



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

**I. COUNCIL MEETING CALL TO ORDER 6:00 P.M. Mayor Jenkins**

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

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

Others present: Town Attorney, M. Brooks, Chuck Newton, Arletha Newton, Debbie Kindle, Ron Kindle, Daris Hartsock, Charlie Broadwater, Kim Birchfield, Roger A. Brooks, Anthony Zurvalee

**III. INVOCATION Rollie Hartz**

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

**V. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS AND INTRODUCTION OF GUESTS. - None**

**VI. COMMUNICATIONS - None**

**VII. APPROVAL OF MINUTES**

Motion for approval of Town Council meeting minutes from February 8, 2011

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

VOTE: Yeas, 4  
Nays, 0  
Absent 0  
Abstain 1 – T. Herron (Not present)

## VIII. APPROVAL OF PAYMENTS

Motion for approval for payment of bills for February, 2011

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

VOTE: Yeas, 5  
Nays, 0  
Absent 0

## IX. REPORTS

### A. Treasurer's Report –

**Mayor Jenkins** – Are there any questions on that. I guess the highlight or the main focus is we are at 58% of Revenues collected and at 61% of Expenditures for the year.

**Council Member, W. Ross, Jr.** – Question. Page 5 – 13, it says for the cost of the auditors for \$21,000 that we have in budget and nothing has been taken out so far? We haven't paid any for their services rendered?

**Mayor Jenkins** - Since they have yet to supply us a report, no we haven't paid them until there is some document rendered by them.

**Council Member, W. Ross, Jr.** – Well, is there any way in the future that we will have a report from them that will substantialize

**Mayor Jenkins** – We should have a report, I hope, by the end of this week. I've signed two documents this evening that should give them the go ahead and it should be done.

**Council Member, W. Ross, Jr.** - But with that so we will have to pay them for the service because they have taken so long to meet the criteria. We don't have, we never did find the contracts so I don't understand the legal ramifications of this.

**Mayor Jenkins** – We will pay for their services once there is an audit report, but not before.

**Council Member, W. Ross, Jr.** – Legally, do we owe them some money?

**Mayor Jenkins** – I won't say, legally that we do owe them some money once they supply their finalized report.

**Council Member, W. Ross, Jr.** – Okay, is that from the contract that they.

**Mayor Jenkins** – Yes

**Council Member, W. Ross, Jr.** - Do we have a written contract?

**Mayor Jenkins** – There was a contract for the first year of the three year contract that we had with them.

**Council Member, W. Ross, Jr.** – But, so since they, I mean, I'm no attorney but since they had met the criteria of what some of the things

**Mayor Jenkins** – There was not designated criteria on the finished date was the problem. That won't happen again.

**Council Member, W. Ross, Jr.** – Now, down below that it says legal services of a 137 was that something that

**Mayor Jenkins** – What is that Wallace? Where are you?

**Council Member, W. Ross, Jr.** – Down below that legal services on page 5.

**Mayor Jenkins** – Legal services, the \$3852.00 is that what you're talking about?

**Council Member, W. Ross, Jr.** – Yeah 137 is that

**Mayor Jenkins** – I would have to ask Chris a little more in depth about what these legal services are. I don't look like we paid a whole lot on that.

**Council Member, F. Perry** – Have you filed anything in court or anything like that? Have court costs.

**Vice Mayor, T. Herron** – Probably, those cases we got coming up on the property.

**Mayor Jenkins** – That may be. I'll find out.

**Town Attorney, M. Brooks** – That wouldn't have been something that I have done?

**Mayor Jenkins** – No

**Council Member, R. Lane** – This would have been done in January, looks like, since there's no month and day.

**Mayor Jenkins** – I'm not sure what that is. I know we have to pay the Commonwealth Attorney a certain percentage that is very small and that may possibly what it is. It's probably broken I know it's broken down a whole lot better than that.

**Town Attorney, M. Brooks** – Could be on the asset forfeiture.

**Mayor Jenkins** – That's what it probably is.

**Council Member, W. Ross, Jr.** – Okay, on page 6 of 13, the Town Hall improvement of where it says annual budget \$25,000 they spent 10,000 is that something.

**Mayor Jenkins** – That, 10,000 is on the new roof.

**Council Member, W. Ross, Jr.** – Oh yeah, on page 13 of 13 we're still where it says Quillen Heights, Moccasin Avenue and Cardinal Lane and Hunters Hills why are we still paying, still paying \$6,6-800 budget for that we paid \$5139 is that still on going?

**Mayor Jenkins** – You mean are the payments still on going?

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

**Mayor Jenkins** - Yes

**Council Member, W. Ross, Jr.** – I thought the contract was near completion or completion on that.

**Mayor Jenkins** – We are trying to check that out and find out why we are paying on that. We haven't found contract on any of these are completed. Only one that I know was completed was with the Adkins subdivision.

**Council Member, W. Ross, Jr.** - So, okay so we're paying \$800 Quillen Heights, \$500 in the annual budget and another Hunters Cross \$500. Now is that where we paid out \$566 so does that minus 66 where we paid 66 more than we should? So why would that be?

**Mayor Jenkins** – That would be because the water or sewer bill in that area has exceeded what we thought it would. There may have been another house because what we do is reimburse them for half of the water and sewer bill. Whatever, evidently we had projected the whole year would only be \$500 and so far that would be \$566 has been accumulated in water and sewer.

