



**GATE CITY TOWN COUNCIL MEETING MINUTES**  
**JUNE 14, 2011**  
**156 E. JACKSON ST.**  
**6:00 PM**

• **PUBLIC HEARING: ORDINANCE TO ADVERTISE TO SELL TOWN OWNED PROPERTY.**

I. Mayor, Mark Jenkins called Public Hearing to order at 6:01 P.M.

**Town Attorney, M. Brooks** – Read the ordinance. (Copy of ordinance is attached to the minutes.)

Mayor Jenkins - I guess we need a roll call vote prior to going into Public Comment.

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, Michele Brooks, Tommy Quillin, Debbie Kindle, Matt Cramer

III. **New Business**

- **Public Hearing for Ordinance to advertise to sell Town owned property.**

Mayor Jenkins – Each person was present before this ordinance was read.

IV. **Public Comment**

**Tommy Quillin (Charles T. Quillin)** – States as a former owner of this (his son and himself). Asks if the Town is planning to sell, there was a buy back clause in the contract which you can or cannot probably have the right to option to exercise, I'm not sure what that is. But if they are planning to sell, we would appreciate if you would negotiate with us before you put the sale up. If it goes to bid, I don't think you have to negotiate after that point. He questions Ms. Brooks as the Attorney you would know. Feels it would be a courtesy, feels they sold under duress. Asks if the structure had been declared unsound or plight?

**Mayor Jenkins** – I would venture a guess since it is starting fall, it is probably unsound.

**Tommy Quillin** – States if building can be fixed and the right money is available which we found out and wasn't informed before the sale of the building. States, Rob Jones who is the Façade Director said he told the Council there is money available for the tearing down of that building, if we did it. If the Town bought it there was no money to do that. Explains his son's security

clearance and did not want to go through court proceedings. States he didn't want to sell and feels it was under duress that he sold it. States we would like to negotiate with the Town before it goes to bid, if possible.

**Matt Cramer** – States he lives at 125 Fir Street across the street from this building. I've lived in Gate City for two years, there are rats, muskrats, there are trees growing through this building. I don't even want my child around this building, it's so dangerous. I think that anybody that say want to fix it or wants to negotiate had plenty enough time while this building sat vacant and right now is a danger to the people who live on that street. I live directly across from it. I just would like to point that out.

**V. Public Hearing closes at 6:10 P.M.**

---

Mark Jenkins – Mayor

---

Kathy Riley – Town Clerk

• **PUBLIC HEARING: BLUE RIDGE INVESTMENTS, LLC. REZONING REQUEST OF PROPERTY TAX MAP #146 A 2A 29 FROM R-1 TO R-2 ZONE**

**I.** Mayor, Mark Jenkins called Public Hearing to order at 6:11 P.M.

**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, Michele Brooks, Marvin Egan, Robert Q. Barker, Debbie Kindle

**III. New Business**

- **Public Hearing for Blue Ridge Investments, LLC rezoning request of Property Tax Map #146 A 2A 29 from R-1 to R-2.**

**IV. Public Comment**

**Doug Shepard** – Wants to know how the changes will affect the roadway coming in and changes to the property there because my property adjoins that?

**Mayor Jenkins** – Asks if we have drawings available?

**Town Clerk, K. Riley** – Yes, on the back table regarding where it is going in and a lay-out of the plat of the property.

**Mayor Jenkins** – Asks Marvin if he would like to address any specifics of this. I don't know in detail how to answer the question.

**Marvin Egan and Doug Shepard** – Discuss particulars of project viewing plat map posted, not at podium.

**Town Attorney, M. Brooks** – Asks Mr. Egan, for the record, could you please step to the microphone. If there is any way you could be on a microphone while you explain that, since it's during public comment?

**Marvin Egan** – Moves to podium explaining Matter and Craig were the Civil Engineers on the drawings. Older maps show an access off Monte Vista, but newer maps there is no access so we have to change the one access into the property with actual access from Birch Street. This would give it a gated type community area, more security setting and possibly one more lot. If they go with the R-2 zoning it would provide 24 lots available, plus storm drains (retention ponds). This development will be for single family living, with possibility of turning part of it as duplexes on the back part towards Gate City on Cleveland Street to make it more of an advantage to those who are elderly, first time buyers or someone who is looking at more maintenance free and one level living.

**Doug Shepard** – States he purchased the tract on Monte Vista Drive from Phil McConnell pointing to map regarding a house and tract right behind with being told he would receive first option to purchase that part if they chose to sell. States when it was posted to sale he made contact for possible arrangement to purchase tract of land but was told no. States he has no problem with that going in but has concern of the property line cutting his backyard.

**Marvin Egan** – States he is not taking any of his property explaining this is a proposed street behind him that has not been opened up.

**Doug Shepard** – States his main concern was where the access road was coming in.

**Marvin Egan** – Explains we can't take any ones property, he is the owner of the property and he has never told anyone they were taking their property.

**Town Attorney, M. Brooks** – The only action that the Town Council is considering is the Public Hearing is to change one type of zoning to another.

**Ron Baker** – States on this issue, he is ignorant of the zoning laws, so when you are changing from the R-2, R-3?

**Mayor Jenkins** – Responds, R-1 to R-2.

**Ron Baker** – Asks what's the distinguishing factors between R-1 and R-2?

**Mayor Jenkins** – Replies, 10,000 square foot to 7,500 square foot per lot.

**Marvin Egan** – The actual size of the building home. Building lot that is allowable on the building site.

**Ron Baker** – Allows for a larger size

**Marvin Egan** – Smaller

**Robert Q. Barker** – States he used to live in Quillen Heights subdivision and owns property that adjoins the property that Mr. Egan is talking about and his brother and him has no problem going from R-1 to R-2. In fact, his wife said they want to place a reserve on one of those, explaining their large home and want to move where it's less maintenance. They are in favor of the change.

#### V. **Public Hearing closes at 6:21 P.M.**

---

Mayor – Mark Jenkins

---

Town Clerk – Kathy Riley

- **At 6:21 P.M. Mayor Jenkins excused himself from the Council Meeting turning the Council Meeting over to Vice Mayor, Tommy Herron.**

**COUNCIL MEETING CALLED TO ORDER 6:22 P.M.      VICE MAYOR, TOMMY HERRON**

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

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

ABSENT: Mayor, Mark Jenkins

Others present: Town Attorney, Michele Brooks, Debbie Kindle, Chuck & Arletha Newton, Chuck Bridwell, John Brooks, Andy Miles, Eric Lane, Bobby Quillen, Doug Shepard, Matt Cramer, Ron Baker, Marvin Egan

**III. INVOCATION      Marvin Egan**

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

VOTE: Yeas,    5  
      Nays,     0  
      Absent 0

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

**VII. COMMUNICATIONS**

**Bob Quillen** – States his address as 128 Shadowood Lane and is here on behalf of the Girl’s Softball. He is requesting to be granted access to the Town’s softball field at Grogan Park for the following uses of interested girls in the community to play and practice softball through the summer and fall and utilize the field to host games/tournaments that would draw visitors from surrounding areas. They feel it would be huge opportunity for kids to play and practice as they desire, develop skills, exercise and get enjoyment. States this is time the softball field is not

utilized by Gate City Little League or any other organization. He appreciates consideration in allowing us to have access to the field.

**Council Member, R. Lane** – Asks, are you just talking about just the Girl’s Softball field?

**Bob Quillen** – Responds, as of right now we haven’t approached baseball, but that would be another great opportunity for the boy’s who want to practice throughout the summer with areas of practice being limited. States we could bring money to the town, holding tournaments and getting different teams from other areas here.

**Council Member, R. Lane** – Asks, what are his considerations are for the maintenance of the field.

**Bob Quillen** – Responds, would be happy to do whatever is needed, splitting maintenance half a year, whatever we can do to make it work.

**Council Member, R. Cassell** - Asks, is it just practice now or tournaments?

**Bob Quillen** – Yes, we would do tournaments, eventually would like to have a summer/fall league and not compete with the little league. It will be teams for anybody or anywhere.

**Council Member, R. Cassell** – Asks, little league is a recognized organization, do we have any liability?

**Bob Quillen** – States he can get sanctioned providing organizations they can get sanctioned under.

**Town Attorney, M. Brooks** – Asks, if Town was to give you permission under the caveat, you would have to be sanctioned by someone, that would not be an issue?

**Bob Quillen** – Responds that would not be an issue at all.

**Council Member, W. W. Ross, Jr.** – Questions the length of the season.

**Bob Quillen** – Responds June through September/October when weather starts to change.

**Council Member W. W. Ross, Jr.** – Asks how late would it be?

**Bob Quillen** – Responds dependent on what the Town would allow.

**Vice Mayor, T. Herron** – We’ll place that under new business.

## VIII. APPROVAL OF MINUTES

Motion for approval of Town Council meeting minutes from May 10, 2011

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

VOTE: Yeas, 4  
Nays, 0  
Absent 0

## IX. APPROVAL OF PAYMENTS

Motion for approval for payment of bills for May, 2011

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

VOTE: Yeas, 4  
Nays, 0  
Absent 0

## X. REPORTS

**Vice Mayor, T. Herron** – Next item reports and everyone should have a copy of it, first is Treasurer Report.

### A. Treasurer’s Report –

**Vice Mayor, T. Herron** – Not sure if anyone has any questions, I can answer them.

**Council Member, F. Perry** - They should have already been addressed.

**Vice Mayor, T. Herron** - They should have been addressed already.

**Council Member, W. W. Ross, Jr.** - Since Chris is not here, we ask you the questions?

**Vice Mayor, T. Herron** – I guess you can, yes.

**Council Member, W. W. Ross, Jr.** – Do I ask about the audit on this or new business.

**Vice Mayor, T. Herron** – Just Treasurer Report.

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

**Vice Mayor, T. Herron** – Should have a copy of that also. All these questions should have been asked prior to Amy.

## **C. Council Reports –**

**Vice Mayor, T. Herron** – Any Council have anything? Got anything Randy/Wallace?

**Council Member, W. W. Ross, Jr.** – Yes, I'm wanting to address some issues. Now I want to, this is the audit for that the auditor did for 2008 and some of the questions that I had about this report, am I allowed to ask this at this time?

**Town Attorney, M. Brooks**- I think that what he's asking for is any committee's as a Council context at this point. I may be wrong, Mr. Vice Chair.

**Vice Mayor, T. Herron** - Yes your right, you're correct.

**Town Attorney, M. Brooks** – As far as the agenda goes, Mr. Ross, I think that's what he's asking about.

**Council Member, W. W. Ross, Jr.** – Well, I thought we could.

**Town Attorney, M. Brooks** – I'm not telling you that you can't. But if you're asking me, I think that's what the agenda says.

**Council Member, W. W. Ross, Jr.** – Okay, council, I thought we could address issues at

**Vice Mayor, T. Herron** – It's actually anything you're working on at the time.

**Town Attorney, M. Brooks** – Any outstanding committee anything of that nature.

**Council Member, W. W. Ross, Jr.** – That's what I was thinking. So this is one of the questions I've been working on, some of the things I want to know. But.

**Town Attorney, M. Brooks** – I'm not saying you can't ask these questions, I just don't know if that's

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

**Town Attorney, M. Brooks** – I'm not chairing this meeting.

**Council Member, W. W. Ross, Jr.** – I know, so this is what is confusing part, this is part of it, but at some point I cannot ask these questions in other, in the Public Work, Planning Committee or any of that so, I would probably have to ask this to address certain things that's going to come up in the future.

**Vice Mayor, T. Herron** – I have no problem you asking a question, I just don't know what kind of feed- back you'll get. Go ahead.

**Council Member, W. W. Ross, Jr.** – Well, okay the budget is coming up here 2012. We are heading toward the slight crisis because we don't have 2008, 2009, 2010 and 11 fully reported. My other question is that this report if some of the problems that I've been looking at for instance does the Town have, does the Town correct its computer software? Is it standard to keeping transactions correctly has been changed how can the auditors be corrected if things are missing? If the audit company is it not responsible for any accurate report? The town is not following, if the town following state and federal guidelines on their report? Over the years, has the town been, been logging in correctly any changes been taking place salaries and wages for the water department is the new system in place checking invoice, supplies? Does the Town have a back-up system for it's fall? And then on fuel page 21, I think that this report this kind of worries me that

the auditors do not take any responsibility because it said because the report the information been given to them leaves them kind of not responsible cause, condition, effect and because of these things they are actually not really been able to say this reported accurately because of the condition, effect and management respond information that they have to receive to do a correct audit on this and so with report out of balance, missing so how can the rest of it can be report be accurate enough or financial, I mean financial statement be accurate enough to be up to do the 2012?

