



GATE CITY TOWN COUNCIL MEETING MINUTES
MAY 10, 2011
156 E. JACKSON ST.
6:00 PM

I. COUNCIL MEETING CALL TO ORDER 6:01 P.M. Mayor Jenkins

II. ROLL CALL – Town Clerk, Kathy Riley

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

ABSENT: Council Member, Roger Cassell

Council Member, Roger Cassell – Arrived late at 6:04 p.m.

Others present: Town Attorney, M. Brooks, Teddy Pendleton, Chuck Newton, Arletha Newton, Robin Skeen, Marge Quillen, Daniel P. Bmyrek, Don Muncie, Benny Reed, John Gillenwater, Angela Sproles, Jessee McCellan

III. INVOCATION Don Muncie

IV. PLEDGE OF ALLEGIANCE Sergeant of Arms, Chuck Newton

V. APPROVAL OF AGENDA

Motion made for approval of Town Council Agenda.

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

VOTE: Yeas, 5
Nays, 0
Absent 0

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

Mayor Jenkins – I guess I would really like to congratulate Randy Lane for his getting elected to the position to which you were appointed to before.

Council Member, R. Lane – Thank you.

- **Town Work Clean-up Day on June 4, 2011.**

Mayor Jenkins – I'm surprised that that'd be on it. Did I have that? Did someone have that put on there?

Town Clerk, K. Riley – Yes, Chris

Mayor Jenkins – Okay

Town Clerk, K. Riley – As a reminder, anyone who wanted to volunteer for the Clinch Mountain Music Fest.

Mayor Jenkins – Okay, for the clean up?

Town Clerk, K. Riley – Yes

Mayor Jenkins – Well, we'll go ahead and plan to have that then. We pretty much have that underway. The Town Crew has done most of that. On June 4, at about 9:00 a.m., if anyone wants to show up we'll be glad to put some tools or brooms into somebody's hands.

- **Robin Skeen – Scott County Humane Society regarding spay and neuter program.**

Robin Skeen – Discusses the Spay/Neuter program for the Scott County Humane Society for the past two or three years. She requests the Town's assistance in helping to maintain this program for Scott County. She explains controlling the unwanted animal population is through the Spay/Neuter program. The shelter and animal control officer will never be eliminated, but the goal is to cap and decrease the unwanted animal population. She explains the grant that the Scott County Humane Society received for \$5,000.00 from the Martha Mitchell Spay/Neuter Clinic in Bristol and what the clinic provides, along with their costs. She explains the opportunity to receive matching grant funds of up to \$5,000.00. She has requested donations from various cities in Scott County, stating anything received would be matched up to \$5,000.00. Her goal is to receive \$5,000.00 in donations to receive the matching funds of \$5,000.00 for a total of \$10,000.00. She asks for the Town to consider providing a donation so they can max out the matching grant funds. She discusses the Open House they are having at the Animal Shelter for the month of May to encourage residents to support the shelter through donations, adoption and to think before dropping that dog off in the back woods. She is asking for the Town to consider making a donation of \$500.00 or more if the Town wishes to, but whatever is donated would be matched. She thanks the Council for the opportunity to present this information.

Mayor Jenkins – Thank you for coming.

- **AppCAA (Formerly RADA) regarding housing project in Gate City.**

Angela Sproles – From Appalachian Community Action & Development Agency, Inc. is asking for approval or interest from the Town for the agency to apply for a grant to rehabilitate homes on Park Street. She explains about two years ago, there was a Neighborhood Stabilization Program

that was released with Steve Templeton, herself and some of her staff members drove around the town limits of Gate City looking at communities where there was plight or run down homes. Their findings were Park Street was one area with substantial run down homes. With the Park (Grogan) being a nice place and attraction, she feels the Town would want to have some nice homes in that area. She explains the grant as being a Planning Grant that is through the Department of Housing and Community Development using Community Development Block Grant funds with a maximum request of \$30,000.00. She states representatives of DHCD or the Department of Housing Community look at that area and they are interested in supporting a grant application from us. Town, municipalities and county governments are the only agencies that are able to apply. She explains AppCCA could apply under the Town's authority, which is what she is asking for, Town's approval to submit an application working with both Steve Templeton and Mark Jenkins on this.

Council Member, R. Cassell – Asks if there is any money on our part or just needing us to represent you for the grant?

Angela Sproles – Yes.

Council Member, W. W. Ross, Jr. – Asks if they have just one section that you evaluated first or do you have any other section of town?

Angela Sproles – Explains other section they looked at was behind the courthouse, with some homes in need of assistance.

Council Member, W. W. Ross, Jr. – On Manville Road.

Angela Sproles – Explains on both sides with the Planning Grant help to identify which areas would be best. Explains reason for Park Streets was the amount of people going to the park, would make it recognizable of the work that was done with in the future to possibly go up behind the courthouse.

Council Member, W. W. Ross, Jr. – Asks how many homes

Angela Sproles – About 6 or 8.

Council Member, R. Lane – Have you approached each of these owners?

Angela Sproles – States, not yet, that is what the Planning Grant is for. It encourages us to go to these owners to discuss of their interest in participating, if not they would look at a different area.

Council Member, W. W. Ross, Jr. – How much would each home to be able to qualify? How much to refurbish the home?

Angela Sproles – DHCD doesn't promote more than \$25,000.00, per home, to rehabilitate it. DHCD general rule, if it takes more than \$25,000.00 to rehabilitate the home and get it up to housing quality standards usually under the IPR Program we would have to destroy the home and rebuild, which is more cost effective to do it that way. They would approach the homeowner if they want to demolish the home or decline participation.

Mayor Jenkins – There are probably two out there that would have to be totally redone. One is already marked uninhabitable by our GIS program, but there are people living in the house.

Angela Sproles – Feels this would be a good way to improve Gate City with an improvement to the quality of life to the residents. With the Planning Grant, if deemed not doable, cannot fulfill the obligations of the grant we know that up front and don't put in application for Park Street and then we would identify other areas.

Council Member, W. W. Ross, Jr. – So, if you put in new homes or refurbish them, what about the streets? Would you, that would be part of the beautification of that. Would that fall into the category to add money to enhance the beautification of the homes.

Angela Sproles – I guess it could be, but that would be something that would be under the grant, possibly. I was more concerned about the housing rehabilitation itself, making sure that the houses were livable.

Council Member, W. W. Ross, Jr. – If that’s a possibility the homes with the beautification I just wanted to know if we could add in the streets.

Angela Sproles – That I don’t know about, but the Planning Grant as we get more into it I’ll be able to tell you more as we progress. So, basically, I’m asking for your, are you interested in considering this application. It would have to be in by September, 2011, for the Planning Grant. Then we would have to do the up-front work in order to put in our application which would be due in March of 2012 for the big projects. So, this is basically just doing the planning to make sure that it is a doable project.

Council Member, W. W. Ross, Jr. – Now what’s the difference in the winterization program?

Angela Sproles – The weatherization program is based on a home by home basis. It is not focused on a community. The Community Development Block Grant, this particular funding source, focuses in specifically on a given community. They want a finite barrier in the community. With the weatherization program, we serve Lee, Scott, Wise and the city of Norton. It is very dispersed on the homes. I can get some more information for you. I just wanted to gauge your interest in this.

Mayor Jenkins – You already know my interest. I think it’s a no-brainer that yes we will allow you to do that. It’s nothing but positive on the impact of the town. We talked. Do we need a vote, Council approval on that?

Town Attorney, M. Brooks – I think we do.

Council Member, F. Perry – From what I understood, we need a statement of support from the Town of Gate City.

Angela Sproles – Yes and the Mayor or the Town Manager are the only people eligible to sign the cover sheet on this. I think to give them authority, Council would need to approve, need to vote.

