Jr.** – And the cost of it would be \$250.00 per person, right?

**Council Member, F. Perry** – Yes

**Town Manager, J. Keller** – As opposed to \$474. Chris, is there anything VML for volunteer. I know with the VRS it's \$119 per volunteer.

**Town Treasurer, C. Edwards** – There is something about volunteers.

**Town Manager, J. Keller** – But that wouldn't affect us?

**Town Treasurer, C. Edwards** – Not unless they go back and pass it where we get all auxiliaries, something like that we'll have to cover them as well if they are in the line of duty.

**Town Manager, J. Keller** – But, it's still going a lot cheaper.

**Town Treasurer, C. Edwards** – Yes, it will.

**Vice Mayor, R. Cassell** – That might be something you and Michele will have to look at, but that question came up in that seminar even if it's a volunteer fire department if they have our name on it, we could potentially, what we would have need. My recommendation and dealing with their insurance they don't need to put their whole roster on it, it only needs to be people that actively come and participate in their fire fightin and

**Council Member, F. Perry** – So, what the motion needs to include to entail is just that anybody that falls under that category would be covered under the VML, that we would pay under the VML.

**Council Member, W. W. Ross, Jr.** – So, we're just now getting the information this, on this process now in the last month. VML passed it and we just never had opportunity.

**Vice Mayor, R. Cassell** – I think the legislation just passed because when we went to the VML in October, it wasn't even on

**Town Treasurer, C. Edwards** – And then we started looking for the information and I think I email VML about this information back in January and they just sent me the stuff and paperwork on that. They sent a sample resolution that we could do and then I asked them what the cost would be and they told me that.

**Vice Mayor, R. Cassell** – There’s a possibility that with the state is even more drop out, that’s going to go up. What if more people join VML could that come down, I guess. I think it’s a no brainer. We have to do it, why would you pay \$400. So we have a motion by Tommy and a second by Randy to, adopt this resolution with anyone who would fall under this benefit to be included.

VOTE: Yeas, 4  
Nays, 0  
Absent, 0  
Abstain, 0

**XIV. PUBLIC COMMENT – NEW BUSINESS - None**

Vice Mayor, R. Cassell, closed the public comment session for new business at 9:35 P.M. and opened the consent agenda session.

**XV. CLOSED SESSION**

Vice Mayor, R. Cassell, opened the closed session at 9:35 P.M.

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

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

VOTE: Yeas, 4  
Nays, 0  
Absent, 0  
Abstain, 0

**XVI. RETURN FROM CLOSED SESSION**

Council returned from closed session at 10:22 P.M.

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

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

VOTE: Yeas, 4  
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, 5  
Nays, 0  
Absent, 0  
Abstain, 0

**XVII. MOTIONS FROM CLOSED SESSION:**

**Motion made that the town adopt the driver policy with the addition to the second sentence in the second paragraph to read, “the company may verify each employee’s driving record prior to employment at least annually thereafter and whenever necessary during the course of the employment to ensure complete compliance”. “The Town may verify.”**

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

VOTE: Yeas, 4  
Nays, 0  
Absent, 0  
Abstain, 0

**Vice Mayor, R. Cassell** – This is probably the wrong time to ask this, but did we need to vote on the water rate?

**Town Attorney, M. Brooks** – We have thirty days from the

**Council Member, F. Perry** –Don’t we have another meeting before 30 days?

**Town Attorney, M. Brooks** –We have to vote on it in thirty days of the public hearing. The tenth, we’re good. It wasn’t on the agenda, but you can amend the agenda if you would like and vote on it now or you can put on the next month, whatever you all want to do. You have the ability to amend.

**Council Member, F. Perry** – I recommend we, do I need to put that on do I need to make a motion.

**Town Attorney, M. Brooks** – No, you can put anything on the agenda.

**Council Member, F. Perry** – To move it, that would give us time to ponder on it.

**Town Attorney, M. Brooks** – It’s not currently on the agenda is it?

**Vice Mayor, R. Cassell** – No,I mean other than to discuss it under

**Council Member, F. Perry** – Okay, Madame Clerk if you can put it on the agenda for next month.

**Town Attorney, M. Brooks** – But, in the strongest possible terms, please act at the next meeting.

**Council Member, F. Perry** – Oh, it will have to be if we just have 30 days cause we don’t want to have another public hearing won’t we.

**Town Attorney, M. Brooks** – Yes, you would have to have another public hearing.

**Council Member, F. Perry** – Can we discuss it now or have we passed that up?

**Town Attorney, M. Brooks** – You’re still in session you can still discuss it.

**Vice Mayor, R. Cassell** – We had it on here for the public hearing.

**Council Member, F. Perry** – I think it would be good if we could voice our thoughts on it.

**Town Attorney, M. Brooks** – You can discuss it.

**Vice Mayor, R. Cassell** – And put it on there for next month.

**Council Member, F. Perry** – Yes, and when we come in next month, we won't have to spend 50 minutes or so battling in back and forth. We can bat it back and forth here while we don't have

**Vice Mayor, R. Cassell** – I kind of like the idea of going with the \$23.00 maybe and putting the rest of it off until we see where we stand.

