



GATE CITY TOWN COUNCIL MEETING MINUTES
JULY 12, 2011
156 E. JACKSON ST.
6:00 PM

• **PUBLIC HEARING: APPROVE RESOLUTION OF THE REGIONAL WATER SUPPLY PLAN.**

I. Mayor, Mark Jenkins called Public Hearing to order at 6:02 P.M.

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

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

Absent: Vice Mayor, Tommy Herron

Others present: Town Attorney, M. Brooks, Benny Reed

III. **NEW BUSINESS**

• **HEARING: APPROVE RESOLUTION OF THE REGIONAL WATER SUPPLY PLAN**

Mayor Jenkins – This resolution is prepared by Lenowisco, along with Cumberland Plateau Mount Roger Regional Water Supply planning. This only gives them the okay to do the planning. It doesn't mean we will accept the plan as presented. This is for a planning grant that they get. Has everyone read the resolution.

Council Member, W. W. Ross, Jr. – Asks if he is talking about the report he has in his hand?

Mayor Jenkins – I can't even see what reports you have in your hand.

Council Member, W. W. Ross, Jr. – Southwest Regional Water Study, is this what we are talking about or is this something else? Started in 2005.

Mayor Jenkins – I would say that is what it is. Became effective late 2005.

Council Member, W. W. Ross, Jr. – So this is. Seen an article in Kingsport Times that they had a meeting about this with 400 pages that had to do with this. Don't understand why we are just getting information on this now.

Mayor Jenkins – That information has probably been available since 2005.

Council Member, W. W. Ross, Jr. – I'm new so asks Council Members to give him a quick break down of the plan. Questions why Gate City wasn't listed with other cities for sewer.

Mayor Jenkins – States from all meetings he has attended Gate City is always included with plans, has not studied what you have in your hands.

Council Member, W. W. Ross, Jr. – Breakdowns different cities in report, with dollar amounts, doesn't understand why Gate City is not in mix, covers water, sewer, hasn't had a chance to study it, just got it last night, no time to study.

Mayor Jenkins – Explains prior installations/improvements has been a part of that. We are pursuing our own grants for the water main replacement that you should know with as many times as we discussed it. This is more for a single regional water supply with many alternatives knocked around would be hard to explain them all.

Council Member, W. W. Ross, Jr. – A study to do for us?

Mayor Jenkins – Study for region, that's why it's called regional.

Council Member, W. W. Ross, Jr. – States design team studied 117 critical sewer projects, in this report now does that mean we not into this?

Town Attorney, M. Brooks – States she had not seen that. The resolution, itself, fifth paragraph the only thing they are asking the Town to do is approving a regional approach to water, not the conclusion of any specific report. You are not agreeing to that plan, you are only agreeing to the resolution that there is a regional plan to pursue when it comes to water and sewer. Not the plan that you have in your hand, but a general agreement with a regional planning approach.

Council Member, W. W. Ross, Jr. – So you mean we going away from this plan.

Town Attorney, M. Brooks – I don't know the specifics of that plan, but if you look at the resolution itself, which is what you are adopting, what they are asking to be adopted.

Council Member, F. Perry – That's an old plan.

Council Member, R. Cassell – That says wastewater on it doesn't mention anything about wastewater in it.

Council Member, W. W. Ross, Jr. – This says Cumberland Mount Roger Regional Water plan that's what it's all about.

Town Attorney, M. Brooks – I think it's a concept, not the final conclusion. You're not agreeing to everything that is in that report. Legally, you are not agreeing to that report that Gate City is going to adopt that report. You are only agreeing that conceptually that you think it's, the Town thinks that it is a good idea to enter into an agreement to look at all of that from a joint prospective of other localities.

Council Member, W. W. Ross, Jr. – On the first page

Town Attorney, M. Brooks – I'm talking about the resolution itself.

Council Member, W. W. Ross, Jr. – Well it's talking about

Town Attorney, M. Brooks – That's the memo

Council Member, W. W. Ross, Jr. – Says it's towards the end of this project.

Town Attorney, M. Brooks – I'm referring to the resolution itself. The first page is a memorandum. The second page is the resolution itself, which is what is really binding.

Council Member, W. W. Ross, Jr. – Appreciates guidance and understanding. I'm trying to understand the report, the complexity for him to make a decision. Wants to be sure his decision is based on facts and decision making that he can make a clear decision.

Town Attorney, M. Brooks – I think if you review that paragraph it might help answer some of your questions.

Mayor Jenkins – Reads the resolution out loud.

IV PUBLIC COMMENT

Close Public Comment at 6:14 P.M.

V. Public Hearing closes at 6:14 P.M.

Mayor - Mark Jenkins

Kathy Riley – Town Clerk

I. COUNCIL MEETING CALL TO ORDER 6:15 P.M. Mayor Jenkins

II. ROLL CALL – Town Clerk, Kathy Riley

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

Absent: Vice Mayor, Tommy Herron

Others present: Town Attorney, M. Brooks, Andy Miles, Tommy Quillin, Benny Reed, Chuck & Arletha Newton, Chuck Bridwell, Jon McConnell, Debbie Kindle, Jo Ann Castle, Jim Addington, Ron Baker, Matt Cramer, Joe McConnell

III. INVOCATION: Bob Cloud

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, R. Lane 2nd by: Council Member, R. Cassell

VOTE: Yeas, 4
Nays, 0
Absent 1 – T. Herron

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

VII. COMMUNICATIONS - None

VIII. APPROVAL OF MINUTES

Motion made for approval of Town Council meeting minutes from June 14, 2011, Public Hearing for Ordinance to advertise to sell Town owned property.

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

VOTE: Yeas, 4
Nays, 0
Absent 1 – T. Herron

Motion made for approval of Town Council meeting minutes from June 14, 2011, Public Hearing for Blue Ridge Investments, LLC rezoning request of Property Tax Map #146 A 2A 29 from R-1 to R-2 Zone.

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

VOTE: Yeas, 4
Nays, 0
Absent 1 – T. Herron

Motion made for approval of Town Council meeting minutes from June 14, 2011

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

VOTE: Yeas, 4
Nays, 0
Absent 1 – T. Herron

Motion made for approval of Town Council meeting minutes from June 15, 2011, Public Hearing for proposed Town Budget for 2011-2012.

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

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

Motion made for approval of Town Council meeting minutes from June 22, 2011, Special Called Meeting to approve Town Budget for 2011-2012.

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

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

Motion for approval of Town Council meeting minutes from June 29, 2011, Emergency Called Meeting to approve Resolution # 062911-01 regarding recommendation of .25 miles of Moccasin Hills Road for turnover to State Highway Commission

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

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

IX. APPROVAL OF PAYMENTS

Motion for approval for payment of bills for June, 2011

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

VOTE: Yeas, 4
Nays, 0
Absent 1 – T. Herron

X. REPORTS

A. Treasurer's Report –

Council Member, R. Cassell – The only thing here, I noticed, I guess maybe starting next month down her for contributions, the breakdown for the Fire Department. We had discussed Chris changing that one line item and not call it water, but benevolence. Make sure he does that starting July cause it's still in here as water, so we don't get in a bind.

B. Codification Committee/Property Maintenance –

Mayor Jenkins – Amy has provided a copy of what is currently active. Some of them, I think, around \$600 in clean up charges was recovered yesterday. We do have several properties scheduled for court action.

Town Attorney, M. Brooks – I have six more to file.

Mayor Jenkins – Six new ones to file.

Town Attorney, M. Brooks – In addition to the six that I have already filed.

Mayor Jenkins – We have six on, six pending.

C. Council Reports –

Mayor Jenkins – Any Council member have a report you wish to share?

Council Member, W. W. Ross, Jr. – How do we stand on the audits?

Mayor Jenkins – All have been completed, they are here and we are advertising for new audit firm.

Council Member, W. W. Ross, Jr. – 8-9 and 10 is all complete? We have 8 and 9 and we need 10, so what how does that affect us with our rating where we might be losing our grant money. Are we in compliance.

Mayor Jenkins – They have the audit and are reviewing.

Council Member, W. W. Ross, Jr. - They haven't given us no definite?

Mayor Jenkins – No, actually I'm supposed to make a phone call tomorrow and talk to some people to find out where we are on that.

Council Member, W. W. Ross, Jr. – Well, since we compliance with them and once they said we got the audits in that it would be no problem. So, that they just taking time to evaluate everything at this time, is that you're saying?

Mayor Jenkins – That is what I suppose they're doing. We sent them copies of the audits as they requested when they got completed and we do have RAP's out and have had three audit firms contact us, potentially becoming the Town auditors. Our former auditor has not applied and I don't suspect they will.

Council Member, W. W. Ross, Jr. – Well, in the budget 2012, it said that we had took out some extra money to allocate because it was gonna be some questions about some audits coming up they may have to pay some more money on that. Is that included with the new firm that we trying to contract this or is this I think it was the understanding that we would have to keep that problem because we were running into the problem and the difficult would be if we change companies right now that it would be a

Mayor Jenkins – If we had changed companies in the middle of the audit that was being performed, it would be a problem. To get a new auditor probably won't be a problem but it would be more expensive according to the last bids that we had.

Council Member, W. W. Ross, Jr.- Well, so we cannot get any refund back because he didn't meet we just mark that off as a loss.

Mayor Jenkins – If you would like to take legal action, you could recommend that.

Town Attorney, M. Brooks- That, perhaps, is something that we need to discuss in closed session if we are going to go any further with that.