**Council Member, W. Ross, Jr.** - So we're paying out almost \$8,600 for these four that's going into our budget?

**Mayor Jenkins** – Yes we are.

**Council Member, W. Ross, Jr.** – But I, you know I thought most of this \$800, I thought most of these contracts was down to almost zero I thought we had finished with them. Well how long do we still have to pay the \$800 and both \$500?

**Mayor Jenkins** – That's something that we're having the attorney look at. These are all contracts from the past and I honestly haven't seen any of the contracts. We have requested that the owner provide us with one of the contracts and I haven't seen it yet. But that is being checked on. Do you have anything else on this?

**Council Member, W. Ross, Jr.** – Okay, one more question. When it says on safety equipment is that allocated \$500 that's just for new equipment needs to be safety equipment on page 8 of 13, Page 8?

**Mayor Jenkins** – I really don't know what specifically that was put in for. I'm assuming signs and everything because I know we had to upgrade signs last year. That would be one thing

considered. It also might be hard hats, safety glasses and we may have had, because they wear all their safety equipment. We are buying some rain gear that has some safety approvals, but I'm assuming that's coming out of the uniform budget instead of the safety. Anything else on this report?

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

**Mayor Jenkins** – Amy has provided this report. The main highlights of this is, the court schedule regarding our property maintenance cases, Alonzo Sexton, Scott Motel and David Baker property. She has placed a call to Empire Salvage to get the status of demolition of Scott Motel. I know the last that we talked to them, they said when the weather broke they would be there to remove Scott Motel. We were talking yesterday, the weather has changed enough that I think they should be in. So we're waiting for an answer back to them when they are going to get on that. Amy has turned three more properties over to the Town Attorney for scheduling court action. Some of the properties with past due deadlines are being looked at and the Public Works Crew can clean up. We looked at one of the properties on Red Hill Road late last week and decided the Public Works Crew probably couldn't get that because you can't get the equipment in. So, we'll take them to court and do a clean up on that property or try to get some outside crew to come in and do it. We'll put a lien on the property for the wages that are incurred during that clean up. There has been four new notices of violation letters sent from Robert Mullins and one letter was sent from the office to a local resident about illegal dumping. That has been resolved. Amy did attend the Appalachian Farmer's Association Third Annual Conference this past weekend. She is in the process of scheduling a kick-off meeting and will be doing a press release probably six weeks prior to opening of the Farmer's Market.

**Council Member, W. Ross, Jr.** – Will that kill the flea market?

**Mayor Jenkins** – No, Wallace. That will be on Saturday mornings. It will be totally separate from the flea market. The flea market will still remain on Fridays. This will be more geared toward local grown, local produced items.

## **C. Council Reports – None**

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

**Vice Mayor, T. Herron** – We didn't have a quorum last night.

## **E. Engineer's Status Report –**

**Mayor Jenkins** – We're still in the game for the Phase 1, Phase 2 upgrades if we get our audits in time. We are staying in close contact with the grant agencies and loan agencies and keep them up to date on where with audits. They are working with us. I don't know how much longer, but they are working with us. We did receive the third bid for the telemetry for the water pumps and tanks. We'll just wait, Andy is out of town. So, we'll wait on him to do the final awarding of that contract. Because, we've had a fairly wide range of, for what looks like to be basically the same service. We did meet with one of the vendors and he run us through actually let us go in and observe an operating system in Florence, South Carolina. You could actually see what was going on with all their pump stations, tanks, you could call it up on smart phone operating from basically any where if you had to cut them. We'll have all the software behind it and have ownership of that and full support on that.

**Council Member, R. Cassell** – Is that done wireless?

**Mayor Jenkins** – It is done wireless and by phone. You can use a phone line, actual land line or you could do wireless, either. It got a redundant system on transmitting. It has its own back-up power, everything.

**Council Member, R. Cassell** – So, it'll be at each pump station or at each tank?

**Mayor Jenkins** – There's one, the Moccasin, no that's the Quillen tank will actually take care of the new tank that would put in for Daniel Boone because they're just within a couple feet of the same elevation. He said we really wouldn't need one on that satellite tank. That it would read off. We did receive a \$10,000 grant for the Moccasin Hills booster pump station that we put in, after the fact. We got approval and we did get \$10,000 grant to cover for that part of the expense of what we had on that.

#### **F. Facade Committee –**

**Mayor Jenkins** – We did not meet last night. The guy from, well Rob didn't show up. Want to talk to him to see what happened. We did receive extension on the grant for the facades and the deadline on that is October 31<sup>st</sup> now. We will have to have all the monies spent by then or we will start losing money so we are going to have to push pretty hard on trying to get all the grant money out.

#### **G. Historical Committee –**

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

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

**Mayor Jenkins** – We went and made a presentation to the Tourism Board on February 17<sup>th</sup> for the grant that they gave us for the Christmas Parade and Home for the Holidays festival that we had this year that was at their request. Their request that people come and we have got another grant presented to them this year to help with that. But they requested that we come and make a presentation. I did that on February 17<sup>th</sup>.

Currently working on to determine the Co-op property adjacent to the current side is zoned differently than that of where the current building is located. We'll have an answer for them tomorrow on that.

Working to determine proper route of disposal for Starnes Building and Little Store. There are a couple things that we will probably have to address before we can sell those.

I'd like to thank Roger for setting up the LED lighting display that we had from a vendor. What was the vendor's name, Roger? R. Cassell replies, Manufacture, Sternberg. We met with them on the 11<sup>th</sup> of the month at 4:00 p.m. They showed us a lot of possibilities, what we can do with the lights and make it, I guess, environmentally friendly and a lot more efficient. If anybody does need to see this light material display, they got it at the front desk in the Town Hall and they got all the information, catalogues and everything.