**Council Member, R. Cassell** – Vice Mayor, can I address some of that since I'm on the Finance Committee?

**Vice Mayor, T. Herron** – Please.

**Council Member, R. Cassell** – With talking with Chris, the auditor has not come and did a presentation until he gets the 09. That's what he told me the other day. Some of those issues in the next audit has been corrected and he wants to come and if he just comes and does that one he's going to leave us hanging. He wants to completely have the 09 done and finished and go back and where he picked up and he has better records and he can address all that. But every audit and this is my third term on Council and Fire Department, no auditor, they always have that disclaimer at the end of the audit that they do not take responsibility of what's in it. Any auditor will not, any audit that I've ever looked at, Fire Department or the Town, they always have that disclaimer that they will not accept. All they're doing is looking at your books and telling you your weaknesses and strengths and they don't take responsibility beyond that. Am I not correct?

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

**Council Member, R. Cassell** – To my understanding, when he gets the others done he's going to come and give us a presentation that's the last word.

**Council Member, W. W. Ross, Jr.** – Yeah, but at this point, this is my first year, and since you are all more of the expert people here who have more experience on this Council more so than I except for Mr. Lane he may have. This auditor, this auditor that we facing a critical stage cause we are about to lose, we could lose our credit rating, could lose some funding that we may be receiving.

**Council Member, R. Cassell** – To my understanding, they have a rapport going on between them again, good terms. Chris told me they have been in contact with him and he is back working on it. That's what he told me when I was in here on Friday that they are back working on it. My understanding that is the 08, the 09 is completed. But he wanted to get, he's working on it.

**Council Member, W. W. Ross, Jr.** – The 11?

**Council Member, R. Cassell** – I'm not sure.

**Town Attorney, M. Brooks** – That would be premature the 10-11.

**Council Member, F. Perry** – Yes.

**Town Attorney, M. Brooks** – The Fiscal Year doesn't start until July 1.

**Council Member, R. Cassell** – But he wanted to have more than just that one, part due to the switch in software and some of the other issues. He wanted to have some of the other audits and he can show, some of what you asked has been corrected.

**Vice Mayor, T. Herron** – We have new software and as far as I know, it's working great.

**Council Member, R. Cassell** – And that's the last word he gave me Friday that they are back on terms. I think his father passed away and he just kind of been out of pocket. Unless things turned around, Chris talked like it's going quite well.

**Town Attorney, M. Brooks** – I spoke to Mr. Bostic yesterday. I'm very hopefully that we will have something imminently.

**Council Member, W. W. Ross, Jr.** – Well, I was just concerned cause I mean, I'm going to have to vote on the new budget so I want to be sure where I stand. Thank you.

**Vice Mayor, T. Herron** – Anything else?

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

**Vice Mayor, T. Herron** - I think we had a meeting.

**E. Engineer's Status Report –**

**Andy Miles** – I sent you all a status report earlier. There's really no change it all boils down to the what Mr. Ross was talking about the audits need to be turned in to the State Health Department office so they can complete the paperwork so the water projects can move forward. Is there any other questions?

**Vice Mayor, T. Herron** – That's what's holding it up?

**Andy Miles** – We had two water projects ready to go to bid just as soon as the state has received all the audits and they have done their VRA credit check and we go out to bid, the line going up to the plant, up by the high school to Kane Street. I would have loved to do this during the summer months while the school wasn't in, but if we have to do it during school then we'll work it out.

**Vice Mayor, T. Herron** – Is there any danger of us losing the grant money?

**Andy Miles** – I haven't received anything official yet, but all I can tell you is that I've been here before and I wouldn't want to be here in another month or so saying the same thing. I don't know how much plainer I can make it.

**Council Member, R. Cassell** – On the monitor controls, where do we stand?

**Andy Miles** – The Town, somebody whether it be the Town Manager/Mayor somebody needs to decide which quote to go with and how much. And just to let you know what Roger was asking about is the Town's water and tanks pump stations or monitoring control, black boxes that sends information back to the plant tells when the pumps kick on and off and when the tanks get full. Well a couple of the units have basically failed and you're doing in manually. Which is the way they used to do it in the past, but the thing of it is you can't repair the equipment that is there because of the age and the manufacturer. Nobody really services it anymore. You actually have quotes that the Town actually got three months ago. You can actually do the critical spots right now or the two or three locations. You could do the whole system if you want, kind of pick and choose. You have information and quotes. It's just a matter of someone pick up the phone and call the supplier and say order it and get it installed.

**Vice Mayor, T. Herron** – Asks, Mark has all that info?

**Andy Miles** – All that information is here. I know that.

**Council Member, R. Cassell** – It's in one of his status reports. I guess, publically, we have to vote to accept the bid on the agenda.

**Andy Miles** – I don't know what the small purchase for procurement policy is. I don't know.

**Vice Mayor, T. Herron** – It's under \$5,000.00 you don't have to.

**Council Member, R. Cassell** – I think it was more than that.

**Andy Miles** – I think it was about \$23,000.00 in all but that's doing the whole system. If you want to do, I think it's the Smith Elliot tank pump station and the Red Hill tank is probably around \$6,000.00. If it was me, I mean, a cash flow situation, I'd do the critical ones first.

**Council Member, R. Cassell** – Is that the two critical?

**Andy Miles** – I think the Red Hill is the most critical one, there's two locations. The basic amount is \$3,000.00 to \$3,500.00 per location and you have roughly eight locations.

**Council Member, R. Cassell** – Red Hill and

**Andy Miles** – I think its Smith Elliott.

**F. Façade Committee –** None

**G. Historical Committee –**



**Council Member, F. Perry** – I don't have anything to report except that I have been trying to find information about some signs.

**H. Manager-**

**Vice Mayor, T. Herron** – Everybody should have a copy to look over.

**I. Park Committee –**

**Council Member, F. Perry** – We did meet. There is nothing to report.

**J. Planning Commission –**

**Council Member, R. Cassell** – One thing we discussed, of course Wallace and I brought this up a few times about the VDOT property down here at the old King Ford. They had asked me if I would have Amy contact VDOT to find out their feelings about trying to establish nice little wayside area. She emailed Juanita Wells asked her who would be handling that and she said she would. It sounded like in her email she would look into that, but she wasn't real fond of the idea. In seeing that, I replied back explaining a little more on it of what the Planning Commission was looking into was not real elaborate, that could be moved if the highway did decide to come through but not to rule it out the option. We were looking at maybe long term lease and work out something with the selling point of the picnic tables on that side of the street move them up there. There is actually enough room for a little parking area to get off the road more safely as well as their kiosks and asking her to attend the next Planning Commission meeting to discuss further. I received an email from Kathy that Ms. Wells has put us on her calendar for our July Planning Commission meeting. There's a chance we might be able to works something out to put that land to use. Did I miss anything Michele?

I have not received anything official, but we had proposed going off of East Jackson onto Broadwater Avenue across from Thriftway. I looked through my emails and found my contact, Mr. Christian, and emailed him a previous emails and according to him, we were supposed to receive an official letter that they would not change the traffic pattern. We have had a written request for the same thing at Moccasin Hills and Davidson Subdivision to establish a turn lane. We had one resident submit a written request to the Planning Commission with several people have been rear ended and a fire hydrant knocked down due to someone trying to miss somebody else. The Planning Commission wants to put that has a priority to see if they would consider a turn lane to Moccasin Hills and Davidson Subdivision going east on towards Nicklesville. In looking at it over the weekend, somebody is going to have to give up some land. The Planning Commission, that was one of their priorities to see what VDOT would recommend on that. That is some of the things, the little mini park up on Wallace's area, up on Moccasin Avenue, is it Chestnut, I think there is some property up there that they were looking at maybe putting up some picnic tables and make a little park. Just some of the ideas that the Mayor had brought, that's some of the issues right now that are being pursued.

**Council Member, F. Perry** – I think they call them green spots.

**Council Member, W. W. Ross, Jr.** – Can I address some things about the park down on the main highway? Some ideas that I hope I can put them in, but if I don't I wish you would put into the one thing if they come to look at that if they would move where that little booth down there.

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

**Council Member, W. W. Ross, Jr.** – Move it up there to help to identify the history in Scott County where all the different trail, music, whatever.

**Council Member, R. Cassell** – I think I included that in my email.

**Council Member, W. W. Ross, Jr.** – And also the one of the other things, the sign that says Carter Fold, all them, it's very difficult for people to read that and stop. So, if they could move those up there and put and people would stop and maybe read that and give the opportunity to look at the history that we have right on that street in that little park when they stop and just drink, so I don't think that would be too much.

**Council Member, R. Cassell** – I had pointed that out, at the Planning Commission to go on with this.

**Town Attorney, M. Brooks** – He actually quoted you.

**Council Member, R. Cassell** – I think it's a good selling point on a safety issue, because that is a whole lot deeper lot. You could actually put those picnic tables there and kind of do what we did at Grogan Park and make a little pull in parking area instead of parking right beside the road.

**Council Member, F. Perry** – That was put in by the County Tourism Committee, so you would probably have to go through them.

**Council Member, R. Cassell** – That's the booth?

**Council Member, F. Perry** – Yes. That was done by the County Tourism. That's not really ours to do anything with, is what I'm saying. That's not even on Town property. What you're talking about is putting it on Town property, but where it is right now is not on Gate City property.

**Council Member, R. Cassell** – It's VDOT property where it is now, I guess.

**Council Member, F. Perry** – But, it's not inside the city limits of Gate City. Yes, it's VDOT property.

**Council Member, R. Cassell** – Oh, I see what you are saying.

**Town Attorney, M. Brooks** – I do have one thing. You all had asked me to check about members of the Planning Commission of where they could also be on the Board of Zoning Appeals. I don't know if you remember that. I did check on that and the answer is yes. You can, actually, it is a requirement.

**Council Member, R. Cassell** – You're talking about the Council?

**Town Attorney, M. Brooks** – On the Planning Commission. You're addressing the Planning Commission. But, the BZA member on the Planning Commission, the answer is yes. There is actually a requirement that you have one person on the BZA from the Planning Commission.

**Council Member, R. Cassell** – The question was me as a Council Member serving on the BZA. Is there any conflict on that?

**Town Attorney, M. Brooks** – You may not be on the BZA, no. No one who has a public office can be on the Board of Zoning Appeals.

**Council Member, R. Cassell** – That's what I thought. We had been told before. Why did that come up? Are we a member short or we just wanted to have a Council Member on the BZA last month?

**Town Attorney, M. Brooks** – Well, it may not be done. If you hold public office of any kind, you may not be on the BZA.

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

**Chief Birchfield** – For the month of May, we had 322 calls for service, 9 arrests, 68 summons which was an increase of 24 from the month of April, 14 crimes reported which was down 15 from the previous month, 6 accident reports and 4 DUI arrests, which was up two.

#### **Significant Activity:**

-Officers continue to provide extra patrol on Sue Street and Elm Street due to complaints.

-Our department continues to work in a safe manner (no accidents, no sick days and no injuries) during the month.

-Officers continued with Radar Enforcement on Jackson and Kane Street in an effort to slow

down traffic and monitoring both traffic lights.

- Officer Chambers is performing well beyond expectations in the Field Training with his assigned Officer.
- Officer Chambers graduated and I attended the graduation
- Officer Templeton attended the Colt Rifle Defense Class.
- I attended the SWVCJ Training Academy Board of Directors Meeting in Marion.
- Officer Deskins attended the Glock Armour Training Class in North Carolina.
- We worked to submitted our budget for your review
- Officer White, our part-time officer, passed his re-certification exam on May 10.

**For June:**

- Officer Templeton scheduled to attend the Firearms Instructor Class
- Officer Taylor scheduled to attend the Street Survival Tactics for Patrol Class
- We are to obtain metal for K9 Kennel Roof which has been donated for this month.

**Vice Mayor, T. Herron** – How long did Officer Chambers do the training.?

**Chief Birchfield** – Its 100 hours and he has completed it, at this time and he did an excellent job receiving all excellent marks on his evaluations.

**Vice Mayor, T. Herron** – I thought we had an opening for an officer? Is that just for backfill?

**Chief Birchfield** – We do not, at this time, but we anticipate an opening. We think we have an officer be leaving and is going to the Federal Government very soon.

**Vice Mayor, T. Herron** – I noticed that ad in the paper for an officer.

**Chief Birchfield** – That was so we could be prepared. Be pro-active then to wait till he left and then be forced with being behind. We wanted to be ready, if and when that happened. We've explained to everyone that is interested in the position, it is not an offer for employment, it is just an offer to interview so we can be ready.

**Council Member, R. Cassell** – Is that the officer we discussed during the budget?

**Chief Birchfield** – Yes, sir.

**Council Member, R. Cassell** –Where do we stand for getting Adam with the Sullivan County class on the dog?

**Chief Birchfield** – We are still waiting for them to give us an official date on the K-9 school. It is more than likely going to be in July sometime, but we'll wait until they tell us. They have their training officers for K-9's involved in some sort of lengthy law suit case and he's tied up for a little while. So, they should be giving us a date real soon on that class. We are in, we've been approved and it's at no cost to the Town. The dog and handler will be going to school for free.