Town Attorney, M. Brooks – I think you need a motion if you all, at least to authorize to seek the initial grant.

Vice Mayor, T. Herron – Do you want to bring it up under new business?

Mayor Jenkins – Do you want to place that under as an agenda item under new business, I mean the agenda.

Town Attorney, M. Brooks – Sure.

Mayor Jenkins – I’m going to put that under new business on our agenda.

Vice Mayor, T. Herron – What about the Spay/Neuter Program, can we bring that up under new business? Put it on there too?

Town Attorney, M. Brooks – Sure

Angela Sproles – If you need to give me a call I can be reached if there are any more questions.

Council Member, R. Cassell – How do you need that worded, support or authorization to apply for the grant?

Angela Sproles – I think an authorization to apply that Gate City endorses or supports the application for the agency.

Mayor Jenkins – I am adding AppCAA. I need a motion to amend the agenda to address the AppCAA authorization to apply for DHCD grants and to add the Spay/Neuter Program request.

Motion made to amend the agenda to address the AppCAA authorization to apply for DHCD grants and to add the Spay/Neuter Program request under new business.

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

VOTE: Yeas, 5
 Nays, 0
 Absent, 0

VII. COMMUNICATIONS - NONE

VIII. APPROVAL OF MINUTES

Motion made for approval of Town Council meeting minutes from April 12, 2011.

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

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

IX. APPROVAL OF PAYMENTS

Motion made for approval for payment of bills for April, 2011

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

VOTE:	Yeas,	5
	Nays,	0
	Absent	0

X. REPORTS

A. Treasurer's Report –

Mayor Jenkins – Any questions on this I can attempt to answer?

Council Member, W. W. Ross, Jr. – Question. Page 4 of go down to check number 10729.

Mayor Jenkins – 10729?

Council Member, W. W. Ross, Jr. – 10729.

Mayor Jenkins – Okay.

Council Member, W. W. Ross, Jr. – My question is we pay the Fire Department \$2,100.00 each month, correct?

Mayor Jenkins – Correct.

Council Member, W. W. Ross, Jr. – And we haven't missed a payment of any? Have we never paid them or have we been on time with that amount?

Mayor Jenkins – I really don't know. I suppose we have been. We can look back, probably, and see that. Have we supposed to have been late on one?

Council Member, W. W. Ross, Jr. – Well, question I don't want to go into, well. I don't know if this is the time to ask this question. It's about the report I received from the Fire Department of spending category and it says income expenditure of the category. I know you all don't have this but I was looking at this and I was seeing right here that the town money that paid out 21 month and it says from the month of 7-1-2010 then 7-31-2010 again 8-1 through 8-31 and then the 9th, 10th, 11th and the 12th. You're at the 12th 2010 it has no category of \$2,100.00 it doesn't show where it was put in. I just wondered where that we didn't pay them or nothing or something?

Council Member, R. Cassell – I think it's all in the time of when she gets the invoice to Chris. I'm not positive, but I think he told me there was one month she was late getting it and the time he cut it, it fell over into the next, I'm not positive. Until she brings it, it used to be automatic.

Interrupted by

Council Member, W. W. Ross, Jr. – Yeah, well I wanted to be sure that we

Council Member, R. Cassell – **Continues speaking** – Until she brings the invoice, he won't write the checks, so it could be she was late getting it here.

Council Member, W. W. Ross, Jr. – Well, I was just looking at the for that month and they had a total income of \$9,357.00 and then on that same month they paid out \$5,187.00, but prior to that back in the 8th month there was a \$1,954.00 minus and then in the 9th, there was \$293.00 minus, \$800.00 then \$400.00, \$4,000.00 I'm sorry \$4,700.00 minus and then with that 200 with that \$2,100.00 it throwed off the balance so I just wondered did we have a insight cause it just throwed out the whole expenditure of what they are paying out of what they have taken in or how much they were spending that's just one of the questions.

Mayor Jenkins – I talked to Jeff this last week and he hadn't said anything about us being behind on anything, so it may have just been a billing. I'll ask Chris about it tomorrow - **Interrupted by Council Member, W. W. Ross, Jr.** - Well that was back 2010

Mayor Jenkins – Okay

Council Member, R. Cassell – Is that the finance report you asked for?

Mayor Jenkins – Yes and I probably should have made everyone copies of that since Wallace was the one - **Interrupted by and talking over Mayor Jenkins**

Council Member, W. W. Ross, Jr. – You all didn't get a copy of that?

Council Member, R. Cassell - No

Mayor Jenkins – **Continues speaking** – it went straight to him.

Council Member, W. W. Ross, Jr. – Well if everybody didn't get a copy of that, I apologize

Mayor Jenkins – It's my fault, Wallace, I forwarded that straight to you when I got it.

Council Member, W. W. Ross, Jr. – Well, the other question I'm one other question I'm I was concerned it said the flea market and it has the flea market goes up and down, they don't collect every amount. Can you answer that for me Roger?

Council Member, R. Cassell – Up and down, as in amount?

Council Member, W. W. Ross, Jr. – Yeah, well sort of back in the 7-10 they had \$379.00 and then again 8 \$438.00 and then again \$465.00 and then the month of 10th \$395.00 the 11th is zero so they didn't take anything in, I don't think and then \$319 which they account. But up here they have flea market expenses for the 7-2010 through the 3-18 of 2011 \$1,319 well if you add that up from 7th up to the 12th adds that all up to \$1,196.00 so I just know where maybe I added it up

Mayor Jenkins – Was one revenues and the other expenditures? Because they do have the port-o-potties that they pay for. So that may

Council Member, W. W. Ross, Jr. – Well this right here one is the flea market income for the 7th, 8th month, 9th month, 10th month

Mayor Jenkins – Which is totally weather dependent on participation of vendors

Council Member, W. W. Ross, Jr. – Alright, so the month of the 11th they didn't take anything in, but these three months, four months 1-2-3-4-5 months add up to \$1,996.00. So they don't have that I don't know how they I'm no accountant no no you know so I just didn't know. It just didn't add up right how they based their not cause they didn't take in take anything in for the month of the 11th.

Mayor Jenkins – Yeah, that was a bad, if I remember pretty bad weather month so it probably didn't vendors participate so they get nothing if no one shows up. But they did say if we had any questions about that, they would be glad to entertain a meeting or sit down with anyone of us that had questions.

Council Member, W. W. Ross, Jr. – Well, like I said, they got expenditure category for 7-2010 through the 3-18-2011 flea market expense \$1,390.00 down here it add up to \$1,996.00 so I

Council Member, R. Lane – I think one of those is income and one of them is expenditures.

Council Member, W. W. Ross, Jr. – Right. So you came up the total income to because the see where the income the total income down here was 7,000 or 5,000 5,000 was mean they was in the hole. I don't I mean, like I said I don't see that much in the hole and come out and be come out

with \$4,608.00 without the \$2,100.00 that we that they should be getting each month from us so they not counting that so I just I thought everybody got this, I'm sorry.

Mayor Jenkins – No, that's my fault. I provided that to you for review since you asked the questions

Council Member, W. W. Ross, Jr. – Well. I hope I wasn't out of order

Mayor Jenkins – That's okay. They are open to us to coming down and asking them questions. Sit down with their treasurer or anything if you need to.

Council Member, W. W. Ross, Jr. - Thank you. I was just know where we didn't if we made a mistake and didn't pay them.

Mayor Jenkins – Okay, thank you Wallace.