Mayor Jenkins – There's a good chance the new auditors because they were very low on the bids the last time, that they have had experience with the Town before where the other auditors hadn't, I suspect it almost doubled as far as the auditing prices goes.

Council Member, W. W. Ross, Jr. – Well, you know it says in this audit that the computer software and malfunction and a lot of information wasn't given, so that has been corrected. We go new software back up.

Mayor Jenkins – Yes, as far as the accounting system we have in house is very dependable.

Council Member, W. W. Ross, Jr. – And everything has been documented?

Mayor Jenkins – Yes. Any other Council reports?

D. Economic Development Committee –

Mayor Jenkins – A few of us showed up, there was no quorum. There has not been for the last three meetings maybe more than that. We really need to try to find some members to serve on Economic Development.

E. Engineer's Status Report –

Andy Miles – Think you all have a copy of the report. Looks like last months with exceptions. One of which is did you get your audits submitted to the Virginia Resources Authority and I have not heard anything official. I recommended to Mark, to make a courtesy call, to see if they have everything that they needed. Just be a little more pro-active than just waiting to see to hear something back from them. Stay on top of it. I haven't heard anything one way or the other. Hopefully, no news is good news, but recommends making a courtesy call. Once we hear back from the VRA, review the audits then basically we'd be allowed to hopefully go forward. Any questions on the water project? The other item is on the VDOT enhancement grant that is replacing, roughly, 500 feet or sidewalk from just east of the First Baptist Church proceeding along East Jackson Street. The plans have been prepared, submitted to VDOT, they responded with a few minor comments. Once comment is to provide, and I met with Attorney, M. Brooks, last week in reviewing the VDOT plans, there is actually three or four parcels, that are according to VDOT the existing sidewalk retain wall may be slightly outside the state right of way. Couple ways to resolve that, acquire right of way, simpler way is to pursue a permanent easement which was recommend by VDOT as well. Technically, this is a state highway so the state should be doing this but since it's a grant that the Town is administering you can go ahead and proceed with that. Maybe slightly out but may not even be outside the right of way, it's just when taking in VDOT's old plans it shows right on the border line. It may be just a paper issue. Other than reconstructing every boundary that is the only way we can absolve it. We may still arrive at the same conclusion. That would be my recommendation and Michele can elaborate more.

Town Attorney, M. Brooks – My recommendation would be to acquire the easements that are necessary one to three feet. It would not interfere with the user enjoyment of the people's property. We can talk more specifically if you have any questions on that. We have identified

who those people are and once we talk about that and do all what you want to do about that. Acquiring the right-of-way, I just don't think it's worth doing. Would probably have to pay and its lease or buy and it gets more complicated. The retaining wall has been there since WWII era, basically forever. Since it has been there for 50 years, may be some prescriptive easement. The actual construction of the project was from the retaining road to the road. We don't want to touch the retaining wall except where it has fell off, we want to fix that. The sidewalk condition is bad with the end product making it a standard five foot all the way, A-gate, handrails, plus street light, it will be a vast improvement. In doing the research there are three to four properties where there might be some questions. VDOT recommended permanent easement. Does anybody have any questions? Whichever direction you want to take, Michele's office will get with me.

Town Attorney, M. Brooks – What kind of timeframe are you looking at to get that done?

Andy Miles – The plans are done, just when we can get that resolved, just a matter of VDOT going through there for administrative review. My goal is to have this bid out within 60 days, if everything is signed off on it.

F. Facade Committee –

Mayor Jenkins – Did not have a quorum. Rob Jones, Joy Rumley from VHCD, Randy, Cathy McConnell and I did meet yesterday and go over some of the high points of the project. There are two more properties being worked on and a couple more out for bid and the second story housing has gone out to bid. Will just see what the bids come in and cut some part of the project may have to be dropped. Some of the new awnings are getting ready to go up and Andy Falls is getting ready to put his up on his building as well as Jenkins School of Dance. Still a few of the properties are not really committed even though some improvements are being done. At least some work is being done. One of the building sold last weekend and it is supposed to they will probably apply for a grant the new owners. We're assuming they're going to apply for a grant. Would be a significant improvement to the building is what they are saying. We have lost a couple of businesses this last month. I think another is getting ready to open they haven't applied for the business license yet, but they have rented the building. So, we may see some movement, I hope.

G. Historical Committee –

Council Member, F. Perry – We don't have anything.

H. Manager-

Mayor Jenkins – It's been a routine month. I did meet with a representative from the tobacco commission on the theater. There's going to be some chances in potential management of the \$500,000 for that. Won't go into a lot of detail, but the town will probably end up with, because the grant money is going with the theater and not with the foundation. We're pursuing a private donor to provide additional matching funds. I think there is \$64,000 in the plan that doesn't have to be matched. We talked about that with VHCD and I have to meet again with the tobacco commission. I know the county is pursuing some potential funding to help with that too through another grant. That will be through the ARC. That's the major thing that has happened this last month.

Council Member, W. W. Ross, Jr. – Theater, any way for parking grant money to for that. Are they looking at that or at least a study.

Mayor Jenkins – The last study showed that there is ample parking in Gate City to entertain a theater. It's very close to the actual municipal parking lot, it has the courthouse parking lot less than a block away, plus the other public parking right up the hill.

Council Member, W. W. Ross, Jr. – So, how many are allowed for that in front if it's possible would they have handicap to allow the handicap are they evaluating that part of it?

Mayor Jenkins – There are standard handicap parking spots on the main street. I don't think there would be anymore.

Council Member, W. W. Ross, Jr. – They need to look into that. More people are handicapped.

I. Park Committee –

Council Member, F. Perry – We didn't meet.

J. Planning Commission –

Council Member, R. Cassell – Has a few items as a Council rep to bring before the Council. One is parking space lines on Jackson Street are gone.

Mayor Jenkins – It's done.

Council Member, R. Cassell – What about the rest of the town? Is Stoney going to do that? Are we going to do the rest of the town?

Mayor Jenkins – We will try to work on some of the diagonals. We want the state to give us the go ahead on the correct angle. They did this block yesterday and will probably continue down this street.

Council Member, R. Cassell – Some discussion and I think it's in the Board of Zoning by-laws to have a Planning Commission member be on the BZA and asks that the Town Council appoint a member to the BZA. They are requesting a key to the Chairman of the Planning Commission to gain access through the front door.

Mayor Jenkins – That has already been done. Keys were made today and Jo Ann will sign one out and you one out.

Council Member, R. Cassell – I got mine. I have discussed this with the main regarding dangerous intersections from 71 entering into Moccasin Hills next to where Jo Ann lives and Davidson subdivision to upgrade the wattage on the street lights. I got the pole numbers, wattage and want to type it up neat. I talked to the technicians at work for recommendation. Currently, it's 70 watts equivalent to a candle. There's a pole in front of Jo Ann's house with a light, but it's real low. When they did Moccasin Hills they upgraded the conduct ring and there is a three phase pole at the corner of that intersection and that light can be moved from that one. I spoke to Mr. Hartsock who is right there near it to see if it would be okay with him. He was tickled that it would provide light for the intersection and the neighborhood. But, it is pitch black there. There's not a lot of difference in cost and we can put a longer arm on it. I'll type it and get it to the ladies out front. We felt it was a safety issue to the two subdivisions. It's been brought up a couple times and I talked to Mark. The lady who does the work schedule for AEP, there's quite a bit of work going on so they are booked up. It may be a few weeks before it happens. The Planning Commission is requesting the monthly meetings be advertised in the paper in case there is someone in the public who would like to express an idea to the Planning Commission. I know it's on the website and board, but they would like to request the Planning Commission be included in the monthly advertising for the public. A lot of the ideas come through the Planning Commission first to be planned. Just a follow up that was mentioned in Council and when the

Mayor came to the Planning Commission it was on his list of things he would like for the Planning Commission to explore. I didn't expect it to go the way it went, but I am happy with how it went. On the King Ford property, the Planning Commission had asked Amy to contact VDOT to see their interest to work out a lease. She submitted the plot numbers of the main and used car dealership asking them if they would work out an agreement where the town could possess that to make a wayside area. If the town possesses it, possibly get a Tourism Grant to put a gazebo with picnic tables with information booths. I received a copy of the email Amy sent to Juanita Wells, with receiving a no response immediately. I responded back to reconsider before an out-right no and provided further information, requesting she attend our Planning Commission to further discuss these issues. She responded she would attend the meeting. I received a call from Steve Buston who is District Land Use Director, but Juanita (Wells) actually works under him. He said they decided to work something out with the town, with at first thinking they wanted to do it with a permit, but got Richmond involved and they want to do it by lease may be a dollar for a year. He wasn't aware of the stipulations that Ms. Wells sent down, that was on Friday. Mr. Buston was in town, called me to see if we could meet on site. We had some concerns about Juanita's stipulations and I called Jo Ann for her to come to this meeting to ask any questions she may have. While we were there, another VDOT official arrived. Mr. Buston had not seen Juanita's stipulations and requested I forward all correspondence to him. One concern was, with it being a dealership, the possibility of hazardous waste/contaminated soil. His words were, willing to work with you as long as no cost to VDOT. He called his hazmat guy stating unless we were going to dig ditches or lay pipe where you have to dig down deep, but scratching the surface to even pour a pad for a picnic table was okay. Another stipulation was closing the cross over in front of the proposed property at no expense to VDOT. We asked, what are you calling closing, cement dividers? He said we could put the plastic poles, but we could work that out. When we left, we both felt a lot better about the discussion with his saying he wants to work with us to try to work something out to try to get this property leased where we can use it. All he asked is to have some kind of sketch of our vision of what we want to put on this. We can't do parking beside the road, but there is enough room if we want to do a parking lot with slotted spaces. We can't have people backing out on the side of the road. One other sticking point, Juanita had said no chance of moving those historical markers. He said if it was a sticking point, to move the markers, but check with Weber City. Everything proposed to him, we sold it as a safety factor getting people off the road where you have people parking beside the road now. We have room to pull people off, put picnic tables, move historical signs for pictures. This could open up other avenues of funding to make this a nice picnic area. The only stipulation is which is up to negotiation and this gentleman was very accommodating. That VDOT has a right we discussed a 90 day notice, to give us sufficient time to remove whatever we put up if they decide to do the original proposed Moccasin Gap Interchange project. Received a phone call later in week requesting my address, with letter sent to Mark and copied to me stating they are willing to work with us and want a sketch to proceed. If we decide to pursue this it would be a dollar for whatever term we come up with and be done as a lease would just have to sit down and work out the details with VDOT and get Michele involved. This just started as a Planning Commission to start and make initial contact. I told him we don't want him to do all this work and decide not to take it. Didn't expect it to move this fast. Mentioned to Mr. Buston about being turned down for the turn lane on 71 at the Broadwater Avenue intersection and sold it as a safety factor. They drove up there same day and looked at it. Reading from the letter, said there were other highway requests were discussed and realized the town was owed a reply to this request. Currently the pavement delineated by a painted hatch area and vehicles turning left are staging in this area while northbound traffic clears. A 12- hour traffic count was done and concluded it didn't warrant a turn lane. However, he would feel more comfortable if this request was reviewed again. Since I have become involved, assures