**Council Member, W. W. Ross** – Can you provide us an update about the last questions I asked about early warning system for storms. You said you was going to check with 911 and we, did you.

**Chief Birchfield** – Yes, as you all know, I sent you all a copy of the policy from Jonesborough that I was able to obtain. Scott County has no plan, at this time. I have asked and have talked with the 911 Director this past week, had a meeting with him. The next emergency management 911 meeting that we discuss that and that we come up with a plan. I told him that I had sent out to different locations asking for their plans just to look at it so we could put one together for ourselves.

**L. Public Works** – None

**M. Sanitation Authority** –

**Council Member, R. Cassell** – We were unable to meet this month. Of course someone put on the agenda that we need two more members. Our Authority, according to our by-laws so we didn't have a quorum to meet, we need to have two more members to even be able to have our budget hearing and meetings.

**Vice Mayor, T. Herron** – Did someone get off of it?

**Council Member, R. Cassell** – Mr. McMillan resigned back in the first of the year. We were one short for quite some time and then Eddie resigned it just got down to the three of us. In looking at the by-laws, it says shall have five people, so and 3/5's constitutes a quorum. We thought we were okay with three and our attorney found in the by-laws that we have to have five and three show up, minor technicality. We do have, just to let you know, I don't know if there is a whole lot that we can do about it, but Mr. Danko has submitted an increase in the PSA budget to the Sanitation Authority this year. There are some issues that I tend to address. He was here one night. He had worked for the power company before these storms hit, I missed the meeting, we didn't have a quorum, Mr. Danko has not been back. The way our contract reads, correct me if I'm wrong Michele, a lot of these percentages are to be based on percentage of flow and reasonable cost to operate. The problem that I have with his budget he's got 58% Gate City, 42% PSA for everything, telephone, whatever. Gate City is paying 58%, PSA is paying 42. That's been that way for quite some time.

**Town Attorney, M. Brooks** – There are some things that need to be addressed by the Sanitation Authority. Once we get our membership back up where it needs to be and address that.

**Council Member, R. Cassell** – I feel that we've come a long ways between Michelle and Michele finally getting the contract out and looking at it after all these years. There have been some letters sent to the PSA and we've refused to pay some items because we didn't feel it was fair. They've not had any recourse on that so we continued to refuse to pay on the items because we didn't feel they were fair. Our attorney had sent a letter stating that why we didn't pay and we felt there were some items that weren't being addressed according to the contract. The contract is very vague in some areas, but I feel like we're making some progress finally.

**Vice Mayor, T. Herron** – Has the master meter been calibrated?

**Council Member, R. Cassell** – They did, finally, produce certification and we voted to, I don't know if Stoney has got it put in. Asks Town Clerk, Kathy, if the master meter for the sanitation.

**Town Clerk, K. Riley** – Responds, I don't think they have put it in yet.

**Council Member, R. Cassell** – We did vote to purchase our own master meter as well. Right now we are at their mercy saying whatever flows, flows. We did, it's about \$7,000.00, but we had the money to do it and we voted to put our own master meter in.

**Vice Mayor, T. Herron** – Is that in conjunction with theirs?

**Council Member, R. Cassell** – Yes.

**Town Attorney, M. Brooks** – They haven't provided calibration in several years.

**Council Member, R. Cassell** – Hasn't been once since it's been put in.

**Town Attorney, M. Brooks** – We did request it and they did provide that to us. We're moving in the right direction.

#### **N. Street Commission –**

**Council Member, R. Cassell** – I don't have anything at this time.

**Council Member, W. W. Ross, Jr.** – I do. On the streets, I got a call from the Job Corp at the time and they wanted to come in and finish, refurbish the sidewalk up there and even do some painting our street corners or whatever needed to be done. I mentioned it to Mr. Jenkins and he quite didn't give me a yes or no, but he said he felt like the crew could do this a lot cheaper and my question was, asked why didn't they do be it before the Job Corp got here? They had at least three or four years to have it done. But he provided me a breakdown and I hope you have this in your packet.

**Vice Mayor, T. Herron** – Everyone’s got it.

**Council Member, W. W. Ross, Jr.** – He gave me this, which I’m still trying to, trying to figure out what transpired. On the 11th 18 2010 they had six yards of concrete at \$654.00 and on the 2-23-11 they had one yard mixed. 10-20-2010 Scott County Lumber which they say and you can use, I’m pretty sure they were working down here on Water Street so they had forms already. But they had this to what was \$486.00. I’m pretty sure they had another \$228.00 they used, but it could be forms, whatever. The other question is they used, they said they came down here and used a bobcat, which is very confusing. And then they said they used equipment used a backhoe. Alright now, they charged \$110.00 to use the backhoe. And Chris said they tried to use the backhoe and they couldn’t and they went and got the bobcat. But they don’t have any date on when they used the backhoe. Person for using the backhoe was \$37.00. So, I asked and then they come down here and person to finish one yard of concrete on February 11, 2011, \$110.00. They used the dump truck for two days. Alright, person for flagging and directing traffic for five days. Well, I’m confused. The Job Corp did most of the refurbishing of the concrete except that one yard. So they took the Town 2-23-2011 five days to do that one yard? Two days, that dump truck, that was already the hole was already there. So, I’m confused and now up here they got they did the service on 10-20 down here they got February the 23<sup>rd</sup> 2011. So when did they get it together? The dates doesn’t match up. And then I looked over here for trying to figure out what they said they used, they went down to Weber City for the lumber company and they got 10-20-10 they got three bags of Portland Cement, type 1, six bags of playground sand and three 4 mil 20x100 \$146.00. Well, what happened to the three bags and the six bags do the one yard? I mean, counting all that in but I don’t see where all that adding up to what it is. I’m just trying to figure out Mr. Mark Jenkins said that this labor was more than the Job Corp. The Job Corp was free labor and I’m just trying to figure out the dates when they did it, the dates don’t correspond when everything was done, so that’s one of the concern I had.

**Vice Mayor, T. Herron** – I can’t speak for Mark, but I think they started late fall and they had to shut down for winter. I remember it being covered up forever down there and I guess they came back in February.

**Council Member, R. Cassell** – No, Stoney finished in February. They came, they under estimated over a yard and Stoney, our crew, had finished it. That’s where the February date came from. That’s what Chris explained to me. This manpower charge for our equipment is due and they came back and finished the job.

**Council Member, W. W. Ross, Jr.** – Well, so, are you sure about that?

**Council Member, R. Cassell** – That’s what he told me.

**Council Member, W. W. Ross, Jr.** – So, you mean, it took them five days to put one yard of concrete in? That’s what you saying.

**Vice Mayor, T. Herron** – That flagging may have been the total.

**Council Member, R. Cassell** – That might have been carried back to the total time.

**Council Member, W. W. Ross, Jr.** – Well, now, now, now, look the dates, what’s the date over here, Joe.

**Vice Mayor, T. Herron** – I don’t see a date.

**Council Member, W. W. Ross, Jr.** – See, that’s what I’m saying, the date, I’m understanding this date covers all of this. That’s what, cause I asked for the dates for each of these categories. This is the date that they gave me.

**Vice Mayor, T. Herron** – Asks, Town Clerk, Kathy, if you know the dates of that?

**Town Clerk, K. Riley** – Chris had provided you (W.W. Ross, Jr.) the information as far as the road crew who had to man the backhoe and had to work the equipment. Job Corp could not do it so the employment side the hourly wages was that of the road crew. The flagging and the directing of traffic they had to be involved in the directing of the traffic, they could not leave the Job Corp there without our crew members being there. It started with the backhoe, but they could not break the cement up so they had to rent the bobcat to do that. I have contacted Mr. Jesse

(Rea), with the Job Corp, and I left a message on his answering machine today asking him to provide us a list of the days that he has been there because you have been requesting from Chris when our guys were actually working there. When he was actually doing the job, who was where, what they were doing so on and so forth. We've requested that information from Job Corp because being Job Corp it would be a requirement from them to have a listing of where they were at each and every day, who was there at each assignment and what they were actually doing on a given day. So, they would have a report. That information, that I think you are asking from Chris, is more readily available from Job Corp because our guys are going from place to place on every given day doing other jobs too. There again, if they were assigned there they were doing things. They don't mark down everything that they do every minute. They may have been there working there as far as the equipment, directing the traffic, so on and so forth, but as far as the actual breakdown that you are looking for he can't provide you that.

**Council Member, W. W. Ross, Jr.** – That's what I'm confused about, because I was there during the time.

**Town Clerk, K. Riley** – Were you there every day, the whole time?

**Council Member, W. W. Ross, Jr.** – Pretty much, yeah, pretty much, when they came, I came and visited. What I can't understand, even this question right here if they used a backhoe so if they came and used the bobcat they have the bobcat they said they used here gravels and they used the bobcat so they used the backhoe first. They should have had a date what they used the backhoe on. They should know what date, what date they should have had on.

**Town Clerk, K. Riley** – They don't breakdown, they don't put a list down as far as, if they go and pick up gravel down there at the parking lot, they don't write it down that, oh we took the backhoe and went down there. That is just part of daily work.

**Council Member, W. W. Ross, Jr.** – Okay, but if what you just said should be cause this is how can they tell by the budget, if you have a budget, how can you determine what you're gonna what the expenses of running the Town so that's part of the thing to be able to tell how much money you are spending, what money you are not spending.

**Town Clerk, K. Riley** – It's part of the salary as far as what they are working with.

**Council Member, W. W. Ross, Jr.** – But they should have a date for, alright. I don't understand, but even at this, these doesn't okay, tell me what happened to the three bags, six bags concrete there.

**Town Clerk, K. Riley** – I really can't explain all that, but I do understand that you've been with Mr. Edwards, the Treasurer, multiple times going over this. I think you need to re request those questions with him because he's the one that worked this up and he's better to explain it versus anybody here at the Council. But if you have any further questions, I'm sure he would have no problem with you getting with him again so he can re-explain it to you again.

**Town Attorney, M. Brooks** – Is Chris the one who put this report together?

**Town Clerk, K. Riley** – Chris is the one who put this together and he would be the one better to explain any of those questions that you have. He'd probably be the one that you need to talk to.

**Council Member, W. W. Ross, Jr.** – Well, I asked him to give me the dates for that.

**Town Clerk, K. Riley** – And I have requested that information with Mr. Jesse (Rea) of the Job Corp for his breakdown. I left a message with him today asking that he fax that breakdown to us because you were requesting that information.

**Council Member, W. W. Ross, Jr.** – Alright and I'm trying to understand.

**Town Clerk, K. Riley** – But, these guys (Council) here aren't going to be able to answer those questions for you. You'll have to address them to the Treasurer because he's the one put that package together for you.

**Council Member, W. W. Ross, Jr.** – Well, that's the reason I came to the Council so it would be noted in the record so it would get some certification of I'm just trying to understand if I'm wrong than maybe I can be helped with it. Also, on this other thing that I want to mention on the street is on Manville Road going up to the colored house they have a sign that says 25 miles an hour, right

at the base of the Courthouse where you make a right turn to the Police station. From there there's nothing else all the way up. That's a residential area going from there to the city limits. You come on the other end of the city limits of Gate City and you see another sign. In between you don't have anything. You don't have any knowledge of what the speed limit is and people coming up through there they and you know and you have children in this area that play. That's one thing and then I've had another problem. We have a noise ordinance that is no sign up there for that either. If people play music too loud or any other things that they don't have no signs determine how much noise is in that area. Don't have any signs at all. That's one of the things and I mentioned this to some people and people so that's another thing to maybe look at. And also, if everything had been put on hold that I had mentioned the handrails down on downtown is that been on hold or is that I asked that they was looking into that and I don't know what happened. I mean the process with the

**Vice Mayor, T. Herron** – You brought that up at the last meeting someone was getting it fabricated or getting it

**Council Member, R. Cassell** – I think Mark had found somebody that either sold them already or might even fabricate them. But I do know that this is, has with any municipality, a lean time of the year with property taxes, that Chris had asked that all spending except what was necessary be cut back. So that probably as far as purchasing any **Interrupting and speaking over**

**Council Member, W. W. Ross, Jr.** – Well, is that in the by-laws that he has authority to do that?

**Council Member, R. Cassell** – Well, he's our treasurer and when he sees we don't have the money to pay the bills and he makes that known.