B. Codification Committee/Property Maintenance –

Mayor Jenkins – Amy is currently reviewing several of the existing ordinances and the Public Works crew actually removed trash from properties on Highland Street. The property owner was charged with the removal, invoice was paid. The front yard has been mowed there. There are ten properties listed for court action and our Town Attorney, Michele Brooks is working on getting the court date set for these. We've issued new rounds of notice of violations letters. There are ten notices of violation letters that have been sent in the last month. One letter was sent from CPMA office regarding encroachment agreement violation has been removed there. The Farmers Market is slated to open this Saturday in the Town Municipal parking lot. We do not have a whole of participation for this weekend but Amy actually got responses from several vendors that said that they will have stuff ready by next Saturday. Actually, have local grown produce because it is going to be local grown produce and we're looking at entertaining some local handicraft items. But it has to be, there will probably be a few vendors that opens from 7 until 11 this Saturday for the first time. It may be a disappointing experience for the first time, but I think it will grow. We have involved the, as a volunteer, they're actually the one who originated the original Kingsport Farmers Market which has dropped out of there because they are not limiting everything to locally produced goods. I think we'll see it grown. We'll try it and if it doesn't, we'll pull out and look at it again next year. Information has been given out to the Scott County Chamber of Commerce and Penny Horton said she would send out emails and updates, everything for the Farmers Market.

Another press release is running in the Virginia Star this last week and information also sent to the Kingsport Times News and Channel 30. We are needing some volunteers to assist on Market day.

Town Attorney, M. Brooks – Mr. Mayor, if I may, Town Council had asked me to check in as far as liability for the town legally for the things that were being produced at the Farmers Market. I have checked that out and since we're following the Town guide or the state guidelines for the Farmers Market itself and going through all of those guidelines I can't find anything that said that would lead to issues with liability and especially since the vendors are solely responsibility for any made goods that are brought and they agree to be responsible for that. So, I think we are in good shape with that. I just wanted to report back to you about that.

Mayor Jenkins – Thank you, Michele.

Vice Mayor, T. Herron – It says court actions sent to you, how are we coming along with those?

Town Attorney, M. Brooks – I am waiting to confer with Robert Mullins. They're all prepared.

All the documents have been put together, I just want since he is the Code Official, I want to make sure that everything in there is correct. We're trying to get a couple of addresses. We're waiting for the Post Office, there's one more we're waiting on. We're going to file them all at once because the Code Official will have to come to court. We don't have to pay him more to come to court more and try to get them all done at once. They should be filed within the next week to ten days.

Mayor Jenkins – Thank you.

C. Council Reports –

Council Member, W. W. Ross, Jr. – Yes, I need to ask some questions. I know that the Council approved to have funding for this, the park where they were talking about putting in the Market and the, what is it the seating? I know that you all my question is, what is the cost of this?

Nobody had mentioned this.

Mayor Jenkins – We hadn't done the preliminary engineering study yet. We'll actually apply for a grant for the engineering and cost study. If we don't get the grant to do it, we won't do it. We won't even do the preliminary, so.

Council Member, W. W. Ross, Jr. - Well that's what I was thinking

Mayor Jenkins –Each one of the items will come up case by case as we move forward on it. The only thing that we ask for the approval on this is to start pursuing the grant, trying to secure some grants.

Council Member, W. W. Ross, Jr. – Okay, so my question is I wouldn't know how much, so what you are saying is that we wouldn't have to be obligated is how much of a percent of it that we would have to put into this to facilitate it.

Mayor Jenkins – No, each grant would have to come before the Council to be approved and then with the dollar amounts. Really, it's just internally we're trying to find grant funding agencies that will, because we're looking at Tobacco Commission, we'll be looking at rural development, we'll be looking at VHCD and asking those if there are any funds to even do the first study to see if it's feasible.

Council Member, W. W. Ross, Jr. – Well, the blue print was drawn to or was done I guess through Andy's company Miles company?

Mayor Jenkins –Yes

Council Member, W. W. Ross, Jr. – Who paid for that?

Mayor Jenkins – That, I would say was in his regular services. He does a lot of donation work.

Council Member, W. W. Ross, Jr. - Was that donation work from him?

Mayor Jenkins – Andy does a lot of free lance work for us. His pay comes from the grants that he helps secure.

Council Member, W. W. Ross, Jr. – So this idea was formugated here through the Council for him to go ahead and maybe do that volunteer work? I mean his idea came up and nobody I mean he must have discussed this among the people here.

Mayor Jenkins – The original line came from VDARC. Andy is basically a free employee of the town because he secures the grants. He is a percentage of what he gets out of the grants is how we pay him.

Council Member, W. W. Ross, Jr. – Alright, so, my other question is I'm confused if Amy is working on the Market and we applied for this within the same framework who's going to have priority of this? I'm confused. Is it going to be

Mayor Jenkins – Amy is working on establishing a real Farmers Market. An operating Farmers Market without the expense of putting the structures in place and actually re-doing the whole thing. That is a conceptual drawing that EDARC has put up has having a multi-purpose use to develop that facility that could compliment if we get a Farmers Market off the ground and have a performance center in the parking lot that the Town owns. Which the parking lot is basically useless as it is right now. We need to use that land. That is a potential improvement project. The other is just getting ground work laid to see if we can even pursue

Council Member, W. W. Ross, Jr. – So, okay, so you saying that first stage her involvement would be just get it off the ground and then the second stage will incorporate this to initiate funding to make it one initial progress project.

Mayor Jenkins – Hopefully we will get funding to do that. Yes and the idea for doing that was really when I went to a meeting with the Tobacco Commission and the VHCD and they said that the town needed to be showing some effort that we were trying to establish a Farmers Market or trying to encourage people to come in the town and participate in the different things and that they would probably not even entertain anything that we did unless we were showing some effort on our own to do it.

Council Member, W. W. Ross, Jr. – Well, I understand that part of it, I'm thinking improvement in doing but I just want to know if we are, if we can, if we can afford I like to look at the possibility of progress is wonderful but if our intra-structure is going down and we got great looking building and our streets and sidewalks I just I just trying to see how we can how we are approaching this is what I'm trying to ask. If we're approaching it just improvement

Mayor Jenkins – Well, we're working on establishing a poor man's flea market, basically, on a shoestring budget. Just, basically, paying an employee and hopefully, it will grow to where we will need a facility.

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

D. Economic Development Committee –

Vice Mayor, T. Herron – Nothing to report.

E. Engineer's Status Report –

Mayor Jenkins – I talked to Andy earlier today, there has been no changes. Everything, basically, is stalled until we can get the last audit from Bostic Tucker and we have sent them more notes this last week, had not got any responses. That's what we're waiting on.

Council Member, W. W. Ross, Jr. – Question on that, about the audit. I'm trying to understand this, bear with me. Now, the one that we sent in to the state, my question is, did it have to be approved by the board before we sent it in or we can delegate that?

Mayor Jenkins – No, it's an audit that we have once it is produced it is free information to anyone requesting it.

Council Member, W. W. Ross, Jr. – Okay. So, what I'm so those that each year we vote on how much money we're going to allocate for our budget, right?

Mayor Jenkins – Yes

Council Member, W. W. Ross, Jr. – And that's money from the auditor how much we had be able to spend per year? So we do not have to vote of those different years that?

Mayor Jenkins – On whether we agree on the audit?

Council Member, W. W. Ross, Jr. – Well the money that came up, was those monies those audits the money that was voted on before the audit was taken is what you are saying? The board approved that budget for the year.

Mayor Jenkins – The budget line item for paying the audit or the entire budget?

Council Member, W. W. Ross, Jr. – The entire budget and then you have a budget you allocate how much money you're gonna spend and then you go back and have it audited or have auditors each year and see that you are within the guidelines of how much money you have spent.

Mayor Jenkins – That's not what they are auditing. They're auditing to see that money has been appropriated correctly and if the books are balanced.