the town will receive a final report by mid August or sooner. If anything, we have made a contact here. Mr. Buston is over Juanita Wells and is the Land Use Director for this area. Asks if you want the Planning Commission to pursue this and what you want to put on it.

Town Attorney, M. Brooks – Did you discuss the terms of the lease I know you said one to five years, is it renewable for any length of time.

Council Member, R. Cassell – That is negotiable. This is just early stages and he (Mr. Buston) kept stating he was willing to work with us.

Jo Ann Castle – Speaking from back. He basically negated all her decisions (J.Wells). I think we saw it as making that decision from sitting behind a desk rather than on site. Not that she made any errors she just wasn't seeing what the possibility was.

Council Member, W. W. Ross, Jr. – My initial idea on that when I brought it to Council about those signs down at Weber City giving information about Scott County, I was hoping that they would probably work out something with Weber City, but I think the state owns that. Since the state owns that I was hoping that they could move these signs into the location that we are talking about and it would be more feasible to get in and people would stop and read those, giving us maybe a booth to give us information on tourism on Crooked Road on all the information that we have around us so people could look at. I don't want to take anything from Weber City, but if we could balance that out and have that information to enhance Gate City and Weber City or any kind of tourism in our area.

Council Member, R. Cassell – He pretty much said no on the signs, but if no expense to VDOT and if our crew wanted to do down there and move those signs as long as Weber City had no objections, but to keep in mind if VDOT needed the property, we would have to put them back.

Council Member, W. W. Ross, Jr. – One of the signs that I would mention, the one in front of Long John Silvers' there's a historical sign right there. Drive by there every day, but people don't read it. Such an awkward location so that is another one to put there too.

Council Member, F. Perry – Probably need to talk with the county before we do anything too. Because I'm sure the county had something to do with the signs.

Council Member, R. Cassell – If you're interested in pursuing to get the property for, at least like the Mayor said, to at least clean it up to make it look better. If you're interested in pursuing it further and work out the terms, of course we will have to involve Michele. If you want Planning Commission or however you want to handle it to further look into it and try to acquire the property then we can work out any details beyond that. We will probably have to get everyone's input, Planning, Street to submit ideas of what we would like on it. That's where we are right now. It's ready happen if the Council sees fit to go further. I don't want to make that decision alone, but think it's a good a chance of getting it as we ever had. We can get some lumber and take it to the vocational school and have them build some gazebos and picnic tables which wouldn't be permanent. Anything beats the eye sore that is there now.

Mayor Jenkins – I would like to thank you and the Planning Commission for moving so quickly on that, because that is unbelievable that you got that much done. **Interrupted by**

Council Member, W. W. Ross, Jr. – One more question. I had mentioned that to Terry Kilgore earlier when I first got on Council if he would have impact on maybe getting us some money?

Council Member, R. Cassell – I suggest we go to anyone we can. A lot of this Tourist money came through Rick Boucher's office so with Michelle Jenkins we have an inside contact, Terry has Tobacco Commission money and that's another thing we sold to VDOT that there is no recognition, this is a historical Moccasin Gap, the way it is now. There is potential for a nice wayside area. It opens up a whole different avenue and it doesn't have to happen overnight. I think it'd be a nice place to clean up and add some more picnic tables. You would have to have something with a cover on it, but we could get the vocational school to build gazebos. They'd be not labor, just material costs.

Council Member, F. Perry – I know a few years back when I was on the Planning Commission there was some money available through what they call Green Spot grants. I don't know if that is still in effect, but I remember getting on the internet and found a lot of information on it. I sent it to Ms. Flanary when she was on the Planning Commission. If she still has it, I don't know. Lowe's has a grant that they do for things like that, for furnishing lumber. That is something you might want to look into.

Jo Ann Castle – There will be some costs. You'll have to prepare a parking area. But there should be ways to off-set the biggest majority of it. The biggest cost is that big new sign that Jo Ann wants.

Mayor Jenkins – That you, both, for all your hard work.

K. Police Department Report –

Mayor Jenkins – Goes over the Police Report:

Calls for service 379, arrests 4, summons 49, crime reports 14, accident reports 12, DUI arrests 3.

- Officers continue extra patrol on some streets.
- No accidents, no sick days and no injuries) last the month.
- Continued to enforce radar on Jackson and Kane Street and monitoring both traffic lights.
- One officer attended the Firearms Instructor Class and one Taylor attended the Street Survival Tactics and one completed Field Training and is now on his own. Our newest officer Mr. Chambers.
- Continuing to work on the vandalism at Grogan Park.
- Department obtained metal for K9 Kennel. The canine and officer is currently in the training in Kingsport. The dog is already riding, but being used.

L. Public Works –

Mayor Jenkins – Brush pick is actually down a little bit 5,000 pounds from last month. Trash pick-up is down a couple thousand, recycle is up a little bit and they had 107 workorders.

Council Member, R. Cassell – Do we make very much off that cardboard?

Mayor Jenkins – It's a few hundred dollars.

Council Member, R. Cassell – For them to take over there?

Mayor Jenkins – Yes. It basically, pays for the gas and the time.

Council Member, R. Cassell – If you are interested in this, and I've talked to Judy about this, we can arrange when they start that meter change out process they'll be several cardboard boxes that they'll just throw in a dumpster. If the town is interested to add them to

Mayor Jenkins – Yes, we would rather it be recycled if we can.

Council member, R. Cassell – I will get with Judy and she can work it out or however you want to do it. They said they would like to see it recycled. It'll be a little extra revenue.

Council Member, W. W. Ross, Jr. – Question. On the Public Works is the grass crew, are they maintaining what they should be are they on schedule?

Mayor Jenkins – They are a little behind and I did hire another temporary part time today specifically for weed eating.

Council Member, W. W. Ross, Jr. – Well one of the major eye sores is on through town on Jackson Street in front of Quillins, that street and up Manville road during the festival, I cut all

that up through there. It hasn't been cut since. Once section I cut some of that, they came up and cut that one section there during the festival, all that right coming where the apartments are all through there cut that and another fellow nobody else been up there.

Mayor Jenkins – When you see a place that is overgrown just have a work order issued.

Council Member, W. W. Ross, Jr. – I know that Cleveland Street would be cut twice each year, but it hadn't been cut this year either. That street alley, that street that goes down, in the minutes to do that, but it hadn't been done.

Mayor Jenkins – I thought we could get by with one part-time, but it did not work, actually got behind and having to make up on the trash truck. Starting tomorrow, if he passes the drug test, we will have another. But if you see a place that is overgrown grass, just do a work order.

Council Member, W. W. Ross, Jr. - I know they should at least get the town for people drive through and its grown up it looks kind of sore somebody driving through.

Mayor Jenkins – Hopefully, it will get better after tomorrow.

Council Member, R. Cassell – I've not paid a lot of attention in the last few days, but would you ask to trim the bushes around the signs a little bit they are starting to grow up in front of the lights.

Mayor Jenkins – I've done that one, but. Kathy did you get that?

Town Clerk, K. Riley – Yes.

Council Member, R. Cassell – I come through town one night and it actually had a shadow on it at the ABC store, where it was getting so tall.

Mayor Jenkins – They cut it right before the Clinch Mountain Music Fest, but I'll say it's grown back. I've noticed it starting to look.

M. Sanitation Authority –

Mayor Jenkins – We meet tomorrow night.

Council Member, R. Cassell – We did last month, approved the budget and had a quorum.

N. Street Commission –

Council Member, W. W. Ross, Jr. – Do you have anything Roger? Okay, at the last meeting, I asked about the progress on the handrails.

Mayor Jenkins – I got the drawing done, have not got estimates done, yet. I need to get estimates done.

Council Member, W. W. Ross, Jr. – Could you give me some information on those, I guess where they build flower boxes made out of wood that is on Main Sstreet. Who done those and where did the material come from.

Mayor Jenkins – The Town Crew did them. We bought the material. They are a necessity to cover up the electrical that was left when we removed the street lights.