And what we are talking about the telemetry, Andy had set u a call with the Mission Controls was the name of the group we met with. We met on the 24<sup>th</sup> last month with the tank telemetry. The last bid did come in today on that and two of them are pretty close. One of them is almost double,

almost triple the other two. So, that is something that we have already approved. It's just the matter of getting all the bids in.

We had a complaint from the Commonwealth Attorney on one of our officers not showing up for court on a pretty serious case on two different times. When we got checking, the officer had not been informed that he was supposed to show up for court. So, that can be a problem if you don't know where you're supposed to be and then complained on. But, that as far as I know has been resolved and we have sent information on the Commonwealth Attorney,

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

I did make a call to a Police Chief candidate about an interview tonight. Had some complaints about lack of patrol in some areas of town. We did have a complaint from Clinch View Manor apartments they thought it was our police officer, but it was actually ended up to be a County Police Officer to look over the scene and did not arrest the person that should have been arrested. Our officer went back and made an arrest where a no trespassing warrant had been issued against somebody out there. They first called to complain to say our officer didn't make the arrest when the warrant was there and it ended up being a County officer and the Sheriff has been talked to about that. They said that our officers had always done really great with them when they come out for any situation out there and they were sorry they complained when it wasn't ours.

The trash out on Red Hill Road, I have already reported on that, that Amy had wanted me to go look at the site. We went and looked at it. It is just too steep and there is no vehicle access into that property and we're going to address that a different way.

Had a complaint that we had sewage seepage behind Long John's Silvers' and Stoney asked that I go down there and look at it. It actually just looks like it's an algae growth from off the rock. A little rock basin area, it doesn't appear to be any sewage at all.

We've had a light request from a couple years ago and it just happened, I don't know why I got approached by both people this last week. Those lights are in the process of being installed.

We did receive a call from media being informed of an anonyms caller had called the Kingsport Times News about us being audited by the State of Virginia which we were not being audited by the State of Virginia, we are being audited by an independent auditor which we have contracted and are paying

We've had some flooding and we got a problem with a big tree behind QSQ Market actually blocking the creek. It looks like it was on railroad property, has fallen across the creek and we can't access the tree to remove it. The Public Works crew can't because of some buried gas lines running from the tanks to the laundry mat, so we are going to try and contact the railroad and see if they have some way to remove because there is just zero access from the railroad side. It's right on the railroad right-of-way.

We had a complaint from a resident at the end of Cypress Street that our trash truck has been spilling garbage there and leaving it. I went up, one of the gang came and got me, took me up there to take a look at it. Stoney talked to the trash people. I looked at 8:00 Monday morning there was not trash on the ground and none following the trash run. I thought it was something digging the trash out, but it was, I keep continuing to keep an eye on that.

We have two items Mr. Dickey Gaines approached us at the last Council Meeting that should have been taken up at the following Sanitation Authority and we missed that. We also got, Amy Quillen has a request to be dropped from the billing where she is not hooked to the sewer line and can't be hooked to the sewer line feasibly. It would be at a lot of expense for her and to us so we'll let the Sanitation, I'll present that tomorrow night.

We are having some Water Plant issues and we'll work on that a little bit.

I did share a list of I guess some future focus and things we may want to look at in town with the Planning Commission. I have reviewed the list with them and they seem pretty enthusiastic now that they have stuff to work on for the next couple of years or maybe five.

Judy provided an Office Manager's report and in the past, that has been a big part of the Town Manager's report and I didn't realize that she was putting this together. On the business licenses tax collection we've collected \$128,146.59 of business licenses. We have a few businesses that has still not purchased a business license Chapman Construction Development, Chapman Construction, Inc., Chris's Dept. Store, Commonwealth Real Estate and Appraisal Group, LLC, Daisy Compton, Gate City Glass, QSQ, Super Transmission & Auto Repair, Sweet Stacks, Thomas W. Baker, PLLC, Weber City Cabinet Shoppe, Williams Heating and Air Conditioning, Inc. and we are taking a little bit different approach on some of these businesses. We'll see if we can work it in another direction.

Debt Set-Off we have a total in the base of \$35,338.24. What this does is, if we have liens or judgments against people and they file income taxes, that income tax comes back we get what is owed first and so far it's matched for \$734.39 this year.

She has reported one street light out month. They have sold 30 chairs on the Government Deals website She applied for the 2011 Tourism grant that I talked about earlier. They have all the participants in the Christmas window decorating contest in a spreadsheet to give us a good base of who does come to town, who shops and who visits. They have the tickets ready to do the parking enforcement. We are still lacking the signs that we have to have for the Historic designated area. \$14,914.47 has been collected in meals taxes in January and this is down from the previous month about \$600 down. The Facebook page that Judy put in place, we have over 2400 friends of the Town now. They sent out Clinch Mountain Music Fest donation letters. Property taxes we are getting a few payments from the last round of notices sent in January. Water bills they have collected some more of the delinquent water bills.

I had picked up this last week, we got 300 light bulbs. The fluorescent 13 watts to finish replace the lights in the current fixtures. That will bring each fixture from 300 watts down to 65 watts per fixture. So that brings down from 26,400 watts to 5,700 watts and that's going to be a fairly significant savings. So, that may help justify us going onto LED because we're going to save several thousand dollars a year. I think we calculated that's going to be almost \$38,000 a year.

**Council Member, R. Cassell** – That list that I left Chris, I did turn into Harold Walker, Customer Service Rep. to see if we can put that lighting on time of use, on peak and off peak time. I won't guarantee the he's going to look at it because it's been done elsewhere.