Council Member, W. W. Ross, Jr. – Okay now when we do is that include like for instance we have so many trucks or shovels or

Mayor Jenkins – Inventory is a part of the audit.

Council Member, W. W. Ross, Jr. – Right, so is that included in that? Was that included in that?

Mayor Jenkins – I don't know if we count every shovel. We used to inventory at one time, actually put inventory labels on everything.

Council Member, W. W. Ross, Jr. – I thought that was mandatory, it's not?

Mayor Jenkins – It's suggested.

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

Mayor Jenkins – The major items you want to, you do want to inventory. You want to make sure you don't lose a car or a truck. We're going to lose tools though. When we suspect that they have been stolen we do file a claim or at least do the police report. We have had several incidences where the Public Works garage has been broken into. We usually keep a pretty good idea of what we have lost.

Council Member, W. W. Ross, Jr. – So we are not endangered in losing our money at this time?

Mayor Jenkins – Yes we are. Until we get this final audit, yes we are. We have made the auditors well aware of that. But until we lose it, we cannot as far as I know take any action against them. Other than make them made and that doesn't seem to do much good either. We do have two projects on hold due to that.

F. Façade Committee –

Mayor Jenkins – We did have a Façade Committee meeting last night. Rob Jones is starting to devote 2-3 days a week to start coming down and work. He was here all day today meeting with the DHCD auditors. I stuck my head in when I had another meeting over here and everything seemed to be going fairly smoothly. I asked him if we needed to do anything. She didn't indicate that whatever she was wanting was not being provided. I know that they done the financials and the fair labor standards last month. They are a little concerned that we are not moving fast enough that is why Rob is going to start spending a lot more time down here. He said he was going to be dropping other jobs so he could focus mainly on our project. We're coming up within six months of the end of it and we need to get a lot more done. I hope we're going to see a lot more movement quickly.

G. Historical Committee –

Council Member, F. Perry – Nothing to report.

H. Manager-

Mayor Jenkins – I'll just hit the high spots. I did attend the Clinch Mountain Music Fest press conference on 4-26-11. We had a very low turn-out for it, but it was a very busy day. We had it on a Tuesday which is earlier than when we usually have it. We did get some press coverage out of that. We made the proper press releases and it was on our Facebook page. The festival planning is coming along pretty good. We have a planning meeting this Saturday that will start tying up loose ends. We'll start including emergency services workers everything on that to get our grounds plan laid for what we need to do the day of the festival as far as what we need to look

at and what emergency services we'll have to have on site. It'll be 10:00 this Saturday if anybody wants to attend that. It'll be at the Clinch Mountain Arts and Crafts. We have ordered, I think, eight sets of children at play signs for places in town that have requested we put some signs in place where they feel the traffic is a little fast moving when there are a lot of children out. We ordered signs to state that dogs within the Grogan Park area need to be on a leash. We've had several complaints of pit bulls running free at the park. People just come to the park and turn them loose and not keep them under control and that makes me a little uneasy with children playing in the area even though they may be a gentle dog a child might provoke the dog. I went ahead and made the decision to that we needed to go ahead and since that is a town area that we go ahead and make a rule that dogs must be on a leash there. That was Roger, thank you for bringing that up.

Council Member, R. Cassell – Something else Mark, it just come to mind to go along with that people was talking about where people are walking dogs, not cleaning up their messes. We go over to Ridgefield Park and they have containers on a pole where you can stick old Food City and Food Lion bags and such in where they have pooper scooper stations. I've heard that comment as well, people bring dogs walking around the track and people have to walk around the droppings. Might be something the Park Committee might want to take up as well.

Town Attorney, M. Brooks – Is there any Ordinance to that effect, as far as having to clean up?

Council Member, R. Cassell – Well, I apologize for not sending you. I guess you got a copy of that county ordinance of what the Town adopted. There is an ordinance in town about dog droppings in people's yards and I don't know about the park.

Mayor Jenkins – We did address that with signs because of complaints evidently it's not working because there are signs that owners must clean up after their animals. So, the dogs must be on leash sign may not do any good either.

Council Member, R. Cassell – But if you catch one, I guess the Police Department can do something about it at the time or just ask them to put it on a leash until we.

Mayor Jenkins – Well at the very least, I think it could fall under littering ordinances. If you allow your animal to

Council Member, R. Cassell – What about, I mean, we post the park and you catch one off the leash, is there something spelled out about the ordinance.

Mayor Jenkins – But we do own the park and can establish the rules in the park, just like we establish the terms of shelter rental and everything else. I'm assuming we can look at that.

Town Attorney, M. Brooks – I can look at that if you like.

Council Member, R. Cassell – But, are you going to work with Amy on looking at that ordinance later on, the dog ordinance.

Mayor Jenkins – Someone provided me, did you provide me a draft on

Town Attorney, M. Brooks – Amy did. She sent it to me and I just got it.

Mayor Jenkins – I read it and it looks good as far as what we need. I guess we'll have to have a Public Hearing prior to adopting and have you look it over. The ordinance looked very good to me. We made several trips back to where there is a hole at 142 Cherry Street. The yard is falling out. I mean it. Stoney went up there with me again, we still do not think, we can't identify that any Town lines run through that area. It comes between two houses. They came and got me yesterday, they are having a severe rodent problem coming out of that hole. It dropped in about the length, width and depth of a casket. There are small holes all around it, I told them I would come up there tomorrow evening because I knew I couldn't get up there yesterday. But we can't really allow the Public Works crew until we do establish whether it's ours or not. Right now we have no indication it's ours. I told them I'd come up and help them dig around a little bit and try to make sure that it's not our lines. We're not showing anything on maps that indicate we have it. But we've missed things before. The Planning Commission had asked, we are looking at the

potential of putting small satellite parks around each and different area where the Town does own some property or maybe in the future can get easement or donation of land from people. Start out by pouring a concrete slab, maybe put a few picnic tables trying it out and if we get enough interest and community interest maybe putting shelters up. The first one which we bought that piece of land back a few years ago from Mr. Kane it's at the corner of Chestnut and Elliott Streets. They asked that I go up and survey the local residents to see what their thoughts were on it and I think I talked to 12 or 14 people, all of them were really receptive of the idea and think it would be a really be good with the exception of one bringing up that it could possibly just kind of hang out for drunks. I had to agree with her that anything that you build like that that has full public access can, but she was okay with it as long as we promised to patrol it well, if it did become a problem, to eliminate the problem. So, we'll probably as the Planning Commission gets more into that we'll be trying establish some way to get funds to buy tables and maybe pour some concrete slabs, but anything that we can do out in the community to help and give a setting to allow people to use I think will help the Town on a whole. I have turned water on at several houses just for delinquent bills that were paid after Public Works crew came in. What I've done, I told them they could go ahead and call me after they get the full billing it just takes a few minutes to do it versus calling in a Public Works employee. We've had several of those lately. We do have a disputed water leak. I've left copies with everybody a letter the building owner he just brought it in this evening. I got it late or I would have discussed it with you. He is saying that the leak is on the Town. We have established that the leak is not on the Town and I have told him that I will probably have to meet with him one more time.

Vice Mayor, T. Herron – We ever run lines to a building in the Town in the past that you are aware of?

Mayor Jenkins – I am not aware of us ever doing it.

Vice Mayor, T. Herron – For some reason he thinks we did, I guess.

Mayor Jenkins – Our Public Works crew says that they, none of them were a part of running any lines like that or those specific lines. It was well after the yoke, I'd say it was 10-14 inches away from the actual yoke where we hook on to the meter. That would have been the last work that they've done. We'll look at it closer and see. Made a few site visits where we for zoning requests. I haven't completed all the drawings on the rails yet, but I do have one copy and I'm looking at the potential of purchasing prefab ones. So, we may be able to get them if the price was reasonable. Of course, that will have to be something to vote on whether we want to buy them or try to have them locally fabricated if it goes over certain expense. Michele and I met with a new attorney for Scott County Farmers Co-op and the meeting was pretty much I would consider uneventful.