Council Member, W. W. Ross, Jr. - The wood looks new.

Mayor Jenkins – The wood is new.

Council Member, W. W. Ross, Jr. – Okay, so they have an invoice on that?

Mayor Jenkins – I'm sure they do.

Council Member, W. W. Ross, Jr. – How much did it cost, labor and everything?

Mayor Jenkins – I will find that out for you.

Council Member, W. W. Ross, Jr. – Now the street that we Clarence Williams Street that we turned over to the state, was any work done on that before?

Mayor Jenkins – The what?

Council Member, W. W. Ross, Jr. – The Clarence Williams Avenue was any work done on Clarence Williams Avenue.

Mayor Jenkins – I don't even know of that street.

Council Member, R. Cassell – Which street are you talking about?

Ron Baker – Speaking from the back – Clyde Williams?

Council Member, W. W. Ross, Jr. – Clyde Williams, I'm sorry. Did any work being done on that, prior?

Council Member, R. Cassell – What do you mean turned over it's not a state street.

Council Member, W. W. Ross, Jr. – Any kind of work being done at all, any kind of streets that you had listed?

Mayor Jenkins – Clyde Williams got some pavement last year.

Council Member, R. Cassell – Just when they did Magnolia they went up just a little ways.

Mayor Jenkins – That's the street I asked you all to look at, isn't it?

Council Member, R. Cassell – Yes.

Council Member, W. W. Ross, Jr. – What you sent your email out?

Mayor Jenkins – Yes, I got call from a lady and I told her I'd turn it over to you.

Council Member, W. W. Ross, Jr. – Roger sent me an email on that. I don't know if you okayed any work to be done.

Mayor Jenkins – No, the Street Committee will need to assess it and other streets and decide which ones are in most need with what we got.

Council Member, W. W. Ross, Jr. – Okay, on Back Street I asked for request for Back Street to have my salary deemed on that. So, did we get a ruling to get that processed or do you have to vote on it to take my salary to do that?

Mayor Jenkins – We could put funding I don't know if it will be specifically your salary, but yes we could put some funds for that. You're on the Street Committee you and Roger get to make the decisions.

Council Member, W. W. Ross, Jr. – You know since I'm not receiving anything, just want to know, since I'm not to allocate that to go for the streets for that certain Back Street.

Council Member, R. Cassell – Can I address that in Chris's opinion? This same thing was pointed out as far as taking your salary and it was explained there's "X" number of Council and we have to show that pay even though you don't take it. If something was to happen to any of us in mid-term, whoever replaced us might decide to take it. So, if they take your \$1,200 and put it on that road and something happens to you and whoever replaces you decides to take their \$100 a month and there's your money gone. It would need to come out of the street money is what we need to do.

Council Member, W. W. Ross, Jr. – That was last year, not this year.

Council Member, R. Cassell – Same thing, it's put in. My recommendation is we try to, and I wish he hadn't left. Had I known he was going to leave, I'd had caught him in the Engineer's Report. Me and you need to go back up there with Andy. I know he submitted those two options and need to go back up there and look at that with him and try to get the water resolved. That's my recommendation.

Council Member, W. W. Ross, Jr. – It's going into the church and if someone drives through and damages their car it could be some liability and when it rains and the kids they have to go to school, but they have to walk through there when they get off the bus. It's been last year when we evaluated it and I was hoping at the time that it would be addressed by now.

Council Member, R. Cassell – But, you saw my reply even on Clyde Williams Avenue. I'm not sure if the garbage truck did some of that damage, but I'm not for going for basically it's used as a driveway for two houses. Yes, we have an obligation and if Stoney feels they can patch it to make it drivable, but to spend several thousand dollars for two people to use, I think there are other roads that we could put that toward to pave.

Council Member, W. W. Ross, Jr. – How you evaluating that two people is using that road?

Council Member, R. Cassell – Cause there's only two houses up there.

Council Member, W. W. Ross, Jr. – More people use it than that. But, well, my concern is I came to the Town Council way before I got on board and mentioned that street three or four years ago. So, it's been a long process.

Council Member, R. Cassell – Which street is that?

Council Member, W. W. Ross, Jr. – Back Street. It should be, it should be, go back and look at the minutes how many times I came down here and mentioned that street in the minutes or any other streets.

Council Member, R. Cassell – We'll try to nail Andy down and we can go back up there and

Council Member, W. W. Ross, Jr. – So, I guess so, I'm you know so I just want to know how you, I'm on the Street Committee, how we determine the evaluation how certain streets be paved and others don't. Mr. Lane has four houses up there where he lives and it was paved, so does that mean based on how many houses would determine by each house car is in that house.

Council Member, R. Cassell – You asked me a question if you'll just let me answer it I will.

Council Member, W. W. Ross, Jr. – I thought I was speaking sir.

Council Member, R. Cassell – You said, how do we evaluate? That came, I went to Stoney and asked Stoney's opinion. Magnolia Street was damaged by our vehicle. He felt it was a Town street and it needed to be repaired, that is why it got put on the list. He said the street up there, they have been trying in sections for years to do it themselves and couldn't get it done. He recommended we did that. He's Public Works foreman that's where that came from. I asked him this year. He gave me some streets we had damaged that he feels like we need to repair. That is where those two streets came from, from Stoney.

Council Member, W. W. Ross, Jr. – Well, that trash truck goes on that Back Street too to pick up the trash.

Council Member, R. Cassell – We'll hash this out some other time. Move on and we'll hash this out. We'll get Andy up there and me and you will work it out. But, I will sit here and tell you, I'm not going to spend five or six thousand dollars to pave a street for one or two cars. I won't sit here in good conscious and vote it when there's other streets out here that need it that's traveled everyday by several people and I'll leave it at that. If you want to meet with Andy and work something out to get the water fixed, we'll do whatever we have to do there. I think we owe you that.

Council Member, W. W. Ross, Jr. – Thank you, that's your conscious to worry about it, not mine. You do what you have to do.

Town Attorney, M. Brooks – Mr. Ross, to answer your question, you do have the right to donate your salary back. I don't know if there's any documentation we need to do. You had asked me to check on that but you can donate it back to the town, but as far as specific. Funding needs to go through the budgeting process which is what we just did. Yes, you can donate it back.

Council Member, W. W. Ross, Jr. – Is that necessary for a vote to do that from the Council?

Town Attorney, M. Brooks – No, sir. I think you can do that, that's your right. I don't know if there's any paperwork. I think you indicated that you had done that before. It probably would be a good idea to put something in writing so I can draw that up to waive your right to.

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

Town Attorney, M. Brooks – Okay.

Council Member, F. Perry – But, if he wanted money to go to paving the road, the thing for him to do would be to take his money and pay for doing it yourself. That way you know your money went for paving that road.

Council Member, W. W. Ross, Jr. – That's a possibility, but it would be a legal aspect. Can I do that?

Council Member, F. Perry – If you take your paycheck it's yours to do with whatever you want to.

Town Attorney, M. Brooks – Pay that private?

Mayor Jenkins – Or you can just bring it up every meeting from now on and we'll talk about it, whatever you want to do.

Council Member, R. Cassell – But he can't withdraw, with what Chris is saying, he can't withdraw that whole \$1,200.

Town Attorney, M. Brooks – No, you can't do that. You cannot take your pay, but everything else as far as the funding for the public streets has to come through the budgeting process which is what we just **Interrupted by**

Council Member, W. W. Ross, Jr. – So we go through the budget process, I made that request, do they have to vote on it to make it legal or do we just

Town Attorney, M. Brooks – The request, which request?

Council Member, W. W. Ross, Jr. – For me to move, to take some of the money some of my salary and have it

Town Attorney, M. Brooks – That part itself yes. But designate it to a certain thing, I think. You can certainly forego your salary. You can ask that that be done, but the decision as far as what gets done have to be made by the Council as a whole.

Council Member, W. W. Ross, Jr. – As a whole, that's what I'm saying. So, they would have to make that decision, vote on it.

Town Attorney, M. Brooks – Does that answer your question?

Council Member, W. W. Ross, Jr. – Yes, that's what I've been trying to get at.

Mayor Jenkins – Anybody else on Street Committee?

O. Water Plant –

Mayor Jenkins – We are a 17.2 % loss for the month which is unbelievable. So, apparently we have located most of the leaks and repaired them. They got the one at the High School and I know another couple pretty good size leaks. But that would probably help us find the next weak spot in the line since we're, but I even asked Loretta to double check the numbers to make sure because that's phenomenal on the water loss.

P. Safety Committee –

Council Member, W. W. Ross, Jr. – Question, I tried to ask you before, Miss Brooks if you was going to evaluate this and get me an answer.

Town Attorney, M. Brooks – Well, the short answer is it appears to be a special committee which is deemed by the Town Manager. As amended in the ordinance itself, are you, you asked me two questions last time. You asked me whether we needed another member, correct, and whether the handbook had to be approved?

Council Member, W. W. Ross, Jr. – Well, yeah, the question I was asking now, in the when I got Mr. Mark Jenkins Tommy Herron was on that committee, it's in the minutes.

Town Attorney, M. Brooks – Okay

Council Member, W. W. Ross, Jr. – So, he appointed me and said that they had the handbook. That's when they put me on this committee. I had asked for the handbook and I never did receive the handbook for the Safety Committee. And then, this came up that he wrote. And so, I'm trying to determine what stands. Does this handbook or the original handbook stands for the committee? Because on this and this it says that as a Safety Committee you should have different people from

the Fire Department, Police Department and everyone else on this committee. I'm just trying to find out, the date on it is 4-8-11.