**Council Member, W. W. Ross, Jr.** – Well, now okay, let me go back to the minutes where you all said you had extra money for Chris to give let see that when we was giving to Hope House and other organizations that they can go and find money, let me check that. I had that page

**Vice Mayor, T. Herron** – Got you on the clock.

**Council Member, W. W. Ross, Jr.** – Okay, since I'm on the clock. I guess I've been told I'm on the clock can't have cut short so that's another individual thing. Now, Back Street up there which you had been on had been put on the list. Now, before I came on Council we mentioned Back Street and Mr. Miller went up there, Mr. Miles went up there, I'm sorry went up there and looked at it. I was hoping that that street would have been addressed. Now I see that because all the programs that it' on hold for some reason in my and I was hoping when we work together to do some streets, Mr. Lane's street got paved. Back Street, I've been coming down here for like three years just talking about this thing on this committee before I got on the Council and nothing has been done. Got on the Council and was hoping out of the kindness of the heart I guess he was looking at it that he would evaluate it that something would be done. Now they tell me that not enough traffic, the water has increased, it's running into the church, at some point maybe they upset, the pavement is gone, it's a hole there, somebody drives into it it's a possibility that somebody is going to sue us if they mess their car up. The strangest thing about it is for three years our bus backed in there our children had to get in that environment walk through the water to get home nothing was said for three years. I mentioned it to Town Hall and next thing I know the bus is no longer is doing that. That's a strange occurrence, but that just show maybe I need to do to try to find out why in three years ain't nobody mention it the bus backed in there, water and the whole thing. It's getting worse so I would hope that we get something done to this. Now, I had asked for my salary to go towards that but that hadn't been approved so since Chris is holding up so we don't have any money at this time to do that either. That what you saying?

**Vice Mayor, T. Herron** – What the, you all are Street Committee, is it something where you put asphalt down there and level it up?

**Council Member, R. Cassell** – Andy wanted, I think, a more economical suggestion that Andy, I went up there with him one day and looked at it.

**Council Member, W. W. Ross, Jr.** – It's worse now.

**Council Member, R. Cassell** – Could use, like a French drain, sort of like a septic tank fill bed to drain it off and have it disperse is one way of eliminate the water. But you have to be careful of what you do because you take it away from the house down here, you going to put it right at the church's basement on the other side.

**Council Member, W. W. Ross, Jr.** – They already getting that.

**Council Member, R. Cassell** – I don't know I haven't been back up there but somebody up there had back filled some, somewhere in there filled it up some but I don't have a problem with trying that's why we went up there with Andy, we just need to decide on what he feels like is a solution to do something to eliminate the water.

**Council Member, W. W. Ross, Jr.** – Well one of the problem, I have pictures, I didn't bring them with, is that Chestnut Street right when it rains the water runs off a Chestnut runs down there. It's another one of the situations too. So, it probably needs to get, but it has developed a water is going down the hole, it's getting big, it really is. But I think it needed probably look at it from where the state come in and do something too cause that's a state street.

**Vice Mayor, T. Herron** – Back Street, that's not a state street is it?

**Council Member, W. W. Ross** - No, that's our street, but Chestnut is a state street.

**Vice Mayor, T. Herron** – I'll make a note and I'll ask Mark about your handrails. See what the deal is on them.

**Town Attorney, M. Brooks** – As far as you mentioned legalities as far as the speed limit, if it's not otherwise posted there is a speed limit for the town. The Chief of Police is here and if you have concerns about speeding on Manville Road, I suggest, perhaps, the Chief can take note of concerns and we can do some patrols on there. Noise ordinance, as well, it doesn't have to be posted to be enforced and if there are specific issues with noise issues, our fine officers will address it. We have dealt with that in court. I've prosecuted town cases and that can be addressed.

**Council Member, W. W. Ross, Jr.** – Even though it's a state street/highway?

**Town Attorney, M. Brooks** – As long as it's in the Town of Gate City, we have noise ordinance of which we can enforce and we do enforce.

**Vice Mayor, T. Herron** – I don't see why we can't get a sign up there.

**Town Attorney, M. Brooks** – I'm not saying you can't, but you don't have to have sign to for it to be.

**Council Member, W. W. Ross, Jr.** – But, I mean a sign may be able to address the issue. People see something and they know it. If it's not there then they going to say well, you know.

**Council Member, R. Cassell** – I'm not sure, but I said something to some kids one day out Grogan Park about having a noise ordinance and they said it doesn't take effect until 11 p.m. It may not be a bad idea maybe at the town entrances to, a lot of cities have noise ordinance posted at the entrance to the towns just to let people know. I don't think a lot people know that we do, but as far as the speed limit sign that would have to come from VDOT, it's a VDOT street.

**Council Member, F. Perry** – They probably got one at the beginning go that way one from that way coming in so you might not necessarily have anything in between. If you don't change, it's the same until you find another sign and 25 is the limit in our residential area.

**Council Member, W. W. Ross, Jr.** – But they drive faster than that. They really do.

**Council Member, R. Cassell** – We do still have Back Street on the list, we had it on the list last year. Between running out of time and other matters, there was some done and we'll take them off but it is on, it's one of the top priority.

**Council Member, W. W. Ross, Jr.** – Well, do I have to have a motion to take my salary to work on that street, to allocate money to be moved to that?

**Town Attorney, M. Brooks** – I don't know if that's on the agenda, you all can do whatever you want.

**Council Member, F. Perry** – We don't have control over your salary.

**Town Attorney, M. Brooks** – Right.



**Council Member, W. W. Ross, Jr.** – Well you mean I can take my salary and ask for that request, is that what you saying or do you have to vote on that? That has been, I'm asking for a legal.

**Town Attorney, M. Brooks** – I'm not certain of that, Mr. Ross. I'm not certain. I know you mentioned that at one time, but I have not done research on it. I think you can, I don't want to, let me check on that if you would like me to do that, I would be happy to.

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

#### **O. Water Plant –**

**Vice Mayor, T. Herron** – Still within the guidelines of 29% accountability. That's a good thing.

#### **P. Safety Committee –**

**Council Member, W. W. Ross, Jr.** – Am I timed on that too?

**Vice Mayor, T. Herron** – I'll give you a little bit more time.

**Council Member, W. W. Ross, Jr.** – Okay. Alright, I've been appointed to the Safety Committee. This is the new safety book which was given. Now, it was asked for the original safety book, it hadn't materialized it. Is it one?

**Vice Mayor, T. Herron** – I never seen one.

**Council Member, W. W. Ross, Jr.** – Well, now Mr. Mark Jenkins said it was, you mentioned that earlier that there was one. Alright.

**Vice Mayor, T. Herron** – You talking about the regional?

**Council Member, W. W. Ross, Jr.** – Well, I asked for some kind of, you all said you had some kind of safety rules manual that was around. It hadn't transpired, so this is a new one. So by this being the new manual, do you all have to vote on it to make this a permanent or does it stand as it is?

**Council Member, R. Cassell** - Where did it come from?

**Council Member, W. W. Ross, Jr.** – Well it is here, I mean Mark signed it, I mean it's written by Mark signed in on the 4-8-11 so I'm thinking it he made it approve without being voted on that's what I'm trying find out is it legal?

**Town Attorney, M. Brooks** – And that's just a policy manual?

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

**Vice Mayor, T. Herron** – Can I see?

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

**Town Attorney, M. Brooks** – I'm going to have to check to see if policy manual, I think if Council is going to vote on it they need an opportunity to look through it.

**Council Member, R. Cassell** – Well, we have a committee's codification and policy, I guess that would fall into that you all's committee, wouldn't it?

**Town Attorney, M. Brooks** – Codification committee?

**Council Member, R. Cassell** – Codification and policy and codification is that what you all are doing? Is that just codification? We used to have a policy committee.

**Town Attorney, M. Brooks** – I'm not certain whether policies and procedures have to be approved by the Town Council, I will check that for you.

**Council Member, W. W. Ross, Jr.** – Because it's very understanding because being a Chairman of that, I mean I would have to be Fire Department would have to be involved, Life Saving Crew would have to have someone, so it's a broad committee that by that manual that states there that a bunch of folks have to be involved in it. I don't know how to approach the.

**Town Attorney, M. Brooks** – I don't know whether if it's the Town Council's that would need to approve that or Town Manager.

**Council Member, W. W. Ross, Jr.** – Since they don't have the original, but I'm pretty sure that they must have in the minutes that they did have one. So if they found one in the minutes that they did have one then that would probably could amend that one.

**Vice Mayor, T. Herron** – I'll ask Mark.

**Town Attorney, M. Brooks** – As that been adopted by the Safety Committee?

**Council Member, W. W. Ross, Jr.** – I'm the Safety.

**Town Attorney, M. Brooks**- Is there anyone else on the Safety Committee besides yourself?

**Council Member, W. W. Ross, Jr.** – No, not right now, but it calls for the Fire Department, Police Chief and a whole bunch of folks to be

**Town Attorney, M. Brooks** – We're going to need to check on that.

**Council Member, R. Cassell** – We used to have two when I was on it before. When I was on it before, we had two people, I don't know how it got changed to one.

**Council Member, W. W. Ross, Jr.** – Well, he, Mark changed it. Put me on it, Tommy was on it, put me on it so.

**Town Attorney, M. Brooks** – Okay. Generally, Committee reports back to the Council and the Council votes on the actions or not. I'll check on that, Mr. Ross.

**Q. Water Committee** – None

## **XI. PUBLIC COMMENT**

**Tommy Quillin** - Discusses the only comment I wanted to make for Ms. Brooks to check on the code or ordinance of what I talked about before regarding selling property, you understand.

**Town Attorney, M. Brooks** - Asks him if he is asking her a question.

**Tommy Quillin** – Discusses if building is unsound, if they can vote at the Public Hearing, with the code or statute that says it can't be sold if it is determined to be unsound.

**Town Attorney, M. Brooks** – Asks if he has a copy of that contract?

**Tommy Quillin** – States he did, but son has it and he's in Washington. Just wanted to mention it before it was voted on.

**Town Attorney, M. Brooks** – Informs him she answers the questions for the Town Council, not for the public large and I mean you no disrespect in that.

**Tommy Quillin** – States he would appreciate if you would give consideration of their interest in the buy- back things and would be interested in negotiating.

**Vice Mayor, T. Herron** – Thank you, Tommy.

Vice Mayor Herron closed the public comment session at 7:35 P.M. and opened the consent agenda session.

## **XII. UNFINISHED BUSINESS**

None

## **XIII. NEW BUSINESS**

- **Charles Bridwell, Jackson Street Properties**

**Charles Bridwell** – States he wants to hand out a recap of his water situation provides copies to all Council Members and Town Clerk. Discusses letter he received from Town of Gate City, Acting Town Manager, Mayor, Mark Jenkins, dated May 20, 2011, (#1), and letter he sent to

dated May 25, 2011 (#2), via certified mail, with return receipt dated May 26, 2011, explaining his dispute of his disconnect to leave is water on. States his water was disconnected and his business was without water for eight days until he paid his outstanding balance on his master meter service to Commercial Electronics building as well as the Jackson Street Property building. States it's in the deed, it's been grandfathered in, deed recorded in 1992 showing the shared water line recorded from prior owner, has emails from prior owners stating both owners would pay into the Town of Gate City water department. States he has paid the adjoining property owner and he is in this dispute as well with the meter readings. States they believes there is a leak somewhere, his building has been inspected twice by water dept. employees, Town Manager and Mayor finding no leaks inside his building. States you can go to master meter states it is spongy with mud or like mud and compare to meter down street and it will be dry dirt. He believes there is a leak and comes before Council asking for an adjustment. States Mr. Jenkins has read his deed and is holding his property responsible for payment of servicing that meter to the other land owner, the adjoining neighbor. States he has requested billing from 08 and 09 to show Town has payments from different parties. I put together on first page the usage coming through that meter that shows distortion and flow of water. Our usage should be at the minimum for one employee working at the office. I received a print out from the Water Dept. and I have come up with \$1,143.00 over billing on this water meter. I did pay the full amount on Friday, not wanting to be without water. He provides different organizations that come to his office to do business. He states he wants board to recognize State Corporation Commission requires for public utilities under one million dollar budget which he states Town falls into charging for services as reasonable, just and non-discriminatory. Does not feel the Town is in compliance with reasonable and just. States second requirement is he put in his own private meter on his property to make him solely responsible for my meter only and not go to grandfathered deeds for adjoining properties. States two requirements he asks Council to review.

**Vice Mayor, T. Herron** – You asking for your own meter?

**Charles Bridwell** – Yes, sir.

**Town Attorney, M. Brooks** – Are you willing to pay for it myself?

**Charles Bridwell** – I'll pay for my side of my property, yes and will cover my costs.

**Council Member, R. Cassell** – Is this your spreadsheet?

**Charles Bridwell** – States it is his spreadsheet based on information provided to me from the Town.

**Council Member, R. Cassell** – What's are all these over charges that you show. You show \$60.00 up here the first one you show \$86.60 you show \$26.60 over charge, 30.80, where do you get over charged? Where did you get those figures?