Vice Mayor, T. Herron – Who's the new attorney?

Mayor Jenkins – It is Mr. Frank Kilgore out of Wise. He did issue a letter, I don't know. But I think just a letter how he assessed everything and his intent. It's nothing that, we'll just have to wait and see actions are taken. I did have to call Stoney in on the sewer pump down at Grogan Park for the ball fields the other night and help them a little bit with that so he didn't have to round up. I hated to call them in, but they were in the middle of ball games and had several of their sinks and toilets backing up. I did meet with a representative from Mark Warner's office today. The main thing that we discussed was the towns need to get the north side of Clinch Mountain open at the 23 by-pass and our start up of the Farmers Market. We talked a little bit on where we are on the downtown revitalization plan. He's coming once a month to the Social Service offices and I'm going to get his schedule. He said if we had any ideas or anything that Senator Warner could help us with on the federal funding side to just holler at him. I'll get everybody the contact's name and send it to you in an email or have somebody send it. They seem pretty apt in helping us, if they can. I didn't get an specifics on what they, but they said, if nothing else support letters and

everything else they'd be glad to issue for grants and anything that we need. Roger, I'm sorry that I have not made a request for possibly pouring the concrete at the end of Jones Street. I'll try to get a letter out on that tomorrow where the asphalt is buckling there because all the heavy trucks. But, I'm assuming the state would address that pretty promptly.

Council Member, F. Perry – There were out there one day last week.

Mayor Jenkins – Yes, they milled it down.

Council Member, R. Cassell – That came up after you left. One of the members asked me if I would present it.

Mayor Jenkins – I'm assuming it'll just take a letter. I did meet with our Police Chief today on some of his ideas on next year's budget for the Police Department and he will address that with us later, just preliminary overlook. Anything else, questions.

I. Park Committee –

Council Member, F. Perry – Did not meet.

J. Planning Commission –

Council Member, R. Cassell – I think you got, I missed the zoning part, but I think you covered that.

Mayor Jenkins – They did forward on to the Town Council. They are in agreement of the Egan property where he plans on putting a subdivision be rezoned to R-2 from the current R-1. They did look at everything, we have the proper surrounding areas, it won't be spot zoning. It is attached to, our borders are R-1 and R-2.

Council Member, R. Cassell – I think Jo Ann had a proposal. She sent it to all the Committee Members about that, looking at all the zoning, am I correct, the set-backs and so forth. Did she have you go into that any before I got there?

Mayor Jenkins – No.

Vice Mayor, T. Herron – Where's that property at?

Council Member, F. Perry – Top of the hill, up this street right here.

Vice Mayor, T. Herron - Front of Greg Carter's house?

Council Member, R. Perry – Do you know where Peanut Lane lives? It's back there from Peanut's house.

Vice Mayor, T. Herron – I know where it's at.

Mayor Jenkins - Access to it is off of Manville Road.

Council Member, R. Cassell – One other thing, Wallace, they misunderstood where I was talking. The Committee thought we were talking about property down here at the wayside picnic area. They thought we were talking in front of the sign. Jo Ann and her Committee Members misunderstood. They had done some research and had found out an owner. They misunderstood that we were talking about the VDOT property but that is being looked at.

Council Member, W. W. Ross, Jr. – The old Ford place.

Council Member, R. Cassell – Yes. So, that is being looked at, they were just on the wrong side of the ABC store. That's one of the projects we hope to tackle. I think that's pretty much the extent of it.

Mayor Jenkins – Thank you. You all are doing some, a lot of work.

Council Member, R. Cassell – We decided not to change the frequency of meetings now. They said you have given them enough work they'll need to meet every month now.

Mayor Jenkins – That has become a really active board/commission. Kim would you like to give the Police Department report?

K. Police Department Report –

Chief Birchfield – The month of April we answered 337 calls for service and increase of 68 calls from March. We had 10 arrests, 44 summons which is an increase of 14 from the month of March. We had 12 more crimes reported then we did in March. We worked 4 accidents for a total of six accidents in April and had 2 DUI arrests. Significant activity we continue to extra patrol on Sue Street due to complaints. Continue to work in a safe manner with no accidents, no sick days and no injuries due during the month of April. We continued our radar enforcement on Jackson and Kane in efforts to slow down traffic and monitor both traffic lights. Our new officer, Pete Chambers, is doing very well in the Academy. He will graduate this Friday. He's been elected Class President and is doing an outstanding job.

Mayor Jenkins – What time is the graduation?

Chief Birchfield – It's one o'clock Friday afternoon at the Academy. We were able to obtain a donated Police Dog for the department and we are working on additional K-9 equipment at this time. The dog and the handler, who is Adam Templeton are working real well together, have developed a real good bond together.

Vice Mayor, T. Herron – How old is that dog?

Chief Birchfield – Three years old. Officer, Matt Taylor, attended our DUI Conference in Virginia Beach. I attended the Mid-Year Training and Business Conference sponsored by the Virginia Association of Chief of Police. Our Office Manager, Nancy Peters, to the Johnson City Police Department to train for one day with their Grants Manager there. It was very helpful to her. We submitted acceptance of the Byrne Grant in the amount of \$2212. We had an officer stop a subject for improper equipment resulting in two arrests, four charges, and a seized vehicle and seized cash. Another officer arrested a subject for drug/narcotic violations and had several fraudulent prescriptions and was able to get that off the street. For the month of May we applied for a COPS (Community Oriented Policing Services) Grant that provide an officer to the Town of Gate City for three years at no match on our part. 100% paid through this grant. The only thing we agree to by accepting that is after that three year grant is we employ the person for one year. We would be obligated to that, but that is an officer for four years at one year's salary. We really thought these grants were gone and it may not come back, especially without a match but we were able to secure that. Also, Officer, Chambers, as I said is scheduled to graduate on the 13th. Officer, Bill White, took his re-certification exam at the Academy today and Officer, Templeton, is scheduled this month for a Colt Defense Class. Those are the goings on for the month of April.

Vice Mayor, T. Herron – What is a Colt Class?

Chief Birchfield – It's a colt weapons class. We carry colt patrol rifles and the other two are another brand, but he's there for that class. Questions?

Mayor Jenkins – As usual, you and they are doing a good job.

Council Member, W. W. Ross, Jr. – Question. Do we have any plan or safety, I don't know what to put forth for weather, especially if we have warning for tornados do we have any plans to notify the people do for fire assistance or do we have any situation to go in and.

Chief Birchfield – The only thing that I can tell you is that tomorrow morning I will get with the 911 people and I'll get an answer for you on that. I don't know what their procedure is in Scott County to do that, but I'll find out and let you all know.

Council Member, R. Cassell – The town has that Nixle website that has never been fully established. Isn't that what it's for? You can put alerts on it.

Mayor Jenkins – Yes, we're using Facebook more than the Nixle. The Nixle actually our free contract ran out and I think it's a couple thousand a year now. So, we have let it expire and we'll have to have a vote on that. For right now I think Facebook seems to be getting the message out

pretty well. But we will be looking at other. Kim and I talked today about us or any other agency not having a seat on the 911 board which would probably be a good thing too, if we had an officer of whether it would be an officer would be the best or the Police Chief would probably be the best fit for that board as a representative for the town. We'll probably be talking to Kathie Noe more about that. We didn't go in depth on that subject today, but we did talk about it a little bit.

Council Member, W. W. Ross, Jr. – We don't have any connection with the Fire Department to tell us for the alarm to go off to tell us to take shelter? No plan of that nature to develop or we just?