Town Attorney, M. Brooks – The date of that?

Council Member, W. W. Ross, Jr. – Yeah, approved by Mark Jenkins.

Town Attorney, M. Brooks – Well, I think that what that's probably appropriate that according to Article 7 Section 2.61.07, the Town Manager shall recommend to the governing body from time to time adoption of such policies as he may seem necessary or expedient to the welfare of the community. I don't think that he absolutely has to bring in to the Town Council but he can. I think the fact that he signed off that was probably sufficient. So, that is the working policy of the

Interrupted by

Council Member, W. W. Ross, Jr. – So, is this is working policy? Okay.

Town Attorney, M. Brooks – I haven't looked at, I haven't reviewed it but **Interrupted by**

Council Member, W. W. Ross, Jr. – Well, don't everyone on the board should have a copy of this? Do they need to?

Town Attorney, M. Brooks – I don't know, if they are not on the committee I don't know if they need to.

Mayor Jenkins – I found out we're not even supposed to have a Safety Committee.

Town Attorney, M. Brooks – You were not required to. You may, you can do any committee you would like to do under the authority that you do have if you want me to site that chapter and verse of that, but you have the right to do it, you're not required to have it.

Mayor Jenkins – We are not required to have a Safety Committee.

Council Member, W. W. Ross, Jr. – Well, you had Mr. Herron on it. They said he was on it, so.

Mayor Jenkins – He was on it.

Town Attorney, M. Brooks – And at the Town Manager's/Mayor can, he can disband any committee if he so chooses.

Council Member, W. W. Ross, Jr. – Well, I just like. That'll be nice.

Town Attorney, M. Brooks – Yes, he can.

Council Member, R. Cassell – Where did that come from that spelled out it should be a representative of the Fire and the Police and

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

Mayor Jenkins – That's recommendations on some general information that we put together to try to start

Council Member, R. Cassell – So, that's nothing with Town Code?

Mayor Jenkins – No, Town Code doesn't even specify that you have to have a Safety Committee.

Council Member, F. Perry – Did you get a copy of that? I never did, it sounds like a good thing to go by. Get all the departments involved.

Town Attorney, M. Brooks – Right.

Mayor Jenkins – Because ultimately, our safety is guided by OSHA and regulated by OSHA.

Council Member, R. Cassell – I think if you want to do it, that would be a more appropriate way is to involve everybody that is going to be involved instead of one person on the Council trying to decide when you got all resources as good would be involved in safety.

Town Attorney, M. Brooks – I think at one time the Town ordinance required a Safety Committee, but it was amended, I think it was 1999. But Section 2.27 as amended allows the Mayor to appoint those special committees. That was what I was looking for. Sorry.

Council Member, W. W. Ross, Jr. – Representation from all departments; Police, Fire, Public Works, Parks & Recreation, Administration, Finance, and Human Resources, etc.

Mayor Jenkins – Anything else from the Council?

Q. Water Committee – None

XI. PUBLIC COMMENT

Tommy Quillin – Has a couple questions regarding the Property Management. States he spoke with Amy and she was aware the weeds were cut at Quillin Hardware and sprayed behind Jake's Pool Hall and asks what do we have to do to get off the board once it's done? Someway of acknowledging that once we did what, sanitation weeds is what it is, we sprayed it and cut does that remove us from the Property Management thing? Thanks Mr. Cassell on his presentation of King property and agrees with his suggestions with adding possible shuttle bus that can be worked with the school to get into that property. Discusses the passing of the resolution last month, has question, if we turn in a bid on that property, himself and his son, does that affect our right to purchase back at the high price? What are the requirements of whoever receives the bid that they have to do on the Starnes building property? That criteria, I'd like to have an answer to that in case we can bid, if we're interested. Mr. Quillin turns to address Mr. Cramer, in audience, with questions.

Mayor Jenkins – Addresses Mr. Quillin regarding back and forth with the audience.

Tommy Quillen – Thank you

Benny Reed – Thank you Mr. Mayor. Are the audits complete for the 2009-2010.

Mayor Jenkins – I think 08-09, I'll have to check.

Benny Reed – How will they be made available to the public?

Mayor Jenkins – They should be here and available to anyone who wants to look. May be on-line.

Benny Reed – Will look. Thank you.

Jon McConnell – Discusses his last month bill being charged a late fee for water and garbage, due to his forgetting to pay his bill. States his trash hasn't been dumped in six weeks. Asks if he'll be reimbursed for six weeks with penalty and interest? States he'll start delivering it to his house.

Mayor Jenkins – States he will follow up why his garbage is not being dumped. You dump it at my house, then you got a problem.

Jon McConnell – I'm paying you to pick it up.

Mayor Jenkins – You're not paying me crap.

Jon McConnell - Yeah I am too. I'm paying the city to pick it up.

Mayor Jenkins – Okay

Jon McConnell – When the men roll my trash cans over and I have to pick them up after I've done put it in there, it pisses me off and I know where to bring it to.

Mayor Jenkins – You better leave quick.

Jon McConnell – I'll bring it, too. The next time it blows over. I will, try me one more time.

Chuck Bridwell – Discusses budget and trying to understand when the fiscal year ends,

Council Member, R. Cassell – June 30th, whatever the last day of June

Chuck Bridwell – States, seems you spend more than what you take in. Guess you are aware that your expenditures are out pacing your revenues. Though I don't know each individual line item, first time picked it up tonight. Questions, the submitting of bids for the up-coming three year audit, if those bids were sent to local firms with his firm not receiving it?

Mayor Jenkins – It was just advertised in the paper.

Chuck Bridwell- Asks if these guys would get business licenses if awarded the bid.

Mayor Jenkins – I hope.

Chuck Bridwell – Just getting my points across, so I'm on same page as everyone else. That's all I have.

Michelle Ericsson – Likes to ask the Council regarding the water deposits. When I moved here I had to give a deposit of \$150.00 and what do they do with the deposit? It's not in an interest bearing account so the money just sits there. With approximately 2,159 residents, a good portion of those people are paying a \$150 deposit, seems very wasteful to me. The deposit is not applied to your bill after a year of faithful payments. You do not receive a refund unless you move or have service disconnected. I'm a homeowner, not a tenant and doesn't plan on selling her house. To me it says, they can keep my money forever because who will get the money after I die? Suggests putting in an interest bearing account or apply to bill if faithful payer so you get the money back somehow. I understand Town not wanting to be responsible for tenants who use the water and don't pay the bill, but there are legal resources. Feels town should do something repeating her previous suggestions. Feels they should give the money back, especially if you're a homeowner and doesn't plan to sell, will never get the money back. Feels it is an unfair policy that needs to be changed. She brings up the need of a stop light at the intersection of Manville and Jackson Street.

Mayor Jenkins closed the public comment session at 7:42 P.M. and opened the consent agenda session.

XII. UNFINISHED BUSINESS

- **Charles Bridwell, Jackson Street Properties, water bill dispute.**

Charles Bridwell – Last month I had come before the council asking for an adjustment on a water bill. My water was turned off at my business. I was without water for about a period of 7 days. And I went ahead and paid the overcharge in good faith so I could get my water turned back on. I do a lot of – I have a lot of clients that come in. A lot of government people come by and apply for audits and reviews and what have you. I think that not only for the goodwill of my business but for the goodwill of Gate City, I went ahead and took action on my own and had the water turned on. Even after a good faith request, a certified letter, as well as pleading with Council members to turn the water back on, I had no reaction until I put consideration out to get the water turned back on. My cause of issue that the meter serves two buildings – Commercial Electronics building as well as my building. I share a meter, always has both parties made payments directly to the Town. I think past bookkeeping records will reflect that. If you go back to prior owner, which was Quillen Properties, LLC, I have emails from him as well as stating the billing arrangements, payment arrangements. So, as far as my usage is, I have one employee. It is basically a weekday business. So, uh, whatever the reasonable adjust fee for a business of my type is, as per the code of the Virginia State Corporation Commission, that fee has got to be reasonable and just. So I have calculated what my overcharge is and what I believe is re-due back to me as as overcharges from to the Town and I will settle up with my joint building owner. I passed out last month a schedule of these overcharges to each Council member as well as that additional copy to the Town Hall. That's all I have to say. Basically, as well, it was on the agenda last month and the committee chose not to do a vote and to defer it to the meeting this month.

Council Member R. Cassell – I think one thing, Mayor, we wanted to double check, there was a time period there that that Bright software printed about 3 bills and every time it added a bill to it.

Mayor Jenkins – This was not it. A single one time usage that appeared to be a possible leak inside the building. We've detected no leak after that. The meter was bench tested against another calibrated meter.

Council Member R. Cassell – This the 43,500 back in June 18, 09, 43,005 gallons?

Mayor Jenkins – I mean, it was a single one time high usage.

Charles Bridwell – That's equivalent to seven tractor trailer tanker trucks. So, I will swear I am not in the wholesale or retail water business.

Council Member R. Cassell – Have you had renters, Mr. Bridwell, anytime during that time period?

Charles Bridwell – Not during that time period.

Council Member R. Cassell – So it's just you and Mr. Parsons, at the time?

Charles Bridwell – Exactly. My billing's been inspected two different occasions by the Town personnel. Like I say, I still believe that the Town is required to follow the guidelines of the State Corporation Commission for Public Utilities. And that primary guideline is fees is got to be reasonable and just.

Mayor Jenkins – That is the fee on per gallon usage. That does not govern actual usage.