**Mayor Jenkins** – That would help a lot. That would be significant savings.

**Council Member, R. Cassell** – Our usage at night off peak, so that would save some money.

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

**Mayor Jenkins** – Yes

**Council Member, W. Ross, Jr.** – On the streets on the Water Street I thought it may be discussed that you all was going to refurbish those. I know that they are putting them up which is good, but I thought you was going to paint them before putting them back? Was that my misunderstood?

**Mayor Jenkins** – I don't know what all they had planned. The usually paint them in place. They have before. I know they - **Interrupted by**

**Council Member, W. Ross, Jr.** – It would have been easier while it was down before you put it up. That's my

**Mayor Jenkins** – I don't know. I know the last time they painted them, it didn't take them long in place. They did drill and tap all the heads because all of the screws had been seized up. That's why they were waiting till they got them down where they could drill and tap them. I'd say that's what they were talking about the main refurbishing was where they had to drill and tap every head to hold the light globe on. That was the biggest problem.

We already discussed about the trash problem on Park Street. That was resolved. The final wiring on the lighting on Water Street, that is actually the Town's responsibility. We're working on getting that done.

We did have one minor accident. An officer, a car actually backed into him out of a parking place. He was in reverse trying to get away from the car, it still hit him. The last I heard they were just going to buff out the bumper. The State Police was called, like they always are on any of our accidents. They said there was not enough damage to warrant a report from them other than it was an incident report. He determined not enough damage to go any further with it.

I did get the traffic count data from VDOT. It's on-line so Mr. McConnell requested that a couple months ago and I will have it available at the front desk if he comes in and wants it.

#### **I. Park Committee –**

**Council Member, F. Perry** - We did meet last week. About the only thing we discussed was the flooding at the park and try to come up with some solutions. But, we didn't come up with any.

**Mayor Jenkins** – Thank you, Frances.

#### **J. Planning Commission –**

**Council Member, R. Cassell** – I think you pretty well covered. Mark did come and he had a list that he did turn over to our Chairman and it'll be in the Planning Commission minutes next month. But, he had several good ideas for things to do with the walking trail, a couple of shelters and possibly a playground and some different things for the Planning Commission to work on. We had discussed, further, about the two lots down here. We were talking about where King Ford used to be. We got something to look at as well to see if maybe getting VDOT to let us clean that up and maybe work on trying to get a wayside picnic area like we had talked about. Mark had several good ideas. I think he's given us enough to keep us busy for awhile. I think they were satisfied. Of course, I think there was an item on there dealing with zoning as well, he wanted us to look at maybe some of the set-backs on some of the lots and so forth. He had a pretty detailed list of items for the Planning Commission to work on and I think it made everybody happy.

**Council Member, W. Ross, Jr.** – Well, what about the one other thing the plan, the signs for the, what do I want to say, the not the Chamber of Commerce. Do you all work with the planning with



them because they help develop a better a different signs they were, is that part of the process to work with?

**Council Member, R. Cassell** – I don't know if they have been working with them or not, Wallace. It's just my second meeting. You heard what Jo Ann said they've really not had enough people in the last year or so to effectively do a whole lot after they got the five-year plan and everything done.

**Council Member, W. Ross, Jr.** – Well I thought they was talking about that property down there that maybe they probably look at that to see where those to put the Chambers to look at to see if they develop a more modern sign to enhance that. I still think that I know it would cost so much, but a Gate City Town sign down there where we can see it. I know many people might be against that but I think that would be a Gate City sign with the other signs that when people come through they just give us a little bit and the reason I'm saying that because sometime when we had the festival some folks don't know exactly where Gate City is. People that live here may have some idea, but people coming through sometime is difficult to find that to address or to notify where Gate City is.

**Mayor Jenkins** – Anything else, Roger?

**Council Member, R. Cassell** – I pretty much covered everything, I think.

**Mayor Jenkins** – Thank you.

#### **K. Police Department Report –**

**Mayor Jenkins** – We had 254 calls for February, 14 arrests, 35 summons, 11 crime reports, 9 accident reports and 3 DUI arrests. I believe you (CJ Whitt) made the most of those, didn't you? CJ Whitt replies, I think I made all of them. Mayor Jenkins continues with he's getting ready to get a state recognition award on the number of DUI's that he has caught. You are doing well on that. CJ Whitt thanks the Mayor. The Office Administrator attended the DMV Grant Training Class. Officer Taylor obtained confession of what was shown on 13 different locations of theft by the offender. They have seized \$4960 in money. Gate City received approximately \$2300 of this to be used for Police supplies/equipment. There is on-going theft investigation on cases from E. Jackson to W. Jackson with the suspect and cases appear to be related. Officers continue to provide extra patrol on Sue and Elm Street in reference to complaints. Our department continues to work in a safe matter with no accidents with injuries with the exception of the little on this and that was February wasn't in January. Officers are continuing with radar enforcement on Jackson and Kane trying to slow down traffic. We do have a new officer training in the Academy and doing very well from what I hear. I made the request that they continue to the extra patrols on Sue and Elm Street and I want them to continue to radar on Jackson and Kane it just seems like it is on-going fast moving traffic. Adam Templeton plans to the Hostage Negotiations and Advance Search and Seizure class. Officer Whitt plans to attend the Advance Search and Seizure training class. We have the DMV Grant that will be submitted by March 15<sup>th</sup>. You, overall, are doing a good job.