**Charles Bridwell** – States there's no way for reasonable and just for one employee to have utilization of that much water and did not think Commercial Electronics would use that much water.

**Council Member, R. Cassell** – Where did you come up with \$60.00?

**Charles Bridwell** – States \$60.00 is normally what the bill runs, three to 500 gallons of water.

**Town Attorney, M. Brooks** – So that's your estimate?

**Charles Bridwell** – Replies that's my estimate and I guess the charges you all have on minimum charges, I don't know.

**Town Clerk, K. Riley** – This is what he's compiled, this is not what was provided. We provided an actual summary report of the water usage and the actual bill.

**Charles Bridwell** – States that's a recap from your data.

**Vice Mayor, T. Herron** – Asks Town Clerk, K. Riley, if we have a copy of his bill.

**Town Clerk, K. Riley** – I would have to go into the computer.

**Town Attorney, M. Brooks** – Asks if he was current up until this time where you had this leak?

**Charles Bridwell** – States he was current with his portion of the water line, yes.

**Town Attorney, M. Brooks** – Minus whatever you deducted you thought was not right, is that correct?

**Charles Bridwell** – States the overages, in fact, I over paid my share.

**Town Attorney, M. Brooks** – Okay do you understand my question, is you're estimating something. That's just based on your estimate of what you think.

**Charles Bridwell** – States based on the meter readings that I have plus the billing that came off of her system.

**Town Attorney, M. Brooks** – Again, that is your estimate that is not something that came from the Town, is that right?

**Charles Bridwell** - That's in my recalculation.

**Town Attorney, M. Brooks** – Your recalculation?

**Charles Bridwell** – Recomputing. The first two columns are actual, the consumption and billing is off the Town's status system.

**Council Member, R. Cassell** – That's where I'm getting lost as well. We actually billed you \$86.60, but you think \$60 is fair.

**Charles Bridwell** – \$86.60 because you have an overage on your meter, there's no reasonably and just that one employee could utilize that much water consumption in one month.

**Town Clerk, K. Riley** – You're talking two buildings, two buildings is using the water, but according to the deed it reads, the party of the second (Commercial Electronics) part shall reimburse the party of the third part (Quillen Properties, subsequently Jackson Street Properties) for all water used as further consideration of the granting of this easement, the other party is to pay you.

**Charles Bridwell** – Right, okay, but you have it grandfathered in past practice, look into your own internal records and you'll see different parties going in, plus third party emails coming from previous owners of what the activity was.

**Charles Bridwell** – I appreciate Mr. Ross is on numbers so I'm throwing numbers so you have to go by what the numbers say.

**Council Member, R. Cassell** – I've talked to Mr. Bridwell and of course I deal with a different type of meter at work. It's the same principle, we have one metering point, what they agreed upon on their personal property, we have one point of meter and we expect "X" amount of dollars each month in payment. That's up to him and Mr. Parson's to come up with the money. What I tried to explain to him, he's paying what he thinks is his half and Mr. Parson's is not paying his half we can't let that bill go on because Mr. Parson keeps building up and his paying his. We only have one point to cut it off and that's it. They need to work out the terms of who pays what, right? All we do is bill it, whatever they agreed upon who pays what, we have nothing to do with it. We send them a bill. They need to work it out.

**Charles Bridwell** – This is my adjoining neighbor.

**John Brooks** - I'm here for Mr. Parsons. Back in 6-18-09 where the meter read 43,500 gallons, it jumped from 1600 gallons. Mr. Parsons actually came to a Council Meeting and Mr. Parsons requested that he just be disconnected from that.

**Council Member, W. W. Ross, Jr.** – Would that be in the records?

**John Brooks** – Should be in your minutes.

**Council member, W. W. Ross, Jr.** – Do you know exactly when that would have happened.

**John Brooks**- That would have been around 6-18-09.

**Town Attorney, M. Brooks**- Mr. Brooks, who are you to Mr. Parsons? I apologize, I'm not clear on that.

**John Brooks**- I take care of his building, maintenance. Maintenance of his buildings and if you look in his building you can see all his water lines, he's never had a water leak, I've been there for three years.

**Vice Mayor, T. Herron** – You said he requested what to be taken?

**John Brooks** – That he be totally removed from the water bill. He no longer wanted water into that building. All he uses it for is storage for materials.

**Vice Mayor, T. Herron** – I don't think that would be our decision, if the meter is in his name. I guess you can ask him to disconnect your all.

**John Brooks** – I'm not sure, but I think that you double bill for like him like a basic charge and also Commercial Electronics for a basic charge. I think, right?

**Charles Bridwell** – I'm not, they have multiple, the word multiple written across the bill, so I'm

**John Brooks** – I guess once he requested here cut off, it should only run back to

**Town Attorney, M. Brooks** – Is there only one bill for both. Is that right Kathy (Town Clerk)?

**Town Clerk, K. Riley** – You have one meter, if you look at page 6 of 32 of that package (Water Policy), don't quote me on this, I'm not 100% sure, but if you have one meter with multiple users you get an additional, I think it's a \$10.00 additional fee for multiple use.

**Town Attorney, M. Brooks** – But does Mr. Parsons get a bill separately?

**Town Clerk, K. Riley** – The bill is assigned to Mr. Bridwell, Jackson Street Properties.

**Council Member, F. Perry** – I'm sorry, I didn't get that answer. The bill goes to who?

**Town Clerk, K. Riley** – Jackson Street Properties, Mr. Bridwell. Mr. Bridwell is Managing, they own the property.

**Vice Mayor, T. Herron** – You leave it up to him to come and pay it.

**Charles Bridwell** – He's never paid me. My understanding according to what's grandfathered into the system with the Town is directly paid to the Town. I have emails supporting from Mr. Mike Quillen who at one time run the Alpha Resources Home office out of my building, but he moved away. I have emails even as current as two weeks ago from him, you have copies in your literature of that.

**Town Attorney, M. Brooks** – What are you basing this grandfathered on? What are you basing that on?

**Charles Bridwell** – I got a 1992 deed that shows it's a shared water line. That's grandfathered.

**Vice Mayor, T. Herron** – Asks Town Clerk, is that in there, if it's in there, I don't see it.

**Town Attorney, M. Brooks** – This is the first time I've seen any of this.

**Town Clerk, K. Riley** – You have a copy of this in your packet. Everything is inside there.

**Council Member, W. W. Ross, Jr.** – Mr. Bridwell, did the Gate City crews come out and evaluate check see any leaks from your source. You checked all the inside, so you don't have any leaks is what you saying.

**Charles Bridwell** – Yes, right. They, two different occasions.

**Council Member, W. W. Ross, Jr.** – But the meter is still showing a flow of some kind?

**Charles Bridwell** – Well, now here in the past two or three months, it's dropped down reasonably.

**Council Member, W. W. Ross, Jr.** – Well, I can relate to that situation because before I got I had the same situation. I live by myself and I didn't have any leaks and my bill went up and I told them and we fussed about it and I said and they said it's on your property and I said no way. And then, about six months later, about fifty feet from the line, came to the top and that's where it was leaking all the time. It's on Town property and that's and if that's going on now, it could be materializing in that location, feels spongy and that. So, is there any way that they can trace?

**Charles Bridwell** – That's a good question. You've been a stickler on numbers, I've was looking at the budget, on the water budget, for eleven months, it's 82% on expenditures on the water budget and it's only 57, that's just validates going over half way on water expenditures on maintenance for the Town. You're a stickler on numbers, I appreciate that. I really do.

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

**Town Attorney, M. Brooks** – I just had a couple minutes, I don't see anything about grandfathering any

**Charles Bridwell** – Grandfathered is a generic term, just like okay. That's just a

**Town Attorney, M. Brooks** – What is your understanding of what that means?

**Charles Bridwell** – My understanding this has a deed dated 1992 and it was in the clause of the deed of the properties, Quillens, at one time may have owned this whole block, but they did on these two buildings. They put in one water line to service those.

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

**Charles Bridwell** – And that's where, in my opinion, that's grandfathered.

**Town Attorney, M. Brooks** – But, what do you think that means? I mean, there's one water line, but what do you think that means?

**Charles Bridwell** – That means whatever pre-existing arrangements still goes unless it's been modified by one of the two property owners. And with the third party, I think if you look at, with some due diligence on your own bookkeeping record from 08-07-06 you'll see two parties making payments into that master meter account. I request for 08 but apparently they have changed systems beginning in 09 and the building and different water building system, so they can't easily pull those prior records to determine that.

**Council Member, F. Perry** – Mr. Bridwell, your property is the property that this deed refers to that belonged to H.P. Quillen, Jr. party of the third part is that you now?

**Charles Bridwell** – No, that is Commercial Electronics that shares.

**Council Member, F. Perry** – Well, it says Commercial Electronics is Party of the second part.

**Charles Bridwell** – Right.

**Council Member, F. Perry** – And Carrie Quillen is Party of the first part.

**Charles Bridwell** – Well that leaves the last building which I live in, Jackson Street Properties building, which I own.

**Town Attorney, M. Brooks** – Which was formerly Quillen Properties, correct?

**Charles Bridwell** – Correct.

**Council Member, F. Perry** – I'm still confused as Party of the first part and Party of the third part.

**Town Attorney, M. Brooks** – I'm following this, Quillen Properties was what was bought from H.P. Quillen, that is Party of the third part.

**Council Member, F. Perry** – That's Mr. Bridwell?

**Town Attorney, M. Brooks** – Correct, which is now Jackson Street Properties. Would you agree with that, Jackson Street Properties was Quillen Properties which was originally owned by H.P. Quillen?

**Charles Bridwell** – Right.

**Town Attorney, M. Brooks** – Is that your understanding?

**Charles Bridwell** – That would be my understanding that was a piece of the lot.

**Council Member, R. Cassell** – It also says the Party of the second part shall reimburse the Party of the third part. It doesn't say anything about one paying the Town and the other paying the Town. I don't think the Town has anything to say who brings the money in. Just there was a bill generated, it's up to them to work out who splits what. If we got into that, every business out here that got multiple users we'd be deciding who pays what. It's between you all.

**Charles Bridwell** – You missed the whole point. My whole point had two requirements here, okay. Asked for adjustment for reasonable, just, non-**discriminatory** and second requirements to have my private meter, that's all I have put forth before Council. I'm not getting into a debate, okay. My purpose is ask for adjustment for reasonable and just, that's what the SCC requires public service utilities, public water service utilities. You can all do due diligence and read the SCC requirements of public utilities. It may not be, it's a little bit conflict because I talked to Mr. Hilton of Rural Development theirs requires non-discriminating.

**Council Member, R. Cassell** – We also have a grant through them that we have to have a certain amount of money extra put back

**Charles Bridwell** – Right, right, I see that happened.

**Council Member, R. Cassell** – When they raised the rates, I was on the Council when the rates were raised. They came in and we, at the time, were fiscally transferring money from the General

Fund to meet the water obligation. Rural Development came in and said you either bring your rates up to where it's making money or we'll come in and run it for you and it won't be pretty. There was a time that the water system wasn't even keeping itself going and Rural Development has that right to come in and say you set your rates or we'll run it for you. That's exactly what they do.

**Charles Bridwell** – Well, that may need to happen. That's not my questions.

**Council Member, R. Cassell** – That was then. Are you looking at 43,000 that we discussed that you wanted the original adjustment on? 43,500 gallons?

**Charles Bridwell** – Well, that would be at a minimum.

**Council Member, R. Cassell** – Cause that was when that all started over that high bill?

**Charles Bridwell** – Right, that's what upset my neighbor about. That's definitely reasonable and just.

**Vice Mayor, T. Herron** – I read through some pages here somewhere about the Parsons building maybe had a toilet that was leaking and it wouldn't shut off.

**Charles Bridwell** – We don't know.

**John Brooks** – I've been taking care of his buildings for three years and I've never seen a leak in that building, toilets or anything. I'm not familiar with it, but

**Vice Mayor, T. Herron** – There's one email here I guess Mr. Quillen replaced a water closets (toilets) to keep that from happening.

**John Brooks** – If you look at what they gave you the bill jump from like 1600 gallons to 43,500 gallons and it went back down to 900 gallons and I never did any maintenance on his water lines at that building. If he didn't have leak, we didn't have a leak and you can look at all the water lines and you can see from below there's no maintenance that has been done to them. I'll take everyone of you down there.

**Charles Bridwell** – That is qualified further. I contacted the firm that you use in Roanoke and they did reply that whenever calibration meters are set up for testing the do send a report on each meter. I never received a report, I don't know if Mr. Parsons did. I did check your minutes, there were three set up, but none of our meters were listed in the minutes I reviewed.

**Vice Mayor, T. Herron** – I don't know if they send it back, I think they send it to the Town, don't they?

**Charles Bridwell** – But the point is, it does reflect a usage that month and that is on this bill, this analysis that I've done.