Chief Birchfield – I don't know procedure through 911 but I'll know tomorrow and you'll know. I'll find out for you. I can't tell you tonight, but I will find out for you. I would think, in normal situations, that it is initiated through the 911 system. Any other questions?

L. Public Works –

Mayor Jenkins – The brush pick-up was a little bit down from last month of 29,980 lbs. Trash pick-up was at 177,880 lbs. We had 8,440 lbs of recycled material. No recycled oil and they had 106 work orders this last month. That have addressed, no that was actually last month they actually addressed all the located water leaks. Public Works has been doing a whole lot weed eating and clean up, very good at doing that, a little over zealous a couple times. I've had to talk to some people where they weed eat a little further than they should have. Overall they are doing a great job.

M. Sanitation Authority –

Mayor Jenkins – Meets tomorrow night. At the last Sanitation Authority one of the major things we, the Sanitation Authority voted to quit paying the sewer bills to the subdivision owners until we can establish proper contracts.

N. Street Commission –

Council Member, W. W. Ross, Jr. – I guess since the weather is getting better, we'll probably have to get together with Roger and discuss some things. You brought up the handrails, correct? About the, you said you haven't sent. My other complaint is that we go back to Back Street since Back Street was this rain really was a major problem this last time. I just, this is small pictures I have, but what I think that the problem is from this picture, I think what's going on probably have to get with the state. Right here, right here is Chestnut when it rains it coming off the hill where Mr. Boatwright property is and coming right and running down through here and running around and coming down and going around through that corner going down through there. Probably that coming after off of on Manville Road coming around hitting Chestnut and coming down into there and that's where it's getting a build-up. It needs paving there which I think I allocated my funds to have it paved but it should pave the whole thing with some other added to that. But I think you need to call the state cuz that's where a lot of that kind of I got pictures of it, I just don't have them. Well all that rain, you can see it. It got a trail runs right there, it just runs cuts right there into probably need to call get the state in on this project. Cause it comes right across Manville. It's coming off that hill up there off of that hill up there when it rains. And it was a major problem this bad weather when it rains it's really a major problem.

Mayor Jenkins – I went up there the other day and I mean it really looked apparent that whoever has worked on that house has actually brought in fill dirt on the lower side of the road and raised the street side level higher than the road.

Council Member, W. W. Ross, Jr. – Right, they went in there yeah and to pull and level it I guess. They did some work on it. But it's a drain that runs like I said runs all the way up from there where that location from there go all the way down under that to the house down there. Not through the house, but beside the house. It's a drain that goes down to the building. It should be on the blue print somewhere.

Council Member, R. Cassell – Right there on Richmond Street, where Jeff and Susan live, up behind them. The problem with the garbage truck and the pole, make it hard to turn. I was up there the other day and just happened to look up. I think that the town would make the request, there's an old power pole that sit right over in the corner of that intersection. AEP has since has set another pole further away, they cut the top off of it. The phone and cable is still attached. If they would move that old pole, it would help the garbage truck tremendously. I don't know why they never come up there and taken it off. They're just concerned about where it tearing that bank up. It makes it hard to mow. My understanding that pole is a lot of the problem that he can't make the turn. I looked at it the other day and there is enough room, I believe, they take that old pole it will help them substantially.

Mayor Jenkins – So just the phone and cable

Council Member, R. Cassell – It's just the phone and cable, the top is cut off of it. If they just transfer over to the new pole, they cut the old one down and give him some more room to swing.

O. Water Plant –

Mayor Jenkins – With the leaks that have been found, we're at 7.9% loss from the water system which is the lowest ever since I've been here. We're doing really good. We're down to two 8-hour shifts on water production. They're actually having to run anywhere from 10-14 hours a day, of course there's other responsibilities back wash filters, doing a lot of other work around. We have cut the operator's hours there. We're probably will be looking at realigning some of the duties to other parts of the job. I wanted to wait and see before we really do much because our leak rate could shoot right back up if we have a major leak. Right now we may want to look at the possibility of joint activities between Water Operator and some of the Public Works responsibilities. We'll just have to give it a little while to assess it and see on keep the actual employee head count, what we want to do with them. We are short right now on one full-time Public Works and we may want to step and look and see how if we could possibly realign duties of the Water Plant Operators if they are willing to take on other duties. Because, we don't have enough work to run the plant 24-hours a day. We're down to 16 hours of having actual labor at the plant now. If we keep this low of a loss rate we got some things we need to address. We'll give it another month and see where we are. We are in the process of buying leak detection equipment where we can detect it quickly. Any questions?

Council Member, R. Cassell – What are these pictures?

Mayor Jenkins – That was the leak right out from Preacher Argoe's house between Argoe's and going up to Jeff Spicer's house. That was around 100-150,000 gallon a day leak that had gone undetected. It had eaten out in the caverns probably it was emptying back into the creek because it's about 100-150 feet from the creek. It went down instead of up. If it hadn't been a little bit of a cavern under there it probably would have blown the road up. This was found with leak detection, there wasn't any asphalt giving away. No indication other than. Got the guy from RD here with the leak detection equipment and he found it. But, it was a major leak and Mr. Argoe's

water problem in his basement has cleared up since. They are doing really well in finding and fixing leaks and keeping the water plant running properly.

P. Safety Committee –

Council Member, W. W. Ross, Jr. – Nothing at this time, still working on it.

Q. Water Committee – None

Mayor Jenkins – I need to add one more agenda item before we go to public comment. The agenda item would be the need to nominate a member of the Town Council for the BZA which is required by the Charter.

Council Member, R. Cassell – So it is in the Charter?

Mayor Jenkins – It is in the Charter.

Town Attorney, M. Brooks – It's in the zoning, I know it's in the zoning manual it is required that a member of the Town Council sit on the Board of Zoning Appeals.

Council Member, R. Cassell – Somewhere in there, down the line I was told I had to resign from it because I was on the Town Council.

Mayor Jenkins – I remember that. We had to resign several members because of that.

Town Attorney, M. Brooks – It's very clear in the Zoning ordinance.

Mayor Jenkins – It says, we have to have a member of the, so do we have an amendment to put nominating a new member of the Town Council to the BZA on the new business?

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

VOTE: Yeas, 5
 Nays, 0
 Absent, 0

XI. PUBLIC COMMENT

Teddy Pendleton – 260 Campbell Street – Discussed earlier with Mark about a water leak he thought was coming from his water heater. He replaced the heater but still had the water leak. He found the leak and had Marvin Egan put in a new line from meter to inside the house.

Council Member, R. Cassell – It was outside your foundation, right?

Teddy Pendleton – Yes

Council Member, R. Cassell – The reason I asked, it is spelled out in the Water Policy depending on where it's at.

Teddy Pendleton – Asks for assistance regarding his water bill

Daniel Gmyrek, Chairman of the Board of Directors of Hope House of Scott County –

Discusses their concern regarding their water bill and when Town granted free service in 1996. Acknowledges Rural Development contract controlling water, does not permit the Town to provide free service as it had done previously. Hopes the Town can make allowance to either retroactively or dismiss the bill up to this point and provide a provision going forward. He asks for assistance. He discusses with Council Members average monthly water expense which depends on how many people in home, budget for Hope House, amount provided from Board of Supervisors.

Mayor Jenkins closed the public comment session at 7:36 P.M. and opened the consent agenda session.

XII. UNFINISHED BUSINESS

- **Hope House – Council to vote if Town will provide a benevolence.**

Mayor Jenkins – The situation was, they had not been paying a water bill based on a formal Council's actions which we're not sure was ever valid, because of the RD grants. We would have been paying a water bill had we not been alerted that we couldn't do that. The bill has accumulated to \$1,484.00.