#### **L. Public Works –**

**Mayor Jenkins** – The brush pick-up has increased a little bit with 21,000 lbs. Trash pick-up was down a little bit from the month before last we had 161,000 lbs. for this month. They recycled 10,000 lbs. which is pretty much in line with last month. I know they have been doing a lot of work down on Water Street on finishing the sidewalk out and they are through with all of the concrete work and have moved all but three of the lights down and we'll be wiring those lights.

## **M. Sanitation Authority –**

**Council Member, R. Cassell** – I guess the only major thing last month, we did vote to purchase the master meter for the Town's side of the sewer line running to the Weber City. I know we talked to Michele, quite a bit, and she got some catching up to do. They still never produced any evidence that theirs has ever been calibrated and that is in the contract. That is part of the reason with \$7,000 was the lowest bid and that is who Andy recommended but that is a checks and balance. What we got to go on is what they send us right now. We're having a terrible time on billing. The contract reads within a reasonable time and we're getting two bills at a time. I think Chris told me we just got November and December's the other day. They are that far behind.

**Town Attorney, M. Brooks** – I'll have some suggestions for you all tomorrow night regarding that.

**Council Member, R. Cassell** - That pretty much, the big thing is the master meter.

**Mayor Jenkins** – Thank you, Roger. They need to be pressed.

## **N. Street Commission –**

**Council Member, W. Ross, Jr.** – Well, two things I want to address. On Back Street, we had talked, I know we talked to Andy before but this last time I mean with the rain and I mean it was really was bad, as you can see. This is just some of the pictures from this that I've had, but one of the things about it in this section right here it's a school bus that backs up in there and lets children off and that's one of the things that people don't take into because the bus can't get back in there properly to get out to the streets to let all the children to maybe twenty children that gets off in there. And that's one of the main things that hope would be able to hope look at and maybe address this time on this street cause that's one of the streets get used for the buses and traffic and off, but that's one of things because children do get off and it's muddy and raining in there and it makes it. And there a pole right there and the bus hits that because it can't get properly in there. That's one of the and this last rain it was really super bad. I don't know why the neighbors or the people who live there didn't. The other issue I don't pictures on West Jackson Street is that we talked about this earlier I mean we mentioned it. I mentioned it to Roger and it was in the minutes but to and Mr. Town Manager said that everything was approved. But I don't know who to go to or who do I need to see cause to start the process where to put a rail, just a hand rail for up high down on this low is all down to the street for the bank and that's what said it's been approved by the State.

**Mayor Jenkins** – I have looked for documentation on anything that the State has issued and have not been able to find it yet.

**Council Member, W. Ross, Jr.** – Well that's what I wanted to find it, he said that last Town Manager, last meeting we had he said it had been approved so I don't know what that it should be in the minutes he said that so.

**Mayor Jenkins** – That is still on VDOT right-a-way and we'll have to get. I'll try to find something. I'm not – **Interrupted by**

**Council Member, W. Ross, Jr.** – Well, he said, yeah Mr. Templeton said last meeting it should have been recorded that he said he had had it approved from VDOT.

**Mayor Jenkins** – I'm not disagreeing that he said that, I'm saying I can't find the documentation that I need to go ahead and offer state right-of-way.

**Council member, W. Ross, Jr.** – Well, that okay.

**Mayor Jenkins** – I'll try to find - **Interrupted by and talking over Mayor Jenkins**

**Council Member, W. Ross, Jr.** – So, in the meantime in the process to get the handrails, who do to see to have that Andy was Andy in charge – **Interrupted by and talking over W. Ross, Jr.**

**Mayor Jenkins** – There was something about going to a muffler or shop or something that does – **Interrupted by and talking over Mayor Jenkins**

**Council Member, W. Ross, Jr.** – Yeah well he had mentioned that so, well is Andy in charge to do a blueprint on that to determine what?

**Mayor Jenkins** - We could probably contract Andy to do that.

**Council Member, W. Ross, Jr.** – I thought he had mentioned earlier when this when I brought it up you should be independents too. So I didn't know since Mr. Templeton is here to this whole process do you go to. Who, are you in charge of that? Who's in charge of it?

**Mayor Jenkins** – I will look for it. I'll try to – **Interrupted by and talking over Mayor Jenkins**

**Council Member, W. Ross, Jr.** – I mean find about out getting the information

**Mayor Jenkins** – **Continues**, I will find out if we have it or if not how to go about getting the permit from VDOT to put in rails. I know one thing that they were going to be concerned about is are we putting them in an area that a front end of a car will strike and - **Interrupted by**

**Council Member, W. Ross, Jr.** – No, well I think that was cause when I mentioned it, I said maybe have the vocation school develop or put some just a rail to go up higher down to walk people who elder people to hold on when they want to climb up or go down and that's not a long rail, just some small hand rail. And I mentioned that and he said that Mr. Templeton said he was going to get permission. He said he did, but he went to the vocation school and they said suggested go to the shop.

**Mayor Jenkins** – Yeah, the muffler or the – **Interrupted by**

**Council Member, W. Ross, Jr.** – Right, but I don't know who we who time is of the essence who we need to approach to find out what the cost of it and if it's what type of material do you use or whatever, do we go back to the vocation school?

**Council Member, R. Cassell** – Can Rob Jones tie any of that in, need an engineer with his work on the facade or would that be better suited for Andy?