**Vice Mayor, T. Herron** – But they did take the meter out and have it calibrated?

**Charles Bridwell** – I have no clue. I have no documentation, I don't know if any exists. I saw in the Town minutes that they sent three up, but none of those mentioned to belong to these properties.

**Vice Mayor, T. Herron** – Here's a letter April 6 to you all I guess from Mark saying the meter was tested and found to be accurate. That's all we got on it.

**Charles Bridwell** – Right.

**Vice Mayor, T. Herron** – I'm sure we can get some documentation on that.

**Charles Bridwell** – According to Roanoke that was, that is available to the right meter.

**Vice Mayor, T. Herron** – I don't know the procedures of how they do that.

**Charles Bridwell** – According to the State Corporation Commission, that is a requirement, but that may not be a requirement in your policy, but this is under state code what I was reading.

**Council Member, R. Cassell** – Can we go back two years and do an adjustment if we so choose?

**Town Attorney, M. Brooks** – I'm going to need to look at that report for two years back. What, if any communication did you have with the Town prior to February 24<sup>th</sup> about this?

**Charles Bridwell** – They came to my office.

**Town Attorney, M. Brooks** – Who is they, sir?

**Charles Bridwell** – The Town Manager and Mayor, they came on occasion.

**Town Attorney, M. Brooks** – Mr. Templeton and Mr. Jenkins?

**Charles Bridwell** – Yeah, I talked to Mr. Templeton and he came over one day, I came over to his office. Initially, he thought it was the system, the new software that was installed back in May of 09 and that new personnel training. That was his initial thought when this came out. Cause it was apparent overages report at other meters down the street from this location. So, he assumed that it might have been software problem or new personnel problems. Apparently, he dismissed that claim.

**John Brooks** – If you have huge entries from 1600 to 43,500 gallons do you send people out to re-read the meters or read?

**Vice Mayor, T. Herron** – You could request a re-read, we don't automatically do it, I don't think.

**Town Clerk, K. Riley** – If we notice, when we're doing the billings, at the end of the month when we get the readings if there's any high usage we do a work order for them to go out and do a re-read. If the re-read comes back and the usage is still high we go and have them check the meters and we will sometimes contact the customer and tell them they have a very high reading and they need to check inside their home to see if they have a toilet leaking. A lot of times will have a toilet that will run if they don't fix and they don't realize how much water will run through a toilet when it is continuously running. The other thing that they don't notice is with their hot water heater where they have a leak and it is draining into the sewer line. They don't think that will take into account of their water bill being so high, but it does. Or if they have a drippy faucet, it doesn't take much for a drip to turn into gallons. So we do check when we do our reading and we see a high water usage, we will do a work order for them.

**Charles Bridwell** – Asks, Town Clerk, K. Riley, what threshold is that set at?

**Town Clerk, K. Riley** – Pardon me?

**Charles Bridwell** – What is the threshold for that?

**Town Clerk, K. Riley** – It goes according to what they used from the prior month.

**Charles Bridwell** – I do have a business in Washington County and Abington.

**Town Clerk, K. Riley** – I can't speak for other counties and I can speak for this office.

**Charles Bridwell** – I will tell you my experience, I got a call said your meter is reporting high usage.

**Town Clerk, K. Riley** – That is what I just said, if we notice something on the readings from prior use, if it's high, then we will go ahead and do a work order for that.

**Charles Bridwell** – Within 24 hours and they were correct.

**Town Clerk, K. Riley** – We don't have that technology where we can, they probably have that on-line system where they can pull up a meter and get a reading that day.

**Charles Bridwell** – Apparently, their electronic

**Vice Mayor, T. Herron** – Sir, let's stick to what we're dealing here.

**John Brooks** – Like I said, it looks like in 09 Mr. Parsons and I came here, and asked for him to be totally cut off. If you see its 900, 500 and runs all the way up to 4-22-10 he starts having issues again with this water and I'll vouch for Mr. Parsons all his water and water heater has been shut off in his building and there are no leaks there. Like I said, there are still issues.

**Town Attorney, M. Brooks** – That you are aware of, right?

**John Brooks** – No, none, you can see all the pipes from underneath. He has two bathrooms and that's the only water line that comes in. Like half his line comes in from his building to Mr. Parsons and you can stand here and look at everything.

**Council Member, F. Perry** – Are the bathrooms in use over there?

**John Brooks** – No they have been locked up since this issue.

**Council Member, F. Perry** – No water there what so ever?

**John Brooks** – There's nobody there except to pick up equipment and take it back.

**Town Clerk, K. Riley** – Do you have any renters in that building?

**John Brooks** – No.

**Town Clerk, K. Riley** – Mr. Bridwell, do you have any renters in that building?

**Charles Bridwell** – I did have some renters, they've moved.



**Town Clerk, K. Riley** – But you had renters in the past?

**Charles Bridwell** - Just a short time.

**Town Clerk, K. Riley** – But there is that possibility that something could have been left on in that rental unit that you may not have been aware of?

**Charles Bridwell** – Reasonable and just, I would assume their consumption is reasonable and just. But, I don't think they are in the resale of water.

**Town Clerk, K. Riley** – But there is a possible situation that they could have left a sink running or a commode could have been stuck on?

**Charles Bridwell** – Yours may be running in here.

**Vice Mayor, T. Herron** – Let's get back to.

**Charles Bridwell** – I agree, I just have two requests and that is all I want to stay focused on here.

**Vice Mayor, T. Herron** – So you want to request, you want to know if you can put your own meter in?

**Charles Bridwell** – Right.

**Vice Mayor, T. Herron** – Yes you can, there is a fee.

**Council Member, R. Cassell** – You would have to come here and apply for it, we can't do it for him.

**Vice Mayor, T. Herron** – Yes, you would have to go through proper procedures.

**Council Member, R. Cassell** – You would have to come here and make application.

**Charles Bridwell** – Okay

**Town Clerk, K. Riley** –The meter that you currently have and the water that is going into that other building. How is that water going in, is the water going into your building and the water is going from a side pipe?

**Charles Bridwell** – I have no clue.

**Town Clerk, K. Riley** – So the water goes into the building

**Charles Bridwell** – No, it goes into the sidewalk

**Town Clerk, K. Riley** – May I finish what I was saying sir? Water goes into your building and you have a pipe that goes from the side wall into the other building, so basically the meter is going to stay under your name, it's the other company that will have to place a meter.

**John Brooks** – We don't want water.

**Vice Mayor, T. Herron** – You want to know if you can put in a new meter?

**Charles Bridwell**- Yes.

**Vice Mayor, T. Herron** – What's your second request?

**Charles Bridwell** – Second request is to have the, at minimum, the large overage reading adjust.

**Council Member, R. Cassell** – That \$1618.09?

**Charles Bridwell** – Right.

**Vice Mayor, T. Herron** – Adjustment on what?

**Council Member, R. Cassell** - \$1618.09 it's 43,500 gallons, bill is \$602.50. I know Kathy wasn't here when all this happened, I just know what I've been told but I know there was one month and I don't know when that timeframe was that the system did, and I was told this by a Town official, that the bill is printed out, they printed and it printed again, they doubled and they printed again that suppose under the Bright System. They did catch it and rebuild, but there is a possibility that this could have been. I don't know that it was in this timeframe, but I was told that by someone that was here then.

**Council Member, F. Perry** – I remember that.

**Council Member, R. Cassell** – But some of them they caught when they printed them out. Every time they thought they had it corrected and they reprinted, it added that amount again. I think they did go through it about three times before finally the Bright System went in and it took and act of Congress to get that company to go in and access the system and make any changes. After three attempts the bills tripled, finally the Bright System went in and made whatever adjustments and they reprinted them. There is a possibility one could have slipped through that's just.

**Town Attorney, M. Brooks** – Can we find out when that timeframe was?

**Council Member, R. Cassell** – Mark would probably know, I don't think any of the other office personnel was even here that's here now.

**Council Member, W. W. Ross, Jr.** – Well, that was my initial question. Had the Town corrected it computer software?

**Council Member, R. Cassell** – It's a totally different system. That was the old system.

**Town Attorney, M. Brooks** – We are not operating on that system?

**Vice Mayor, T. Herron** – I think what we are going to do, Mr. Bridwell, is to put this under Unfinished Business until next month so we can get the dates he's talking about and let Michele check the legality of everything till next meeting.

**Charles Bridwell** – That's fine, I'll do the application for my own meter to my property and put the line on the inside of my building to go to the.

**Vice Mayor, T. Herron** – But they have a fee schedule you can come and apply for it. I don't know what it is.

**Town Attorney, M. Brooks** – So, really there is only that one outstanding issue as to whether the Town Council will give you an adjustment for that expenditure for that time.

**Charles Bridwell** – Right, I guess it will be up to the Town which, if it has access to that from the rear of the building for water rather than in the front. That may be less costly for the Town if we go that route.

**Vice Mayor, T. Herron** – You come in and apply and maybe we can do a work order and they can come in and look at it.

**Charles Bridwell** – Okay, alright.

**Council Member, R. Cassell** – They're going to have to tear up the sidewalk if they come up here.

**Charles Bridwell** – That's maybe why they reached that consensus on that deed back in 1992.

**Council Member, R. Cassell** – I think we do owe him the courtesy of going back and looking at this huge bill. I mean 43,000, if he had used that much or had a leak he'd have a swimming pool in the basement. I think we need to at least go back and address that out of fairness.

**Vice Mayor, T. Herron** – Put it under unfinished business to do some research on it and come back next month.

**Charles Bridwell** – Okay.

- **Ron Baker regarding water leak**

**Ron Baker** – I have property down here on Jackson Street. I made copies for you all, may be pretty may not be pretty, I brought what I had. Explains he has very little usage for water for my building. I have two commodes and two sinks. The building consists of the one building that cross Jackson from the corner where the old Style Shop used to be going down Antique and goes 66 feet to the left where it comes into the Ivy Cottage. On Antique Street on the side is where the meter is located. The reading that was taken in January coming out in the February bill was 7,500 gallons. I average 6 Or 800 gallons a month. This shocked me when it came in. I came to the Town and requested something concerning this and Mayor Jenkins was around and I asked about it was told it was something that he would have to look into. I tried to catch him on different occasions and came in and talked to him. I had already known that people in Gate City that leakage problems in various different ways. I've always made a point that everything in the building was always checked. I'm only in there a couple days each week. Quite simple and like Chuck's and Mr. Parson's, not a lot of pipes to look at only two. No problems with the any of the commodes hanging up or anything because I put new units in. If you look on the summary report, 7,500 gallons, there was not any water showing up inside the building with any leaks with commodes or sinks. When I came up and spoke to Mark about it, he said there was no adjustment available if it leaked inside the building. If it was adjustable, I think he said, it was only for the

sewer. I paid the bill that day \$117 and odd cents. That was a January reading. When it was read in February, we had little or no usage again and I got a \$40.00 bill. When it was read in March, my April billing was for \$464.20 bill. When I discovered this billing, I go back again and go through everything I got just to reconfirm. No leakage. I came back and talked to Mark, again. He said he would think about it and give me an answer. I did not hear from him for 3-4 weeks. I waited without calling him and never did hear anything from him. Finally, I get a letter that brings up to speed of what we're dealing with down there. It was then I discovered there was a leak and there was no water showing up at all. If you are familiar with Antique Street, you have enough room to get up there and that's about the size of it. When you go up, both buildings on each side, the Style Shop and my building over here, there is no space it's all Town property. Goes into the edge of the other buildings. When I discovered the sound of water running in the meter box, I discovered water this deep in the meter box. I cut it off and in 3-4 minutes it dissipated. When it dissipated there wasn't a sign of water anywhere, none around the building and none below me. Mark has the antique store to the left of me and I own all the other property on the other side. There's no water showing up whatever or before. I asked again about getting this thing checked. I guess, I presume Stoney, I don't really know who was down there, but I come back to find that it (waterline) had been uncovered back to the meter, a section about this long. That waterline when it was put in in the 80's was installed by the people who put the water system in because they came to me and asked if I would let them in and under there and connect inside the building, for whatever reason. I was in Japan and received a call that there was water running out from under the building. I called one of my people to cut the meter off. When I got back here, I discovered where they had put it together on the other side of my building it failed. I took care of it and fixed it. That is the last time anything has been done on it. When the water disappeared with all this usage here, I had a 32,300 gallon leak. When they uncovered it, they saw what I saw. There was a hole and I saved a piece of the pipe with a hole the size of his little finger.