Charles Bridwell – If you don't, if you, you're gonna, the population as I see it has become more senior and you're gonna be flooded with overages of these seniors where these sticky commodes or what. And they're on fixed income. If you don't allow a standard policy to be applied to all, then you could have some complaints or issues you could be facing in the future, if you are not already facing them now.

Town Attorney, M. Brooks – Mr. Mayor, is the policy that if the water leak is on Town Property that it is the Town's responsibility, if it is on the owner's property, it is the owner's responsibility?

Mayor Jenkins – Yes. We do have a policy that will allow for adjustment if it is an external leak of the property owner.

Town Attorney, M. Brooks – So, the Town does have a policy?

Charles Bridwell – That policy is very unique to Southwest Virginia. I've checked with my own county, Morrison County, my residence, my counties that I have other businesses operating, as well as the Town of Coeburn and they totally do allow for adjustment. A one time, some municipalities do allow two twice a year, based on previous month's average. Regardless of where the leak is.

Mayor Jenkins – That is not our policy, though.

Charles Bridwell – I understand that. That's not what, I mean, I'm just telling you, you're going to have issues, if you are not already having issues just like mine. And this, you'll be wasting this Council's time. There will be others like myself that will not want to take forth and request abatement or adjustment.

Mayor Jenkins – We do make adjustments if it falls within the guidelines, a leak external to the building.

Charles Bridwell – Okay.

Mayor Jenkins – On yours, there's no indication that there was anything but a onetime leak. A gallon a minute is 1400 gallons a day.

Charles Bridwell – Where did the 40,000 gallons of water go to?

Mayor Jenkins – It probably went through a commode or sink and into the sewer. It's not hard to run that much water in a day. If you've got a building that is attached to yours like his or was attached to yours that is unattended with sporadic use somebody could go in, flush a commode and leave it running two weeks, that is primary.

Charles Bridwell – I think you are still in conflict of State Corporation Commission for Public Utilities.

Mayor Jenkins – No. The charges applied for the use

Charles Bridwell - Talking over Outside the policies of other municipalities in this part of southwest Virginia.

Mayor Jenkins – It may be different than others, but we have an unofficial policy that was applied and people were coming in for a one time a year adjustment and that was putting the burden on all the other water users that keep their places up to par and make sure they have good use. I mean, that is the policy. I can't go away from the policy.

Charles Bridwell – The policy – the problem needs to be addressed by the committee.

Mayor Jenkins – That may need to be addressed, but, I mean, we apply policy.

Council Member R. Cassell – And this policy, when I was on here, it was written and went to the attorney and there were some questions brought up and those were addressed and it was approved by the attorney again so everything went through the Town Attorney.

Council Member, F. Perry – It's been amended since then too.

Mayor Jenkins – And we've, I mean, we have adjusted where it's a proven external leak to the building. Because it's hard for a property owner to know whether he's got a leak in the yard.

Charles Bridwell – And that's right. And how do you account for my meter being muddy around the meter and down the street dry dirt?

Mayor Jenkins – That's pretty much routine on meters all through the Town. I've opened meters and they'll be dry, open it and there'd be a snake, open it and be **Interrupted by**

Charles Bridwell – Whose side the of the street is that on? Who paid for that water?

Mayor Jenkins – Ugh?

Charles Bridwell - Who's paying for that muddy water around the mud around my meter?

Mayor Jenkins – Chances are you're not. It may be on the Town leak. Because you had a onetime occasion. I can understand if it were a leak between the meter and under the sidewalk, but this was a onetime occurrence.

Charles Bridwell – And your people inspected my building and found no leaks. Two different times.

Mayor Jenkins – You can't inspect a building for a leak if it is a faucet or commode that has run through. You can't inspect for that.

Charles Bridwell – How do you account for the fact that I had people there at least five days a week. If there was a stuck commode surely

Mayor Jenkins – The other building was unoccupied though.

Charles Bridwell – Well, that's not why I am here I'm...

Mayor Jenkins – But you – your meter is the meter that the water went through.

Charles Bridwell – They had just testified that there was no leak in their building. They swore to it.

Mayor Jenkins – Well they may not leaked, but that doesn't mean that their faucet was left on or the commode run through.

Charles Bridwell – You're going to have the same problem with your seniors in this whole town. One day they are going to have a stuck one. It is not unique in this situation. I'm just telling you. I have no other alternative but to keep pursuing action. I'll file with the complaint with the State Corporation Commission. It's a non-compliance policy, the town has adopted. Public good.

Mayor Jenkins – If there is any deviation from policy, Council will have to make that decision. I cannot make it.

Charles Bridwell – I understand. We got, hopefully, got a quorum here tonight and we can vote on it tonight. I was hoping this would be resolved last week, and not utilize, waste valuable time of the Council members and myself.

Mayor Jenkins – It is an item that can be voted on since it is on the agenda.

Town Attorney, M. Brooks – As to your specific situation, not to the general policy.

Charles Bridwell – I'm not here on a global basis. This is totally my meter.

Council Member R. Cassell – How is this done again Frances? You’ve got the policy. Do they take 602.50, 10.12, and 31.50- those three are

Mayor Jenkins – That is with an external leak.

Council Member R. Cassell – But if that were the case, you would take those three

Mayor Jenkins – You would take the high bill and two prior bills and adjust to that.

Council Member R. Cassell – Average them, add them together.

Mayor Jenkins – You add them together and divide by three.

Town Attorney, M. Brooks – Is there any indication there is an external leak in this situation?

Mayor Jenkins – No there is not.

Charles Bridwell – I still disagree with that statement. There is mud around my meter and still mud around my meter.

Mayor Jenkins – It’s ground, it’s dirt.

Charles Bridwell – Go 15 feet away and look at the Dollar Store’s meter and see the difference in the dirt content.

Mayor Jenkins – Yeah, but that could be the difference... You’ve not got a meter that is sitting there constantly showing any flow through.

Charles Bridwell – I think you have an email from the former owner saying that the Dollar Store park vibrating all night could very well could have caused that leakage.

Mayor Jenkins – I got several other emails from the other owner too. That what?

Charles Bridwell – The Dollar Store tractor trailer delivering inventory there park idling right over top that meter if it don’t cause no distortion than that.

Mayor Jenkins – The meter will not be distort due to vibration. We’ve already contacted the company.

Charles Bridwell – And I contacted the company, they said if it was my meter, I should receive a report, a written report and that’s also under state corporation bylaws. The company in Roanoke, I never received no report that my meter was ever tested.

Mayor Jenkins – Does the Council want to apply some type of adjustment?

Council Member R. Lane – I guess I’ve got one question Mr. Bridwell. With the 43,500 gallon consumption on the 6/18/2009 date, why would it stop the next month and go down to 900 gallons?

Charles Bridwell – I have no clue. I come over that month and asked the Town Council – Manager about it and he said that the Town had new billing software as well as had new personnel. He thought there was a problem with billing itself.

Council Member R. Lane – To me, this has every indication of some kind of, it may just be a commode, sink or something just running through that one month because the next month is 900 gallons. That’s the way I read it. If it had went high and stayed high, I don’t agree with you.

Charles Bridwell – I don’t see your point.

Council Member R. Lane – If you had a leak, what would stop it?

Charles Bridwell – But where would the water go, if I had a leak?

Council Member R. Lane – Maybe down the drain.

Charles Bridwell – I have people there five days a week.

Council Member, R. Lane – I don’t know, I don’t know why it would leak **Interrupted by**

Charles Bridwell - I’m telling you like it is.

Mayor Jenkins – But, the other building does not.

Charles Bridwell – And they swore that they had no leak. They came before public and you have it in public records...

Mayor Jenkins – We cannot find that in public records.

Charles Bridwell – And I think the Town Manager has met on a one-on-one basis with them at that time, with them.

Mayor Jenkins – We looked in the minutes and cannot find anything on that.

Charles Bridwell – I don't know if the Town Manager minutes – what he does through his work habits.

Council Member W. W. Ross, Jr. – You're showing meter 687 is that the meter you share?

Charles Bridwell – Excuse me?

Council member, W. W. Ross, Jr. – The meter number is 687 is that the part you share?

Charles Bridwell – That's the number the Town assigned to me.

Council Member, W. W. Ross, Jr. - To the town, to the town here, record to, okay.

Council Member R. Cassell – Mark, is it the current bill and two previous?

Mayor Jenkins – Yes, if it is an outside leak, that is what it is.

Council Member W. W. Ross, Jr. – So you have a letter here dated, May 25, 2011, right?

Charles Bridwell – Right, is that the certified letter?

Council Member, W. W. Ross, Jr. – Yes

Charles Bridwell - Yes, sir, that's correct. That was requesting, if you look at that letter, I sent them within ten days notice and they still disconnected it. It appears like the Town is taking the most aggressive position on this matter as they possibly can.

Mayor Jenkins – The most aggressive would have been cut it off a year ago. This bill occurred in 2009.

Charles Bridwell – I met with the Town on different occasions for remedy and nothing occurred on it. I met with the Town Manager and he was in my office at least two different occasions.

Mayor Jenkins – And I met with you, but all indications are that the water was used through the meter. That is in your name and if you allow another person to use water off your meter, even though it is by deed.

Charles Bridwell – If you look in your budget, you've got at least 4 or 5 different master meters. You've got several different subdivisions. If one of those homes have a massive leakage inside their house, what happens then?

Mayor Jenkins – What are you talking about, master meter?