**Mayor Jenkins** – Andy or the architect.

**Council Member, F. Perry** – John Templeton

**Mayor Jenkins** – Wallace, I will follow up on that and let you know something as soon as I find out.

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

**Mayor Jenkins** – And thank you.

**O. Water Committee** – None

**P. Water Plant** –

**Mayor Jenkins** – Our water plant report, we are at a 47.23% loss or was at a 47.23% loss and something changed drastically once we got the guy in here looking for the leaks. We have decreased to under a little under a 30% loss the last few days, with nothing found and no repairs made, which is very unusual. They were actually pumping 100 thousand gallons less a day than they had prior to his coming. So, we've got some kind of sporadic problem and I've talked to Loretta and she has some ideas that we are going to look at what may potentially be happening. Anyway, we're going to have to follow up on it.

**Council Member, R. Cassell** – Could part of that come from an overflow, we lose quite a bit from the tanks?

**Mayor Jenkins** – It potentially could, but shouldn't. With the rate, they're supposed to check if the pumps are running a certain amount of time. I talked to her a little bit yesterday about some problems and I'll continue to follow up on that. Probably will ask the Personnel Committee to get involved too a little later on. If we continue like we are right now, it's going to be about a 30% loss which is getting really close to being acceptable by the State. We may want to entertain hiring a part-time operator there.

#### **Q. Safety Committee –**

- **Location of Safety Manual**

**Council Member, W. Ross, Jr.** – Question, did you all ever find the manual that you all said had?

**Mayor Jenkins** – Kathy has located a manual that is what I believe is what I thought was the safety manual that Jason put together. I first told her, no that wasn't it, and started thinking about it and I believe it is. It is, but it is dealing more with in very hazardous situations or situations where something has gone extremely wrong. I'll get that to you this week.

**Council Member, W. Ross, Jr.** – Well, so that's what since Mr. Herron was on that could he give me some breakdown of how that manual was put together even though you said it was because Chapter 14 page public safety in the Handbook for Virginia Mayors & Council Members on page 181 and I went on the internet as of before so I'm trying to understand where what area or what degree of to go like it says just for example construction, driving safety, emergency safety, office safety, tool safety, working outdoors, does that cover or I'm oversensi I'm going too far, I don't need to get in this area that doesn't cover that or?

**Mayor Jenkins** – You don't have to get into it a whole lot because we have OSHA regulations and there are some training classes. In fact, I think next week we got some OSHA training classes they have to be. Then we go with VDOT on the safety around the roads. We have to have specific signs either from OSHA or VDOT on our signage on what the crew wears. But, I mean you may want to look around a little bit.

**Council Member, W. Ross, Jr.** – Well it says, Council responsibility and Council role and the Chief of Police and citizen

**Mayor Jenkins** – We are required to have

**Mayor Jenkins and W. Ross, Jr.** - **Speaking at same time.**

**Council Member, W. Ross, Jr.** – And, so I'm but, do you have these investigation reports manual in that manual?

**Mayor Jenkins** - I'm not sure what is there, Wallace. I mean, I haven't seen the thing in several years.

**Council Member, W. Ross, Jr.** – These in there?

**Vice Mayor, T. Herron** – Last time I seen, it wasn't.

**Mayor Jenkins** – I'll get you a book – **Interrupted and talking over Mayor Jenkins**

**Council Member, W. Ross, Jr.** – You all, you all

**Mayor Jenkins** – **Continues** – down at the Water Plant.

**Council Member, W. Ross, Jr.** – He's been on the committee so I didn't know just trying to get some guidance and direction what you all was doing what you all was doing before, so I was just asking what was done minutes or what.

**Mayor Jenkins** - There probably had not been any meetings that I've been aware of. Most of the stuff is handled through OSHA required training or VDOT required training or most of it is out here if you work on the road, you have to wear certain – **Interrupted by W. Ross, Jr. and talking over Mayor Jenkins**

**Council Member, W. Ross, Jr.** – Well, all this well this is all right here what you described is in here on this what I got

**Mayor Jenkins** – **Continues** - and we may need to actually adopt and use of all that. I know they do use it because you can just about ask Stoney what they had had for each job and he'll tell you or make you put it on if you're out helping them. Because I know if you work so many feet of the road at 55 miles per hour you have a whole set of different equipment, signs and everything else.

**Council Member, W. Ross, Jr.** – Well, that would be under construction so.

**Council Member, R. Cassell** – What might be a good idea, I mean there's no need to reintroducing the wheel is to take what OSHA rules apply to these guys and let Wallace put it together as a handbook and – **Interrupted by**

**Mayor Jenkins** – Yeah, because I think that's what Jason Cox did is a handbook.

**Council Member, R. Cassell** – **Continues** – That handbook is like an emergency action book more so for like threats.

**Council Member, W. Ross, Jr.** – Well it says for safety right here you know and this handbook it covers a lot of issues with this Handbook for Virginia Mayors and Council so it says Police Chief and all.

**Mayor Jenkins** – We need to pay more attention to it, it is a requirement.

**Council Member, W. Ross, Jr.** – This is a list of the courses that they have take this is a safety factor. Is that what OSHA self I mean there's no certain rules or regulations for it.

**Mayor Jenkins** – I know when they attend these classes the trainer documents who was there. I guess that is just a sign-up sheet of the ones that did attend. But they keep all the accreditations and everything. I know we have, I can't even remember what's set up next week there's a couple more training classes set up with over ten credit hours that they have to have.

**Council Member, W. Ross, Jr.** – Well, I try to get out of less work as I can.

**Mayor Jenkins** – Okay, I'm glad you're looking into it, we need to focus on it. Wallace, thank you.

## **X. PUBLIC COMMENT - None**

Mayor Jenkins closed the public comment session at 6:55 P.M. and opened the consent agenda session.