**Council Member, R. Cassell** – Was it in the alley?

**Ron Baker** – It was on the Town property in the alley.

**Council Member, R. Cassell** – Not in the building

**Ron Baker** – No, sir. I don't have any property, just the building cause it's all Town. It went on for several months until another bill. I asked about an adjustment for this \$464.20 then, nothing was done. That is why I wrote this letter of May 9<sup>th</sup> concerning this. When I asked and Mark said to me well if this is the situation with all this, then you deserve an adjustment cause in fact it is on the Town's responsibility. The last two pages of the letter, I wish Mark was here, because some of these things are not to par especially when we talked in the office. There was never a report from me that there was a leak in the building. No one contacted me when there was a check going on with the water line going into the building to see if it was leaking to see if there was any damage to my building when the water was turned back on. Wasn't true, didn't happen. In between, I went to the Town and wrote a check for my normal billing of \$40.00 and didn't pay on the overages, prompting me to write that letter. Ron was informed that the leak was on his line. Well the leak was on Town and the leak was in the Town's line. I came up to Mark saying we need to resolve this thing because it's causing me problems with not having water. I made a proposal for him to give me a couple compression fittings, I got some of the pipe myself, and I'll go down and fix it myself. If there was any objections of me going onto Town property and fix it, I would have heard it. He left the fittings and I repaired it. Explains when he was in process of repair the pipe condition with pipe cut in two and no pipe connected going into the building. Meter was cut off and water was still running in the hole. All this extra that was billed for the May reading and comes up May 5 17 and there's 13,300. Had to come through the meter but the meter stayed off. Can't tell you why or how the meter is doing that, but it does.

**Vice Mayor, T. Herron** – Have they checked your meter? Take your meter out and have it tested?

**Ron Baker** – Did I? No, I didn't. At this point of time I just reported back that I got the thing done. I don't know, but it says adjustment \$128.56, \$128.56, \$257.14. Asks, Town Clerk, K. Riley, well does that mean that's the bill that I'm supposed to owe you or that the amount you're taking off the bill?

**Town Clerk, K. Riley** – That is the amount that will come off your bill, that's the adjustment. Once the adjustment is made, from your ending balance \$414.16 is what will still be owed to the Town.

**Ron Baker** – I don't feel like I owe the Town money. It was not my property, it's on the Town, the pipe was the Town's property.

**Vice Mayor, T. Herron** – Where's the adjustment at on here, maybe I missed it.

**Council Member, F. Perry** – It's what's in your packet.

**Ron Baker** – It's that written in figure, I guess that's what you were referring to. I don't think this is legal and fair, whatsoever. I couldn't work and with the meter leaking even when it was cut off.

**Council Member, R. Cassell** – When did you fix it Ron? Has it been since the May bill?

**Ron Baker** – I fixed it when Mark gave me the fittings, Roger, last Sunday I think.

**Council Member, R. Cassell** – So, it's just been recent?

**Ron Baker** – Yeah, maybe a week. I've only had the water back on that long. I've only had the water get back in the building that long.

**Council Member, R. Cassell** – So, you think that fixed it as far as the pipe?

**Ron Baker** – Yes, everything is good there and the meter hand will stand still now. So I would ask that the Council, on this particular situation being as they are, that this amount and especially this last billing this \$673.50, I would be willing to pay my share of every usage I made which would be \$40.00, but I don't feel justified in paying something that I had no part in.

**Vice Mayor, T. Herron** – How'd you come up with the adjustments, Kathy?

**Town Clerk, K. Riley** – What they do is take, when the time of when the question came about, back in April. They go back three months, see how I have it circled up by the sewer, you take those three months adding them together, divide it by three that's \$98.53. You go to the \$227.10 and subtract the \$98.53 that comes up to \$128.57 for water and sewer. The total adjustment is \$257.14. You take that off the current ending balance that is what's left.

**Town Attorney, M. Brooks** – How do you decide what that adjustment is?

**Council Member, R. Cassell** – It's what's in the water policy.

**Ron Baker** – If I can make a comment. I'm not totally certain but the \$117.00 bill that I paid and didn't go into any big thing other than just asking for an adjustment because I know I hadn't used the water. This meter reading of 33,200 and 13,300 now why it skipped a month before and it was a \$40.00 bill and usage of 400 gallons. That is along the lines of what I would use if and using the water. If you notice, that's in February. Now, whether or not in February we had pretty cold off and on during the whole month if that had something to do with the ground of where the ground held and it came back to whatever and it stopped it from leaking out that pipe, I don't know. It's the only thing that I could come up with. Because after that, when we get into the April billing is when it comes to the 13,300. So, something changed it, but I don't think it was ever any water going anywhere because I had never found any water anywhere and I had no equipment that did any had any problems that caused this water to go over the normal usage would have been. That's the reason I revert back to that is where it all started from. And why we got 40 one month in between and we got 33,000 that's the only explanation I can come up with. If you all have a better one, I'm willing to listen. I don't have one.

**Vice Mayor, T. Herron** – I think what we can do is just put this under unfinished business till Mark can be here because there is a lot of Mark said this and Mark said that.

**Ron Baker** – Whatever, the think that, you know it's not my method of business to let stuff go unfinished, but if that's what you all need to do than that's what we'll do. When it comes down to

the \$673.50 bill then so on and then your software and you billing account whatever keeps adding this thing up, it looks like it complicates matters more than it is already.

**Town Attorney, M. Brooks** – My advice to Council is unsolicited is that until you have all the information in front of you, in all fairness to you Mr. Baker and to the Town is we need to have all the information in front of us before they can make an informed decision. My recommendation would be its tabled until next month until a decision can be made and that is to the Town Council that that would be my legal recommendation to them.

**Ron Baker** – And concerning the billing to me?

**Town Attorney, M. Brooks** – Excuse me, sir?

**Ron Baker** – I said and concerning the billing to me, standing at \$673.50 and it goes on it has penalties and interest added through that or do I go ahead and pay my normal customary fee?

**Town Attorney, M. Brooks** – I can't give you legal advice, sir.

**Ron Baker** – Well

**Charles Bridwell** – **Speaking from the back.** He could be in fear like I was and have his business disconnected. I'm went out and called every Council Member and emailed too and I

**Vice Mayor, T. Herron** – Mr. Bridwell, you're not allowed to speak right now.

**Charles Bridwell** – Okay, sorry.

**Ron Baker** – That's what I'm saying is you know, as in any problem, the more time elapses without anything actually being resolved, the more complicated it becomes. I just don't want that to happen because I got more things to do. I don't mind coming back to another meeting if that's what you want done.

**Town Attorney, M. Brooks** – Town Council needs as much information as they possibly can have sir and I need to look at the legalities of it so that I can give them legal advice and they can have all the facts to consider. That's my recommendation and they can do whatever they would like to do. I work at their pleasure, so.

**Ron Baker** – Okay, so that's what the Council wants to do?

**Vice Mayor, T. Herron** – Yes

**Council Member, F. Perry** – It wouldn't see fair that he would be charged penalty and interest if we are the ones putting it on hold. To me, that doesn't seem right.

**Ron Baker** – I'm sorry, I missed that.

**Council Member, F. Perry** – I said, if we're the ones that we are tabling it till the next month, I don't think it would be fair to you for us to go and charge you penalty and interest on the balance until we can settle on a balance.

**Ron Baker** – Oh, I appreciate that.

**Council Member, F. Perry** – Fair is fair, Ron. That's what we want to be is fair.

**Council Member, R. Cassell** – He's come and made a formal his bill is in dispute, I don't think we can cut it off until next month and we if we find out if we're in the wrong and we adjust it or if we find out we're not in the wrong and he refuses to pay it than I don't see how we can cut it off, if he's come and made a formal

**Vice Mayor, T. Herron** – Someone want to make a motion to hold charges until we get this resolved.

**Council Member, R. Cassell** – It's been awhile since I looked at the water policy. Frances and I did it the first time, but that's been about three years ago.

**Ron Baker** – Well, I hope I have a little creditability with the Town after since about 1980 in town.

**Council Member, F. Perry** – There's no question about your creditability, Mr. Baker. It's what our policy calls for. We have to go by policy. Right off the top of my head, I don't recall anything in the policy that would keep us from making that kind of motion.

**Town Attorney, M. Brooks** – Until next month?

**Vice Mayor, T. Herron** – Does anyone want to make it?

Motion made to table this until the July meeting and there'll be no penalties added to Mr. Baker's water bill until we resolve one way or another next month.

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

VOTE: Yeas, 5  
Nays, 0  
Abstain, 0

- **Recycling**

**Vice Mayor** – Asks Town Clerk, K. Riley – Who put it on there?

**Town Clerk, K. Riley** – Mark had spoke to a gentleman who wants to supply the Town with the blue recyclable containers for those who want to participate. It'll be open to everybody within the Town, nobody would be forced into it. If I lived in Town and had the recycle bins, I could participate there'd be a \$5.00 charge for that. He provides the bins, you put the recyclable items in the containers and he would pick up the bins and dispose of them. It's something that someone had contacted him about and since he's not here (Mark), I only got a little bit of the information.

**Town Attorney, M. Brooks** – He's here.

**Matt Cramer** – In Illinois and Alabama we do Cramer Environmental Solutions and explains that he fabricates renewable energy. States it would save the Town a lot of money taking away from waste. Recycling fee would be more like \$2.50 a month for the fuel costs.

**Vice Mayor, T. Herron** - \$2.50?

**Matt Cramer** – Yes. States our garbage fee is \$7.00 making more sense to pay \$5.00 to recycle. He discusses percentages with EPA reports along with figures of savings to Town with reduced waste pick up per ton and advantages of savings of going through a company, i.e. workman's comp., insurance, taking out another employee. Made a proposal to Mark and Council with him doing the recycling, the city would have no obligation, no liability, stored in Blackwater and all EPA approved. States, he does not deal with oil, rubber, Styrofoam, methane composites (food/fertilizers) with all recyclables being paper, cardboard, mixed paper further providing items that he will accept for recycling.

**Council Member, F. Perry** – Glass?

**Matt Cramer** – States there is a problem with glass and provides explanation.

**Vice Mayor, T. Herron** – So, you're proposing for \$2.50 a month to supply.

**Matt Cramer** - He s provides bins, pick-up, everything. He explains differences with businesses versus household volumes with fuel costs.

**Vice Mayor, T. Herron** – Each household would be contracted with you? Some sort of contract?

**Matt Cramer** – To keep it privatized, I would have to control everything and talk to Mark about the billing. If city would be interested in assisting with the billing he would pay the city for the billing, to do the billing for me. I don't know the legalities of that.

**Town Attorney, M. Brooks** – I don't either. Do you have a proposal?

**Matt Cramer** – Had a hard time with EPA but received an answer from Virginia EPA of what is legal to have and not to have. Proposal would have to be written up from Mr. Manquest from Alabama.

**Town Attorney, M. Brooks** – I can't speak for the Town Council, but as far as for me to give them advice I think we would need to see a proposal in writing what you are going to provide and what you are asking the Town to do before any kind of arrangements. I don't want to speak out of turn, but if I'm going to be advising about the legalities of it, we need something in writing to protect the Town's interest.

**Matt Cramer** – Absolutely, I plan on being fully insured myself, doesn't want the Town to take any liability. Billing aspect, with what he was telling Mark, if they're already sending out the bills they could put it on with it, the city could collect some money and I could collect.

**Town Attorney, M. Brooks** – Frankly, I have some concerns about the Town collecting money for a private entity.

**Matt Cramer** – Paying the city to bill is not unethical. We do it with other states.

**Town Attorney, M. Brooks** – I'm saying Virginia and the legalities and whether it practically something that the Town needs to do and I need to do research. First off I need to see what you want us to do what you are asking us to do and it needs to be very specific. They would need to approve that and let me look and see whether it is in conformity with Virginia Code and our Town Charter.

**Matt Cramer** – Okay, would it be better if I called my I.T.'s and have them build me a billing program and take it myself?

**Town Attorney, M. Brooks** – I can't give you legal advice sir, but for the Town to act.

**Matt Cramer** – You're not giving me legal advice, would the city feel more comfortable, do you think, if I were to take over the billing?

**Council Member, W. W. Ross, Jr.** – We would have to have a proposal up front to look at to address before I would make any decision.

**Council Member, R. Cassell** – It looks to me like if we added his billing onto our water bill and they didn't pay the water we're cutting his service off as well as our service.

**Council Member, F. Perry** – I don't think we need to be fooling with his money.

**Vice Mayor, T. Herron** – I think it's a good idea. I'd like to see recycling.

**Matt Cramer** – He made a valid point and I never even thought about that. It would be best if I rewrite that part and make sure it stays 100% private. Main reason he wanted to talk to Council is other cities have said no, they don't want the bins on their curb. That is why he wanted to talk to Council first before he went any further.

**Vice Mayor, T. Herron** – We'll put this under unfinished business, so you can get a proposal together and bring it back.

- **Council to assign members to Sanitation Authority**

**Vice Mayor, T. Herron** – We have two applications.

Motion made to appoint Daris Hartsock to the Sanitation Authority.