Charles Bridwell – As far as doing a pay back on these as far as the water usage for these different subdivisions, whether it be Red Hill or Moccasin Hills, or

Mayor Jenkins – They've got individual meters. Each home there has a meter.

Charles Bridwell – I understand.

Mayor Jenkins – There are several buildings in Town, where the building owner has opted not to put individual meters to the individual tenant spaces or rental spaces.

Charles Bridwell – Right.

Mayor Jenkins - That there is in the policy that you are allowed to do that with a \$10 extra charge plus extra garbage.

Charles Bridwell – Right.

Mayor Jenkins – You also we didn't apply, which I saw that we didn't apply, when you had the renters in the apartment for several months. Which it is the building owners' responsibility to tell us that they have a renter. And I mean things like that will slip by, but if a building owner chooses, you can make any other deal you want to. It doesn't matter who comes in to pay your bill, that's a bill between the owner of the meter and the person they are letting use their water.

Charles Bridwell – Okay

Mayor Jenkins – So, I don't know what went on in the building, but it has all indications of being something left running for an extended period of time in that building, one of the buildings. I mean, that's all I have to go by.

Charles Bridwell – Right. Well, I mean, I just found out this week that the building right beside this building had a massive leak and that was the AEP building. They had a flood, there's equipment down there. Mr. Castle made me aware of that about that time.

Mayor Jenkins – When was this? I don't remember an adjustment or anything.

Council Member R. Cassell – I hadn't heard anything. Up until last month, my wife cleaned for AEP and there was no water. Now, they get a lot of water when it rains, always have. There's nothing said about.... Now, generally the supervisor knows I'm on the Council, so if there's any problem, he will call me. I don't know, not aware of any water leaks.

Mayor Jenkins – The only one that I'm aware was couple years ago was a small leak that damaged some ceiling that we had to replace.

Charles Bridwell – Well, like I say I don't know my meter how many different buildings it services whose feeding off of it. But, as you heard last month the joint building has cut all usage off. Apparently, my understanding, he had met the Town Manager and got that approved, the Town Manager sometime. I don't know if that's the case or what.

Mayor Jenkins – The Town Manager doesn't have anything to do about approving who you cut off of your water line after it gets past the yoke on our meter. I mean, he might have told him to go ahead and do it, but its

Charles Bridwell – Right, okay I don't know that you don't have the authority to ratify the Town Manager's actions or not?

Mayor Jenkins – I can't ratify his opinions, if he told somebody that. I don't know what bearings it would have on anything. If he wanted to cut his water off, all he had to do was cut it off.

Charles Bridwell – Well, my request is for adjustment at least a minimum adjustment for the month to the Town's policy the two previous months' average bill, for that one large month of usage. It's kind of ironic for the same month on down the street you had two large overages that other occurring businesses. That's ironic.

Mayor Jenkins – The other businesses found out where their leaks were.

Charles Bridwell – I don't know that.

Mayor Jenkins – I do.

Charles Bridwell – Okay.

Mayor Jenkins - They actually identified leak underneath the building. They repaired it and their water went down. But if the Council wants to entertain an adjustment, I mean, it's

Charles Bridwell – I mean I don't plan to shut my office, my business down, I do have other locations. I do have to give clients, I got major investment in my building, I do own it. So, I don't see a need, I've been told to get out here, but I'm not choosing that action. I'm trying to work with the town.

Mayor Jenkins – Is there a motion to make any adjustment to Mr. Bridwell's bill?

Council Member, W. W. Ross, Jr. – How much adjustment would that take come out to?

Mayor Jenkins – This is going outside of your written policy so you can adjust whatever you please. But, just remember what you do.

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

Mayor Jenkins – I said, just remember what you do for future occurrences. You'll be opening a can of worms **Interrupted by and speaking over and same time as Mayor Jenkins**

Charles Bridwell – This is all going to be in the minutes, it won't matter. It's going to be in the minutes anyway. I don't understand this stuff.

Council Member, W. W. Ross, Jr. – So, what you're trying to say is that

Mayor Jenkins – Any action we take will be outside of current policy. That's what I'm saying. And we should be ready to apply the same, in the future, should it come up again.

Council Member, F. Perry – That's why we have a policy to start with.

Mayor Jenkins – I mean I made my decision based on what how I read and interpret the policy and what seems to be, but I mean you can deviate from it, so.

Council Member, W. W. Ross, Jr. – So, do we have the policy here?

Mayor Jenkins – Yes, we don't have , this is going outside any policy.

Council Member, W. W. Ross, Jr. – I mean, we have, the policy with us to verify the statement that you just made?

Mayor Jenkins – That we adjust on a leak external to the foundation of the building **Interrupted by and speaking over and same time as Mayor Jenkins**

Council Member, W. W. Ross, Jr. – Okay do we have

Mayor Jenkins – **Continues speaking** after the yoke **Interrupts and speaks over Mayor Jenkins**

Council Member, W. W. Ross, Jr. – Do we have the policy here?

Mayor Jenkins – **Continues speaking** if there is verified repair.

Council Member, W. W. Ross, Jr. – Do we have the policy here to read that? The secretary can read that.

Mayor Jenkins – We can probably get the policy. I mean it's a standard water policy. Kathy can you, oh Roger has it.

Council Member, R. Cassell – Do you know where it's at, right off? That's where I'm trying to

Mayor Jenkins – Reads from policy, "All Water Chargeable and Exception. All water passing through and being recorded on a water meter shall be charged to the user of record, which is the owner or designated owner of the water meter coming into the building from the time the meter is set, until it is removed on written notice of the use, whether the water is used or wasted. The exception is where an underground leak is discovered, and the owner, agent, or renter or tenant takes immediate and prompt action to repair the leak, the Town may allow credit against. And there's another page after that says to the last three bills and you take the average of the last three bills, but it is for an underground leak is detected and the owner, agent or tenant take immediate and prompt action to repair.

Charles Bridwell – And we did that. We couldn't find a leak as well as your people inspected it too.

Mayor Jenkins – That's what I'm saying, that it is a very direct indication that you had a faucet or commode running for

Charles Bridwell – That wasn't found.

Mayor Jenkins – Well, that comes and goes.

Charles Bridwell – Well, that's what I'm saying, that's why we're asking for an adjustment here tonight.

Town Attorney, M. Brooks – For the record, Mr. Mayor was reading from Section 5 of the Water Policy, just for the record.

Council Member, F. Perry – What page did you have?

Mayor Jenkins – Page 6 of 32.

Council Member, Francis Perry – See that one is after this one. This is 2009, I knew we had done on that page.

Council Member, R. Cassell – I think that's the one you and I worked on and you all went back and addressed some issues.

Council Member, F. Perry – I'd just like to make a statement. Can I make a statement? Mr. Bridwell, I think that you need to understand that we sympathize with you, but we do have a policy to go by and we cannot find any proof that there was any kind of leak on the Town's part. Your bill indicates to us that that must have been something that inside you building at that time to be that high because the next month the bill was down to normal or within the range of what it had been before and we are governed by a policy and we have to go by a policy. Sometimes it's hard to do that and we do appreciate you as a merchant or a business is this town we want you to understand that, but you have to understand that we have a policy that we need to go by.

Charles Bridwell – I don't think I read your interpretation of policy, where does it say Town property? It says underground leakage of the tenant, okay, so.

Council Member, F. Perry – But if there was leakage and the town didn't repair anything and you didn't have a repair in your building, what makes you think there was a leakage? As far as a leakage as far as being a pipe leak, that's my question to you.

Charles Bridwell – Well, I have nothing to prove that the meter wasn't distorted either. I have nothing back from Roanoke, they sent me no copies likes required under State Corporation Commission as required what they said the law was.

Council Member, F. Perry – Why would it be just that one month?

Charles Bridwell – My understanding is they sent the meters out for testing. That's what I was told. That may be in the minutes somewhere or it may be in communication with one of the Town employee.

Mayor Jenkins – We found no record of your meter being sent. There were three other meters sent.

Charles Bridwell – Well, that's the first I'm aware of that. Of course, Roanoke didn't have anything on me either as well. So, now we go back, what's to say the meter has not been distorted?

Mayor Jenkins – What do you mean about distortion? The meters are built, they're wobble meters, they fail to the good of the property owner, if they fail.

Charles Bridwell – Well we just, you just stated earlier, yeah they are fail proof.

Mayor Jenkins – No, they're not.

Charles Bridwell - Even if the Dollar Store tractor and trailer idle on it all night. I got emails from engineers.

Mayor Jenkins – Vibration does not effect, or is not supposed to effect the meter.

Charles Bridwell- If you look back on your own records, you'll find a major leakage where it did happen and it had a flood and insurance payment was done by the building owners of the adjacent building owners in the town. I think that you look early enough

Mayor Jenkins- How would a failing meter flood a building?

Charles Bridwell – It was a vibration.

Mayor Jenkins – The vibration may

Charles Bridwell – When you have copper tubing around asphalt vibrating, you are going to pierce that copper tubing.

Mayor Jenkins – And it would not go away by itself. I mean I can understand vibration will cause failure of the line, but that failure is going to continue, it's not going to fix itself.

Charles Bridwell- Well, how do you explain the muddiness around my meter and fifteen feet down the street, it's dry soil.

Mayor Jenkins – It may be the difference of the soil underneath. It may be **Interrupted by**

Charles Bridwell- There again, I request for an adjustment, request for the Council Members to rule for an adjustment at least for that one month.

Mayor Jenkins – Do we have a motion to adjust his bill? No motion?

Council Member, W. W. Ross, Jr. – I make the motion.

Mayor Jenkins – What, how much to you want to adjust his bill?