**Council Member, F. Perry** – I can see \$23.00 and \$8.00.

**Council Member, R. Lane** – I like the lower option at first. I did ask. We talked about it before, about even if we could kind of creep up to it. That is kind of what we're doing.

**Council Member, F. Perry** – I think it would be better accepted by the public if we don't wham them all at one time.

**Vice Mayor, R. Cassell** – That may give us a little more time to see about this sewer line. I don't think we're going to need that much

**Council Member, F. Perry** – I like Example #2 would be okay.

**Council Member, T. Herron** – I thought Example #2 for maybe a year and then re-evaluate it.

**Vice Mayor, R. Cassell** – I mean it looks good, but when you consider sewer too. Whatever we do, it's double. It doesn't sound like much when you say \$25.00, but when you go and add that again, that's \$50.00.

**Town Attorney, M. Brooks** – Of course, the other thing to is Sanitation could do a public hearing and lower their rates if you see that there is a disparity.

**Council Member, W. W. Ross, Jr.** – Well, now, that's on 2,000 gallons, right that we're going to increase?

**Council Member, F. Perry** - \$23.00 on 2,000 gallons.

All Members speaking states a \$1.00 over that for each 1,000 gallons that goes over that (2,000 gallons).

**Vice Mayor, R. Cassell** – And that's just going to cover the grants. Either or, it's going to cover one or the other. It's about the same, whether it's deficit or grant.

**Council Member, R. Lane** – But one thing too, if we do gain a lot of efficiencies out of the system

**Vice Mayor, R. Cassell** – Right, we may not have to have additions and he's hoping for that with the efficiencies grant and improvement.

**Council Member, F. Perry** – If we did Example #2, \$23.00 on the first 2,000 and \$8.00 on each 1,000 over that. If that would cover our payments and a little bit for make up because he did say we needed to show good faith at our make-up, so we're going to have a little.

**Council Member, R. Lane** – Are we going to have to have a certain amount in reserve and to pay.

**Council Member, F. Perry and Council Member, W.W. Ross, Jr.** – Yes.

**Council Member, F. Perry** – Of course, what we've been doing is paying that out of the General Fund and it's not supposed to come out of the General Fund so that really needs to show where we're putting back.

**Council Member, R. Lane** – Example #2, according to the values here, gains an additional \$148,000 a year. Now we heard that in 2010 there was a deficit of \$141,000 and actually higher than that in 2011 like \$200,000.

**Council Member, T. Herron** – So, example #1 is supposed to cover our grants.

**Town Attorney, M. Brooks** – Yes.

**Council Member, T. Herron** - Example #2 could take care of the deficit.

**Council Member, F. Perry** – Example #1 gives us \$115,200.

**Council Member, T. Herron** – That must be what we need to cover our grants.

**Council Member, R. Lane** – But we would still have a year beyond the completion of the projects to be able to make any changes next year.

**Vice Mayor, R. Cassell** – Which probably he said would be around September of next year, at least.  
Council Member, T. Herron – I'll be here to complain about my high water bill.

**Council Member, R. Lane** – Me too.

**Council Member, F. Perry** – Also, by putting in on the agenda for next month, if we have any constituents that would approach us that would give us a chance to have whatever they might say to consider before we make a vote on it. Of course I know they should have been here. By the way, our newspaper lady wasn't here. She told me she'd send somebody. I talked to her personally.

**Town Clerk, K. Riley** – Excuse me, did we make a motion make and vote on the or we have the 30 days.

**Town Attorney, M. Brooks** – Right and you're going to put it on the agenda under old business.

**Town Clerk, K. Riley** – Yes.

**Council Member, F. Perry** – That is one matter to be on the agenda for sure.

**Vice Mayor, R. Cassell** – And you're going to leave Ron Baker off, we did decide that.

## **XVIII. ADJOURN**

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

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

VOTE:	Yeas,	4
	Nays,	0
	Absent,	0
	Abstain,	0

\*Vice Mayor, R. Cassell, adjourned the meeting at 10:42 P.M.

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Roger Cassell – Vice Mayor

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Kathy Riley – Town Clerk

**RESOLUTION - 012012**

**Irrevocable Election Not to participate in Line of Duty Act Fund**

WHEREAS, pursuant to Item 258 of the Appropriation Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including, volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of the Town of Gate City to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town of Gate City hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further

RESOLVED that the following entity:

Town of Gate City Police Department

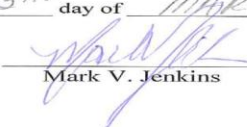
To the best of the knowledge of the Town of Gate City, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, the Town of Gate City agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the state Comptroller on behalf of the Town of Gate City on or after July 1, 2010; and it is further

RESOLVED that, as a non-participating employer, the Town of Gate City agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that the Town of Gate City shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

Adopted in Gate City, Virginia this 13<sup>TH</sup> day of MARCH, 2012.

  
Mark V. Jenkins

Mayor

ATTESTED:

  
Kathy Riley Town Clerk