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

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

Motion made to appoint Rodney Baker to the Sanitation Authority.

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

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

**Town Attorney, M. Brooks** – Kathy, can you make both aware of the meeting tomorrow night.

**Town Clerk, K. Riley** – Yes, I'll call them. I've already told them we had a 6:00 meeting and gave them a copy of the proposal.

**Council Member, R. Cassell** – Daris said he'd be there.

**Town Clerk, K. Riley** – I left a message on his answering machine to pick up the papers. I'll call back tomorrow.

- **Council to vote on ordinance to advertise to sell Town owned property.**

**Council Member, F. Perry** – If I have a question, do I have to wait until the motion is made?

**Town Attorney, M. Brooks** – I think you can ask the question.

**Council Member, F. Perry** – Am I wrong, somewhere along the line, I thought that if we had property to sell, we have to do it by bids?

**Town Attorney, M. Brooks** – That is part of the ordinance.

**Council Member, F. Perry** – That's the only way we can sell it?

**Town Attorney, M. Brooks** – Yes. The process is that you have to have a Public Hearing. But, it actually has to be an ordinance from the Town. Frances, do you have a copy of that?

**Council Member, F. Perry** – I do.

**Town Attorney, M. Brooks** – What we are doing is passing an ordinance, if you all decide to do that. You're actually passing an ordinance to sell Town property and it has been the manner of selling it as prescribed in here. That has been done by sealed bids and I want to make sure you all are aware of publically and also that the Town is aware that no person who is on the Town Council may bid on that property. Just to make sure that we are all clear. I know there has been discussed in the past but make sure that everyone is aware of that.

**Vice Mayor, T. Herron** – Can you research to make sure all the legalities are where they need to be?

**Town Attorney, M. Brooks** – As far as this ordinance goes?

**Vice Mayor, T. Herron** – Yes, to sell the property.

**Town Attorney, M. Brooks** – Yes, sir. If you have further questions as far as legalities, we can discuss that in closed session and table that until after we come back. As far as the ordinance itself we have done everything that the statute requires us to do.

**Council Member, W. W. Ross, Jr.** – We are in compliance?

**Town Attorney, M. Brooks** – We are in compliance. If you have specific questions as far as this ordinance goes we are in compliance.

Motion made to approve the ordinance as written.

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

**Council Member, R. Cassell** – If we adopt it do we have to sell it or it is giving us permission if we decide to sell it.

**Vice Mayor, T. Herron** – It's just an ordinance if we decide to sell it.

**Council Member, F. Perry** – At any time, if we have any property, this ordinance would be to pass it.

**Council Member, R. Cassell** – Well, just this property?

**Council Member, F. Perry** – Any property

**Council Member, R. Cassell** – This property is the only one listed.

**Council Member, F. Perry** – Okay, so we need to have separate ordinances every time.

**Town Attorney, M. Brooks** – Yes. We do.

**Council Member, F. Perry** – Okay

**Vice Mayor, T. Herron** – There's no specific property on here that I see.

**Council Member, R. Cassell** – Yes,

**Town Attorney, M. Brooks** – Yes. There is. There's a legal description.

**Council Member, R. Cassell** – It's in the dark print.

VOTE: Yeas, 3  
Nays, 1-R. Cassell



- **Council to vote on Blue Ridge Investments, LLC, rezoning request of Property Tax Map #146 A 2A 29 from R-1 to R-2.**

**Council Member, F. Perry** – Has this come before the Planning Commission?

**Council Member, R. Cassell** – Yes.

**Town Attorney, M. Brooks** – It was originally referred to the Planning Commission, they recommended that it be approved, that is why we set it for Public Hearing tonight and that is as far as the legalities go we have met all the legalities for you to consider.

**Council Member, W. W. Ross, Jr.** – Question, trying to understand, the question that I want to be concerned about is that they mentioned Cleveland Street here and this street here is a high bank and you also have here Chestnut Street which is a bad curve. If you put a subdivision in this location and you got this curve this is a state street this is a state street. It's going to put a lot of traffic on with people coming in and out. How are you going to, that's one car and you have people trying to come in and out of here, buses, school buses pick up kids, roads will they be a certain standards in this subdivision?

**Marvin Egan** – The roads in our subdivision will meet state regulations. I can't speak for the road

**Interrupted by**

**Council Member, W. W. Ross, Jr.** – Well, once you put that right here in front of this location, this is the curve you don't have and this is Cleveland Street. Cleveland Street itself is not that wide and you plan to put down and that's a state street too traffic up through there and it's going to put in a lot of traffic coming up and down this hill which is going to increase you have to cut off a big bank here to even get another and that's going to put a strain, now what costs would be added to the Town? Once you put this in what are the dollar amount per say projected you may project what the revenue but for us to maintain these streets, sewers, water and all. There's a water tower that you have here old are they are we being responsible to refurbish that? Is that going to be a cost to us or are you going to do that?

**Marvin Egan** – Sir, I'm not into the planning of the city's budget, I'm into the planning of that development. There is city water and sewer on three sides of that property and as far as the regulations for the city, PSA or whatever I'm not aware of what the requirements are if they're feeding all those other homes. My lines are by the engineers drawings I wouldn't see that there'd be a problem.

**Council Member, W. W. Ross, Jr.** – Well, we are at a financial cut with what Roger told me that Chris told me that they cut back on spending so I'm just trying to base the fact is can we I know for progress I'm for it but can we afford it? If it's going to cost me to go up on my water rate this is a problem people don't realize I live right here, that's a bad curve in there are they this is owned to the state they don't take care of this road they never have so we going to be responsible for maintaining it or we going to take off Cleveland Street is also so I mean and then

**Marvin Egan** – I think one problem that you are not looking at, sir, is that the property tax that will be created there. It will sustain any questions that you are going to have any question about.

**Council Member, W. W. Ross, Jr.** – Well, we are in a are you projecting that each house that you build up there will be sold? With the financial housing market as it is now?

**Marvin Egan** – Well, I didn't know that that was going to be the real estate market as of right now. I didn't know that that would be a question, but if you need me to answer that, I can. All this is going to be pre-sold. Everything will be projected and there will be signs put up, they'd be brought into my office.

**Council Member, W. W. Ross, Jr.** – So, what you saying is each house you build will be sold the day you build it?

**Marvin Egan** – Yes, sir.

**Council Member, W. W. Ross, Jr.** – So, if you don't build, okay so alright so that's what I'm trying to understand, so each home that will go up there will be but I still want to know about the street traffic is going to be this street is not even wide enough for just one car down there and that's going to be a big question here about that. I mean that street if you put a subdivision up there which is wonderful but the streets going to cause a lot of traffic. It's not wide enough for two cars to go up and down. Cleveland Street is not even wide enough for just for one car go up or down. If you go down you have to pull over so it's a lot of little problems that we are going to encare over the years, can we afford it? Yes, you all can.

**Vice Mayor, T. Herron** – Well, it's on the agenda, we're just voting on the rezoning.

**Town Attorney, M. Brooks** – The zoning itself.

**Council Member, R. Cassell** – As a member of the Planning Commission I would like to make that motion.

Motion made to rezone this property (Tax Map #146 A 2A 29) from R-1 to R-2.

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

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

- **Request for Public Hearing to approve proposal for Ordinance requiring dogs to be kept on a leash and prohibiting dogs from running at large within Town of Gate City.**

**Town Attorney, M. Brooks** – Do you all have a copy of that proposed ordinance?

**Council Member, R. Cassell** – It has been in front of the Codification Committee?

**Town Attorney, M. Brooks** – Yes

**Council Member, R. Cassell** – You need a motion for Public Hearing? Since I'm the one who requested this I will make that motion.

Motion made to hold a Public Hearing to approve this ordinance.

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

**Council Member, W. W. Ross, Jr.** – Well, question. If it was already approved without, it was in on the books at one time or just amended, do we have to do that?

**Town Attorney, M. Brooks** – No, we actually need to pass this ordinance because when the Town adopted the County ordinance it nullified the previous ordinance so what we need to do, this will be the new one.

**Council Member, R. Cassell** – The previous ordinance did not state leash.

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

VOTE: Yeas, 4  
Nays, 0  
Absent, 0

- **Request of the use of the Girl's Softball Field**

Motion made regarding the request of the use of the Girl's Softball Field.

Motion by: Council Member, F. Perry

**Town Attorney, M. Brooks** – If I may, perhaps we can do it contingent on the fact that they be accredited so we have some protection, that protects the town.

**Council Member, F. Perry** – Under sanctioned?

**Town Attorney, M. Brooks** – Yes. If you would amend your motion

Amend my motion to move that the Town would allow them to have permission to use the fields at Grogan Park if they are sanctioned to take the liability from the Town.

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

VOTE: Yeas, 4  
Nays, 0  
Absent, 0

• **Solicit bids for the sale of the Starnes Building**

**Vice Mayor, T. Herron** – We need a motion to solicit bids for the sale of the Starnes Building.

**Town Attorney, M. Brooks** – That’s in the ordinance that it has to be two consecutive weeks.

Motion made to solicit bids for the sale of the Starnes Building.

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

VOTE: Yeas, 3  
Nays, 0  
Abstain 1 – R. Cassell

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

Vice Mayor Herron closed the public comment session for new business at 9:01 P.M. and opened the consent agenda session.

**XV. CLOSED SESSION**

Vice Mayor Herron opened the closed session at 9:03 P.M.

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

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

VOTE: Yeas, 4  
Nays, 0  
Absent 0

**XVI. RETURN FROM CLOSED SESSION**

Council returned from closed session at 9:38 P.M.

Motion for Council to return from closed session.

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

VOTE: Yeas, 4  
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, 5  
Nays, 0  
Absent 1 – Mayor Jenkins

**XVII. MOTIONS FROM CLOSED SESSION:**

In view of possible legal issues, motion made for the Town of Gate City to table the advertising for the soliciting of bids for the sale of Town property until the July meeting.

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

VOTE: Yeas, 4  
Nays, 0  
Absent 0

**XVIII. ADJOURN**

Motion to adjourn the meeting until the next regularly scheduled Council Meeting, July12, 2011, at 6:00 P.M.

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

VOTE: Yeas, 4  
Nays, 0  
Absent 0

\*Vice Mayor Herron adjourned the meeting at 9:45 P.M.

---

Vice Mayor – Tommy Herron

---

Kathy Riley – Town Clerk

Ordinance No. 051011-01

AN ORDINANCE OF THE TOWN COUNCIL OF  
THE TOWN OF GATE CITY, VIRGINIA,  
PROVIDING FOR THE SALE OF REAL ESTATE

WHEREAS, the Gate City Town Council, after due consideration of this matter and after conducting a public hearing giving an opportunity for public comment, finds it appropriate, and in the best interest of the Town of Gate City, to enact and adopt this ordinance pursuant to the Charter of the Town of Gate City, Virginia and §15.2-2102 of the Code of Virginia, 1950, as amended.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the governing body of the Town of Gate City, the Gate City Town Council, as follows:

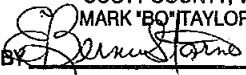
The Town of Gate City, having solicited bids by advertisement/notice placed in *Kingsport Times News* once per week for two (2) consecutive weeks, for the sale of real property owned by the Town of Gate City and with said property being located and lying on the corner of West Jackson Street and Fir Street, and being known as the "Starnes Building and the Little Store", Tax Map Number 146A7-A-143, more particularly described as follows:

All that certain tract or parcel of land as located in the West end of Gate City, Virginia, on the North side of Jackson Street on the corner of Jackson and Fir Streets, the said property being known as the Starnes Building and the Little Store, and being Lots FOURTEEN (14), FIFTEEN (15), and SIXTEEN (16), in BLOCK THIRTY-TWO (32) of the Gate City Land Company Addition to the Town of Gate City, and being described as Tract #2 as conveyed to Charles T. Quillin and Charles T. Quillin, Jr. from B.P. Howard, widower, Linda H. Burkett, and Charles W. Burkett, her husband, and George E. Howard and Gail V. Howard, his wife, by deed dated January 25, 1994, and recorded in deed book 421 at page 285, in the Clerk's Office of Scott County.

The Town Council, for consideration, by enacting this ordinance, hereby ORDAINS and DIRECTS that a quitclaim deed, conveying the Town's interest in such property herein described, be prepared and executed by the Mayor of the Town of Gate City, conveying the Town's interest in said real estate to \_\_\_\_\_, whom the council finds delivered and tendered unto the Town Council, the highest and best bid by the date set forth in the aforementioned advertisement.

ATTEST:

  
\_\_\_\_\_  
TOWN CLERK

FILED 9/28/11 TIME 2:59 PM  
CIRCUIT COURT CLERK'S OFFICE  
SCOTT COUNTY, VIRGINIA  
MARK 'BO' TAYLOR, CLERK  
BY  DEPUTY CLERK