Town Attorney, M. Brooks – I'm not certain if that includes any penalties.

Town Clerk, K. Riley – No, it did not.

Mayor Jenkins – We were trying to get a decision, make a ruling as to whether we could or could not pay the bill. Steve had just put the whole billing on hold other than just registering the water that was being provided. I don't think they even received a bill. I think it just stayed internal. I think it is water, sewer and trash pick-up because we're paying all. Does someone want to make a motion of whether we pay or not pay the amount of the bill?

Vice Mayor, T. Herron – Can we legally pay it?

Mayor Jenkins – We can legally give them a donation on that amount. We shouldn't make a motion to pay that bill we should make a motion to provide or not provide a benevolence in the amount of that water bill or for that water, sewer and garbage bill.

Council Member, W. W. Ross, Jr. – Question. What legal, since they have a letter is this binding? Or can we, how does this stand with this, I mean with the Board.

Town Attorney, M. Brooks – This is not, that is not a contract. To be a contract, you have to have an agreement of two parties and there has to be some sort of consideration given and there wasn't. The Town for valuable services obviously that the Town was getting from that, but it is not a binding contract.

Mayor Jenkins – We can vote to something that is illegal anyway and have it maintain forever.

Council Member, F. Perry – Does our budget allow for us to make a donation to Hope House?

Mayor Jenkins – We do not have a line item to do that. That would be a legitimate question.

Council Member, F. Perry – I hate to make a motion on something that we don't have any money to pay it with.

Vice Mayor, T. Herron – Do we make a motion to check into it?

Council Member, R. Cassell – The last time that I had talked to Chris, he said he had asked everybody to cut back on spending until business licenses start coming in. So, I don't know.

Town Attorney, M. Brooks – I think you probably got two separate motions. You got the outstanding balance that is due right now and you got future. I see those as two separate issues. They're kind of intertwined, but they are really two separate issues. I think you need to address them separately.

Council Member, F. Perry – What we talking about now has to come out of this years, this Fiscal Year budget and then we have to look at next Fiscal Year for donation. But we're talking around \$1,500.00 for this year's budget.

Mayor Jenkins – Do you want to table to the next meeting and have information provided from Chris as to whether we can afford to pay that bill or not?

Council Member, R. Cassell – Would it be appropriate to pass it if Chris can come up with the money out of the budget or would you just rather table it?

Town Attorney, M. Brooks – I think we should make a decision one way or the other. I don't like if we can find the money hanging out there. You all need to make a decision based on information. If you're not comfortable with doing it without.

Council Member, W. W. Ross, Jr. – Question. If we table it, the bill is due, correct? So, okay, if we table it we still need to face the \$1,400.00 that need to be addressed, right? If we wait any longer, could we wait any longer to address that? Would that add to the cost of the bill, the bill would be higher?

Mayor Jenkins – There would be another month's bill to it.

Council Member, W. W. Ross, Jr. – So, another month's bill to it, right?

Mayor Jenkins – Since it is contested, but we do have a legal opinion that we can't pay the water bill.

Town Attorney, M. Brooks – We cannot pay their water bill.

Mayor Jenkins – We legally cannot pay the water bill.

Town Attorney, M. Brooks – You can vote through benevolence to pay to reimburse them.

Council Member, W. W. Ross, Jr. – But we don't know if we have the money in the budget to do that.

Council Member, R. Lane – Has this been coming out of a particular line item in the past?

Council Member, R. Cassell – According to him, they've never been billed.

Council Member, R. Lane – I mean for us to be paying that, has it been on the books anywhere?

Vice Mayor, T. Herron – No

Council Member, R. Lane – Okay

Council Member, R. Cassell – The only thing that was ever on the books was the Fire Department and Chris was physically transferring it from General Fund to the Water Fund showing it has a line item. It was budget. As far as discount, they never received a bill or anything, so it was just free water. I guess we didn't even read the meter.

Town Attorney, M. Brooks – They must have, actually, gotten a bill sometime in the recent past, because when I spoke to Ms. Quillen about this when she received the letter I wrote. She knew how much it was and they were concerned about that for their budget. That it was going to be very difficult for them to come up with that amount of money in such a short period of time.

Vice Mayor, T. Herron – I guess maybe they made a ruling we couldn't pay it maybe we should start billing them at that point.

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

Mayor Jenkins – Yeah, the whole thing came from, if I'm correct, that it was actually a loss meter. It was never put on the books, it had not been read and then we had to start reading it. I think that came about when we were redoing all the billing making sure everybody was paying the same rates. Which there were a few problems with different rates being paid by different customers which should have never been done either. Those were easy to correct. This was one of the ones that were hanging out and they provided that council had voted to pay the water bill.

Council Member, R. Lane – How many months was covered under that 1484?

Council Member, R. Cassell – He didn't say, Randy. He just said that was an accumulation. I wished they stayed longer so we could have asked them.

Mayor Jenkins – We can get the full billing information, can't we Kathy? We got the historic billing information for that of when it all started?

Town Clerk, K. Riley – I don't know, we may have to go into the old Bright system. What's the date on that? Wasn't that back in 1996? I don't know if we'll be able to go all that way back.

Mayor Jenkins – No, I know that we won't, this meter had never been read the last few years. It wasn't set up on a reading route or anything.

Town Clerk, K. Riley – We'll see what we can get. I'll look into it tomorrow.

Town Attorney, M. Brooks – I seem to recall that Chris said that it was about five months. It could be six that was outstanding that the present bill.

Council Member, R. Lane – In five months that is \$297.00.

Town Attorney, M. Brooks – I could be wrong. This is just my recollection.

Council Member, R. Lane – That sounds kind of close though.

Motion made that a member of the Budget Committee meet with our Town Treasurer to see if funds would be available to make a donation to the Hope House in the amount of \$1700.00

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

Council Member, W. W. Ross, Jr. – I have a question, what if we don't have the funds?

Mayor Jenkins – We don't pay the bill.

Council Member, W. W. Ross, Jr. – Where would that leave us?

Council Member, F. Perry – It won't leave us anywhere, it'll leave them.

Council Member, W. W. Ross, Jr. – So they would have to be responsible.

Mayor Jenkins – Aye or oppose?

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

- **Public Hearing for re-zoning request, from Marvin Egan, for property at Tax Map #146 A 2A 29 from R-1, Residential, to R-2, Residential to accommodate multiple structures.**

Mayor Jenkins – This has gone through, we sent it through the Planning Commission. The Planning Commission has recommended that we do the rezoning and I guess we need to advertise for a Public Hearing.

Council Member, F. Perry – We already voted to do that at the last meeting.

Town Attorney, M. Brooks – We voted to send it back to the Planning Commission.

Motion made for Town of Gate City to a Public Hearing to advertise for rezoning on property Tax Map #146 A 2A 29 from R-1, Residential, to R-2, Residential to accommodate multiple structures to be held prior to next Council Meeting.

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

VOTE:	Yeas,	5
	Nays,	0
	Absent,	0

Town Attorney, M. Brooks – I do think it's important, for the record, that the Planning Commission did recommend the zoning. I think it was said, but just to make sure that was clear.

Council Member, F. Perry – What we did make a motion to was to have a public hearing on the property sell, do we still need to do that?

Town Attorney, M. Brooks – It will probably be for next time.

Council Member, F. Perry – Okay, that's why I'm asking because if we're going to do one, we need to do them both at the same time.

Mayor Jenkins – Yeah, that would be better.

Council Member, F. Perry – So we don't have to have a motion on the Starnes building. Didn't say when.

Town Attorney, M. Brooks – There's a proposed ordinance for the Starnes building as well.

Council Member, R. Cassell – Can I clarify something, Mr. Mayor before we move on? On the Hope House, Michele said we had two separate issues the \$1700 is above and beyond what they asked for, is that including the benevolence as well.