## **XI. UNFINISHED BUSINESS**

### **• Hope House and Fire Department – Council to vote if Town will provide a benevolence**

**Mayor Jenkins** – Council will need to vote on whether we want to provide benevolence and at what level we want to provide that because lawfully we or legally we cannot provide water at a lesser rate or free to any person on the water system, because of our Rural Development loans. It is pretty much a condition of contract that everyone be charged the same rate for water.

**Council Member, R. Cassell** - Well, with the Fire Department, I discussed that with Chris, since I'm on the Finance Committee what would best if we choose. I didn't realize he was having to invoice it each month even though they have a set amount. To cover his track he has them issue an invoice each month for their monthly allotment. The water bills come out in time before they invoice that they can add the amount of their invoice on to that and he can just turn around and write that much onto their month allotment if we choose to continue to do that. I was asking what would make it easiest for him so if, I didn't realize that he was doing that, so he already got part of that covered. My feelings on it still stands always, the Fire Department, Rescue Squad and Police

services is all services that the Town and the book that Wallace got, the Town is supposed to provide it has Gate City's name on it. I realize Hope House is a good thing and the world's not going to end if goes away. If you lose your Police, Fire and Rescue you've lost a lot. I just, my opinion is I think being with the Fire Department being a service we provide our name attached to it the least we can do is continue reimburse them for their water. Pretty much all they use, you can look at the bill, it's just what's used in the building. Occasionally, I don't know what they do now, but maybe in the winter it's too cold to go fill in a hydrant they'll come back to the station and fill. But if you ever go down there sometime and you think there's a lot of water used, if you have a structure fire and you wash several feet of hose it takes a lot of water and the trucks are washed each time. But, I think that's just my opinion. As far as Chris, that was his solution if we choose to do that. He thinking he can add it onto their invoice and they could just write it extra. Even if they have to pay, they're still get back.

**Mayor Jenkins** – Do you want to make a motion that we pay, that the Town pay the Fire Departments water bill each month?

**Motion made for the Town pay the Fire Department water bill each month.**

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

**Council Member, W. Ross, Jr.** – Question. Okay now, we provide the \$25,000 a year, right?

**Mayor Jenkins** – Yes

**Council Member, W. Ross, Jr.** – And we provide the \$1,000 worth of water per month, whatever the bill is

**Mayor Jenkins** – I think, roughly, that is the bill.

**Council Member, W. Ross, Jr.** – Okay, I, maybe I have a question, no point about them, but the only thing about, they do not provide us with no auditor each year. I mean the Fire Department doesn't provide us with any bookkeeping which are they willing to do that I might be willing but they don't do that and we are a part of them. So, if, don't get me wrong I'm not knocking the Fire Department but I'm trying to look at it from a legal thing. If our books is out of balance, do we need to have them be put into the part to have that that everything is properly aligned and then we wouldn't have any questions about we should do or shouldn't do.

**Mayor Jenkins** – I've never asked for their, asked them to verify – **Interrupted by.**

**Council Member, R. Cassell** – They're a 5013c organization, I set that up.

**Council Member, F. Perry** – They're not required to give us any.

**Council Member, W. Ross, Jr. and R. Cassell** - **Speaking at the same time.**

**Council Member, R. Cassell** – They're not required to give it to show, they can't deny it. I don't think they'd have a problem. They have to have a 990 done every year.

**Council Member, W. Ross, Jr.** – I say they're pretty good, you know I mean, in the black. But, I mean, just for the, for the sake of the Town if we have any problem we should give it to show accountability for where everything is.

**Mayor Jenkins** – I have no problem with asking them for their financial reports. I know we requested minutes at times and they provided them promptly.

**Council Member, W. Ross, Jr.** – Well, I mean, that's what I'm asking should we or are you saying we should we have that as a regular thing or should we just not do it at all?

**Mayor Jenkins** – I have no problem keeping checks on anything.

**Council Member, R. Cassell** – Most organizations or municipalities or whatever that give money to another organization generally want to see where it's accounted for.

**Mayor Jenkins** – Yeah, I'll request, in writing, that we have access to their accounting. I don't have a problem with it, what so ever with it. I don't think they'll have any problem with it.

**Council Member, W. Ross, Jr.** – I don't think they'll have any problem with it either. I just think that may show accountability on about if we pay the water that they may show that they need it you know just might be a way of balancing and

**Town Attorney, M. Brooks** – Mr. Mayor, I don't want to substitute your judgment, but as far as the wording of your motion, I think there needs to be something that says reimburse, not paid. I think, as I understand it, the grants, they actually have to pay and if the Town so chooses to reimburse them for that, then they can do so. But, they cannot actually pay the bill. I know that lawyers get into the wordy stuff.

**Council Member, R. Cassell** – I will reword the motion to

**Motion for we (Town) to reimburse the Fire Department per month according to what the bill is, as to the revision.**

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

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

**Mayor Jenkins** – We need to address the Hope House Issue. We have a, what is probably an illegal contract from a former Council that we will provide them water from now on.

**Town Attorney, M. Brooks** – I've not seen that, so I'd like to see it.

**Mayor Jenkins** – Okay, we will continue this until the next meeting.

**Council Member, R. Cassell** – One thing I thought to keep goodwill instead of calling it, just give them an annual, do we give them any kind of contribution?

**Mayor Jenkins** – No

**Council Member, F. Perry** – How are they funded? Do you know?

**Town Attorney, M. Brooks** – As I understand it, predominantly, through grants, there's several, couple of government grants, two to three government grants I think that they get.

**Council Member, R. Cassell** – That's a totally different situation. There's no way without cutting them a check and what do you want to call it?