Council Member, F. Perry – That’s taking in consideration another month’s bill, because by the time that we meet again they’ll be having another month’s bill. So, the amount is to cover that.

Mayor Jenkins – That will allow Budget Committee to work on future.

XIII. NEW BUSINESS

- **Discuss action regarding water/sewer payments for subdivisions.**

Mayor Jenkins – We have contacted several of the subdivision developers for them to provide the contracts because we have not been able to find contracts allowing us to make the payments to the developers of the subdivision. Actually, under one section it said that we would not purchase.

Council Member, R. Cassell – What is this one.

Mayor Jenkins – That is one that was provided today, this evening.

Town Attorney, M. Brooks – I have done nothing but go and study it briefly on my phone.

Council Member, R. Cassell – I notice there is provisions in here, monthly report and so forth so I’d say that’s probably

Vice Mayor, T. Herron – We need to re-ask. I say we got one here, the other people didn’t respond?

Mayor Jenkins – I have not seen any responses. This one was dropped off on my front porch last night in the envelope.

Town Attorney, M. Brooks – This is a different one.

Mayor Jenkins – It’s the same one. Did you get a copy of it?

Town Attorney, M. Brooks – I got it emailed to me late this afternoon.

Mayor Jenkins – I got it last night when I got home pretty late, it was there.

Town Attorney, M. Brooks – One of the other property owners gave some documents, Steve Jennings had given some documentation, but there’s no contracted included and I was called by another property owner and said that it would be provided at some point. That’s to date.

Mayor Jenkins – It appears that Builder’s Concept does have a contract.

Town Attorney, M. Brooks – It does. I had not, really gone through to see what all the provisions are and what we need to be doing to make sure we are complying and as far as accounting as well.

Vice Mayor, T. Herron – You know what brought all this up, we had no contracts we didn’t know when we would fulfill our obligation. I can’t believe we don’t have contracts on record here.

Mayor Jenkins – We have looked very hard for contracts and cannot find any of them. We cannot find and that is I think Kilgore’s office. I think we, actually, contacted them because.

Town Attorney, M. Brooks – I contacted them, contacted Terry’s office, yes.

Vice Mayor, T. Herron – Our accounting system have it tallied what we paid out so far.

Town Attorney, M. Brooks – To a certain point, I think. Part of what we asked for, also, Mark do you have a copy of that letter? I don’t have one with me. I also asked them to provide an accounting for any monies that have been paid and how much they believe are owed, along with the contracts. I had asked them, these were mailed on, it’s dated the 29th. They probably didn’t go out until May the 1st or 2nd, whatever that Monday was. I asked them to give 30 days, so they’re still within that timeframe and that was at the request of the Sanitation Authority.

Vice Mayor, T. Herron – So, what’s your next step? Do you have to review this?

Town Attorney, M. Brooks – I do need to review it, yes.

Council Member, R. Cassell – Since this is the only one we got, can we do a motion to suspend the rest of them. I think we had discussed before what we did Sanitation Authority don't pay until we see a contract. This is the only contract so far, so can we since we have a contract continue with the one until you research it and suspend the others since they didn't meet their obligation.

Town Attorney, M. Brooks – I think we can do that. I think you can legally do that. If you want to give everyone the thirty days is up, you have the right to do that as well. I want to bring to your attention, as well, that all of these were requested, I believe in August of 2010 by your former Town Attorney and there was no responses given to any of those. So, this is actually a second request.

Motion made to suspend water reimbursement payment to all developers who have not provided a contract, with the exception of Builder's Concept.

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

VOTE: Yeas, 5
 Nays, 0
 Absent, 0

Mayor Jenkins – I guess this would be addressed once you establish validity of the, but until then we will continue paying.

Town Attorney, M. Brooks – Yes

Vice Mayor, T. Herron – Have we actually stopped payment on anybody else?

Town Manager, M. Brooks – Sewer

Mayor Jenkins – Sewer has.

Vice Mayor, T. Herron – The Sanitation Board has?

Mayor Jenkins – Yes

Vice Mayor, T. Herron – On all of them?

Town Attorney, M. Brooks – All of them.

Council Member, R. Cassell – We voted last night to stop all of them because there was no contract provided.

Vice Mayor, T. Herron – Did the Sanitation do this one?

Council Member, R. Cassell – Well, I guess we will tomorrow night. We just meet tomorrow night.

- **Appalachian Community Action & Development Agency, Inc. (AppCAA formerly RADA) Grant Application**

Motion made to authorize the Town Manager or Mayor to endorse the application to allow AppCAA to apply for VHCD Planning Grants to address run down structures in Town of Gate City.

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

VOTE: Yeas, 5
 Nays, 0
 Absent, 0

- **Scott County Humane Society – Spay/Neuter Program**

Motion made for the Budget Committee to look at putting the Scott County Humane Society as a line item for the new budget for a \$500.00 donation towards the Spay/Neuter Program.

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

VOTE: Yeas, 5
Nays, 0
Absent, 0

- **Putting a member of Town Council on the Board of Zoning Appeals.**

Mayor Jenkins – I guess the first thing is finding if any member of the Council is interested in serving on the Board of Zoning Appeals?

Vice Mayor, T. Herron – Roger and Frances has been on it before.

Council Member, R. Cassell – I don't know how that will tie in with Planning Commission. If there'd be some conflict back and forth when we're dealing with zoning issues. That's only concern I have on my part.

Mayor Jenkins – Did it specify that they couldn't be a member of the

Town Attorney, M. Brooks – I don't recall, but it could be you'd be voting on sometimes twice on the same issue because of all the zoning has to go through the Planning Commission as well.

Mayor Jenkins – So is anyone interested in the position.

Council Member, F. Perry – When I was on the Planning Commission, when I was on the BZA I was put on as the Planning Commission member.

Council Member, R. Lane – Roger, is that your only concern?

Council Member, F. Perry – My concern, for me would be that I have a family member who is already on that board and I don't think that would be good.

Town Attorney, M. Brooks – I agree.

Council Member, R. Cassell – They don't meet that often. If there's no complications I'll.

Motion made to nominate Roger Cassell to serve on the Board of Zoning Appeals.

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

VOTE: Yeas, 5
Nays, 0
Absent, 0

XIV. PUBLIC COMMENT – NEW BUSINESS

Jessee McCellan – Speaks from back – I just want to say that I have the accounting just about prepared for Builder's Concept. I'm not ready to turn it over because there are some discrepancies in the amounts that were put in the bank and the amount of the check stubs. I have some checking to do on that but I just about have it ready.

Mayor Jenkins closed the public comment session for new business at 8:04 P.M. and opened the consent agenda session.

XV. CLOSED SESSION

Mayor Jenkins opened the closed session at 8:04 P.M.

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

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

VOTE: Yeas, 5
Nays, 0
Absent 0

XVI. RETURN FROM CLOSED SESSION

Council returned from closed session at 8:49 P.M.

Motion for Council to return from closed session.

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

XVII. MOTIONS FROM CLOSED SESSION:

Motion made for the Town of Gate City to advertise the ordinance to have a Public Hearing to sale the Real Estate that Town of Gate City owns located at the north side of Jackson Street on the corner of Jackson and Fir Streets property known as the Starnes building.

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

VOTE: Yeas, 5
Nays, 0
Absent 0

XVIII. ADJOURN

Motion to adjourn the meeting until the next regularly scheduled Council Meeting, June 14, 2011, at 6:00 P.M.

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

VOTE:	Yeas,	5
	Nays,	0
	Absent	0

*Mayor Jenkins adjourned the meeting a 9:52 P.M.

Mark Jenkins – Mayor

Kathy Riley – Town Clerk