**Town Attorney, M. Brooks** – Of course they take private donations as well. But, I think, mostly, like DCJS and things like that the last time I knew anything about it. That's what they were funded by.

**Mayor Jenkins** – We'll just table the Hope House till the next meeting

**Council Member, F. Perry** – Can we find out if the County makes any donations to that? Get our facts for the next meeting.

- **Heritage Video Funding**

**Mayor Jenkins** – And we'll go ahead, if it's okay and table the Heritage Video Funding that has not come up for the grant cycle. I haven't heard anything on the successes of the first round.

## **XII. NEW BUSINESS**

- **Candidacy requirements for Town Council.**

**Mayor Jenkins** – I think Mr. Ross had that put on the agenda. Do you have an item there?

**Council Member, W. Ross, Jr.** – Yeah, I’m trying to formulate how I’m going to address this. I’m trying to, since I’m new at Council, and most everybody else has been elected before, so I’m trying to understand the process. Let me pass this, number three. Now, I received an email from Michelle Jenkins and it said the Mayor is ruled by the Charter. And, what I’m trying to understand is when you rule by the Charter, the candidate, does he qualify that these are the papers that you have to have to be elected. You have to get a 125 names and your name has to be put on the ballot to make that qualification which I think pretty much everyone knows that. But too I’m trying to understand when you go through this process and you do put your name on the ballot and you do get elected, or whoever that is, I’m pretty sure everyone has been elected. Now, my question is, could you (Michele) read that right there for me, I’m sorry.

**Town Attorney, M. Brooks** – Which part?

**Council Member, W. Ross, Jr.** – Charter 3.

**Town Attorney, M. Brooks** – Chapter 3, Mayor and Council, Election, qualification and term of office?

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

**Town Attorney, M. Brooks** – **Reading from the Gate City, Town of (formerly Estillville) Charter, Located in Scott County.** A. Subsection A is the Town of Gate City shall be governed by a town council, composed of a mayor and five other members, all of whom shall be qualified voters of the town. B. There shall be an election of a mayor and five other members of council in May of each even-numbered year, and every two years thereafter at the regular May municipal election date. At such elections, a mayor and five additional council members shall be elected to serve until their successors are duly elected and qualified.

**Council Member, W. Ross, Jr.** – Alright, I had her read that for that question. With everybody who is on this board and if you go to election and my do we have any standard policy to go by say that for instance any of us receive more votes than anybody else do they qualify for certain things under the or do we disregard the election process in the State of Virginia as the democratic process.

**Mayor Jenkins** – I don’t know what in the crap you’re talking about.

**Council Member, W. Ross, Jr.** - Well, if during the election time a person I receive more votes than everybody here.

**Mayor Jenkins** – That means you receive more votes than anybody here.

**Council Member, W. Ross, Jr.** - That’s what I’m trying to say, do we have a policy that on how many votes you receive to qualify for something, for Vice Mayor or anything of that nature?

**Mayor Jenkins** – No.

**Council Member, W. Ross, Jr.** - We don’t have anything in the books for that.

**Town Attorney, M. Brooks** – I’m not aware of anything in the Charter that addresses that, Mr. Ross and I’d be happy to look at that if you like. I mean, I have probably the Charter right here, but I’m not aware of anything and the Mayor may know more – **Interrupted by and talking over Town Attorney**

**Council Member, W. Ross, Jr.** – So, what I’m asking so if somebody else receives more votes on this board it doesn’t matter who gets the most votes it determine how they wanted to be positioned in on the council?

**Town Attorney, M. Brooks** – Not as I understand it, sir.

**Council Member, W. Ross, Jr.** - That’s what I’m trying to see. So, I’m trying to learn here a few things.

**Town Attorney, M. Brooks** – Okay, would you like to have this back. I have a copy, thank you.

**Mayor Jenkins** - Is that all you have under that item?



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

Mayor Jenkins closed the public comment session for new business at 7:10 P.M. and opened the consent agenda session.

**XIV. CLOSED SESSION**

Mayor Jenkins opened the closed session at 7:12 P.M.

Motion for Council to enter into closed session to discuss legal issues, personnel issues and potential employee interview.

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

VOTE: Yeas, 5  
Nays, 0  
Absent 0

**XV. RETURN FROM CLOSED SESSION**

Council returned from closed session at 8:51 P.M.

Motion for Council to return from closed session.

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

VOTE: Yeas, 5  
Nays, 0  
Absent 0

**CERTIFICATION OF CLOSED MEETING**

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

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

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

VOTE: Yeas, 6  
Nays, 0  
Absent 0

**XVI. MOTIONS FROM CLOSED SESSION:**

Motion made for the Town of Gate City to increase Judy Guinn’s salary to \$13.72 per hour.

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

VOTE: Yeas, 5  
Nays, 0  
Absent 0

Motion made for the Town of Gate City to increase Amy Pages’s salary to \$11.00 per hour.

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

VOTE: Yeas, 5  
Nays, 0  
Absent 0

Motion made for the Town of Gate City to hire Mr. Birchfield as the new Police Chief with the starting salary of \$34,000 per year.

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

VOTE: Yeas, 5  
Nays, 0  
Absent 0

**XVII. ADJOURN**

Motion to adjourn the meeting until the next regularly scheduled Council Meeting, April 12, 2011, at 6:00 P.M.

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

VOTE: Yeas, 5  
Nays, 0  
Absent 0

\*Mayor Jenkins adjourned the meeting at 8:54 P.M.

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Mark Jenkins – Mayor

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Kathy Riley – Town Clerk