Council Member, W. W. Ross, Jr. – What would be in compliance with the three months? What would it be adding up to?

Charles Bridwell – That's what policy allows.

Council Member, W. W. Ross, Jr. – Correct. Well, I can kindly understand his situation I know the policy cause I had that happen to me before. I had to pay and they came in and cut my water off because I had a problem, they said I had a leak. They said it was my commode bathroom and it wasn't. And I ended up paying double getting it back on and the meter and then three months later the leak came up to the ground and it was on the city property but it was away from ir. And when they came up and checked the meter, and everything in front of it, but I said I didn't have

any leaks in the home. So, I couldn't quite understand that situation. It cost me money, but they didn't make an adjustment on my account back in that day. Can kind of relate to the situation, but I know you have to go by the policy. You have to have a second.

Town Attorney, M. Brooks – I think for your motion to be proper, Mr. Ross, you need to

Interrupted by

Council Member, W. W. Ross, Jr. – Have a second on it.

Town Attorney, M. Brooks – No. You need to have an amount for the adjustment.

Council Member, W. W. Ross, Jr. – Well, what is the amount?

Town Attorney, M. Brooks – That's up to you.

Council Member, R. Cassell – If you follow policy, it comes up to \$214.70 cents.

Council Member, F. Perry – We're not following policy.

Mayor Jenkins – If you are following policy.

Council Member, R. Cassell – If you are following policy it would be that.

Mayor Jenkins – This is an exception to any policy we have.

Town Attorney, M. Brooks – Do you have an amount. I think for your motion to be proper you need an amount.

Council Member, W. W. Ross, Jr. – Two hundred and six, what did you say Roger

Council Member, R. Cassell – The way policy reads it's the disputed bill and the two previous months added together and divided by three it comes out to \$214.70 if you do that.

Town Attorney, M. Brooks – The adjustment or the total he should pay?

Council Member, R. Cassell – Is that, is that, would that be if you were following policy would that be the adjustment or bill.

Mayor Jenkins – Make it clear that is if you are following policy for leak external to the building.

Council Member, R. Cassell – I'm just asking that what would the \$214.00 be the bill if you were following the policy or that how much you take off the bill?

Council Member, W. W. Ross, Jr. – Would that be in compliance with the policy?

Town Attorney, M. Brooks – Policy for an external leak.

Charles Bridwell – Well, if you take the two months before it was, one month was \$10.12 and the month before that was \$31.30 so the average of those two would come up to about \$20.50 off setting it against \$602.00 so I said refund there calculating it to be about \$580.00 on that bill. I mean that's simple math.

Council Member, F. Perry – You take \$602.50 and \$10.12 and \$31.30 and add that together.

Charles Bridwell – It says the two months average. The two previous months average.

Council Member, F. Perry and Council Member, R. Cassell – State at same time, and the disputed bill.

Council Member, F. Perry – And the disputed bill.

Charles Bridwell – I don't think it includes that.

Town Attorney, M. Brooks and Council Member, F. Perry – State at same time, yes it does.

Charles Bridwell – Well we can include that. That's not the way I interpreted that. I don't think that was the intention. I mean, I look at all the other municipalities in the area and they go by previous period average.

Council Member, R. Cassell – We have to go by our policy no matter what anybody else does, we got to and if we grant this we're going outside our policy.

Charles Bridwell – And that's not a bad thing, it should be a good thing.

Council Member, R. Cassell – Well, if you go against policy one time then you could set yourself up for potential legal.

Charles Bridwell – If we went by policy we would still be ruled by the Tories today. Our great, great, grandfathers we all in here went to the battle of Kings Mountain. That's just saying that's policy. I'm saying it may need to be addressed by the Council in near future.

Council Member, F. Perry – The policy was revised in 2009.

Charles Bridwell- Well, apparently there were issues for revision. Maybe they still didn't get it right.

Mayor Jenkins – There were issues because people were coming in and getting one time here adjustment and getting everybody else to get their water bill to pay. Is basically what you are doing. You're distributing it. If we adjust this we're distributing it amongst every user out there.

Charles Bridwell – I understand what you are saying, Mark, but I heard you at the beginning of the meeting of the meeting of the where you was happy about the water loss. I mean you're

Mayor Jenkins – Water loss is our responsibility to help bring the water bills down.

Charles Bridwell – Right. Right.

Mayor Jenkins – That will lower operating costs if we can keep them down.

Council Member, W. W. Ross, Jr. – Legal question, Miss.

Town Attorney, M. Brooks – Yes, sir.

Council Member, W. W. Ross, Jr. – By my proposal, would that be by-law, be breaking the by-laws of the rules for the by-laws for this water department? Did I make sense?

Town Attorney, M. Brooks – I don't

Council Member, W. W. Ross, Jr. – My questions, am I mimic?

Town Attorney, M. Brooks – I don't know the specific by-law of the town, you would be going outside the proposed policy. I mean, I think the Mayor has already said and Francis and Roger have read to you what the policy is regarding water. I mean, it's there to look at. Town Council certainly has the ability to go outside of policy, but you have to understand, legally, you're opening a slippery slope that you may have a roomful of people who have a water bill that they dispute next month.

Council Member, W. W. Ross, Jr. – Oh, okay. My hands is tied.

Charles Bridwell – Well, these policies seem to be working fine in other municipalities except for here.

Town Attorney, M. Brooks – Sir, this is not other municipalities, I'm giving legal advice to this Town Council and our policy as it exist needs to be **Interrupted by**

Charles Bridwell – I'm not sure the policy is in compliance with the State Corporation.

Town Attorney, M. Brooks – **Continues speaking** - enforced, well and that is, let me, can I finish, can I finish my sentence sir?

Charles Bridwell – Sure, I'm sorry.

Town Attorney, M. Brooks – The policy, the water policy of this town is what I advise them to enforce the policies of this town as long as they are applicable under state and federal law. I do not see anything that is outside of state and federal law as the policy that they have. The question is, is whether Mr. Ross is going to make a motion to go outside **Interrupted by**

Charles Bridwell – He has made a motion.

Town Attorney, M. Brooks – No, well I don't think he has finished it because he hasn't given an amount and I think there has to be an amount for any type of abatement.

Charles Bridwell - But that amount is already established by policy, it's just

Mayor Jenkins – No

Town Attorney, M. Brooks – No, he has to make a motion with a specific amount. Because he, the policy is not being followed, he is asking, if he makes that motion he is making something outside of the policy and he has the right to do that because he is on the Town Council and he was duly elected. But, he needs to understand, he asked me a question whether that was in line with the policy and my advice is that it is outside of the policy, but yes you have the right to do it.

Council Member, W. W. Ross, Jr. – That's what I want to know, if that is legal. Right.

Town Attorney, M. Brooks – If that answers your question?

Council Member, W. W. Ross, Jr. – That's what I wanted to know.

Mayor Jenkins – Or you can do what some of the Council Members have done in the past if you feel sorry for them you take the money out of your pocket and pay the bill. Just about each one of us sitting up here have done that for someone that we felt sorry for.

Council Member, W. W. Ross, Jr. – Well, that's a good idea then. Well, I'm trying to learn the proper procedure and operation of the Council man, so is that in the guidelines the book that you just mentioned? And the question I asked Ms. Brooks was do my question goes outside the guidelines which you said, so I'm have to I don't want to break the rules of the guidelines which is difficult so I have to withdraw my question, I mean my motion, because I'm trying to stay within the legal ramification of the board.

Town Attorney, M. Brooks – We have to treat everyone the same, whether Mr. Bridwell who is a very nice man or any other citizen comes before this board needs to be treated fairly and in the same way and that's with the original policy in effect.

Council Member, W. W. Ross, Jr. – So, the policy has to stand because of the

Town Attorney, M. Brooks – But, you can make any motion you would like to.

Council Member, W. W. Ross, Jr. – I know I can, true, but I have to

Mayor Jenkins – If you do make a motion, you have to put a dollar amount of the adjustment so it can be

Council Member, W. W. Ross, Jr. – I know what you are saying, but it won't be feasible because I would be going outside of the guidelines of the policy and so that's legal aspects. That's a different

Town Attorney, M. Brooks – It is not illegal. I just want to say, I mean, you're not going to jail illegal.

Council Member, W. W. Ross, Jr. – It is not illegal, but it can cause, but it will open up a Pander's box.

Charles Bridwell – May I say something, Miss Brooks? I'm not sure the rules here would even give Mr. Ross the authorization to determine qualified dollar amount. What would give him authorization, he's made a motion.

Town Attorney, M. Brooks – He can make any motion or withdraw and motion he likes, sir.

Interrupted and speaking over M. Brooks

Charles Bridwell – I didn't say that

Town Attorney, M. Brooks – I give, now let me finish, I give legal advice to this Town Council and them alone.

Charles Bridwell – Right

Town Attorney, M. Brooks – So, I'm not going to answer your questions, they can answer, but I give them legal advice.

Charles Bridwell – I'm not challenging your legal

Mayor Jenkins – The reason there has to be a dollar amount is because we do not have a policy to address this. That's why there would even be a motion. It's not a policy to address a leak that has evidently occurred inside of the structure or a usage that has. I agree it probably wasn't a failure, but there was something wrong.

Charles Bridwell – That water line drops straight down. It's on the Town property. It's under the sidewalk of the town.

Mayor Jenkins – If we thought there a leak there, we would be tearing the sidewalk up. There's no indication of a leak there.

Charles Bridwell – But we had mud around the meter, even to this day.

Mayor Jenkins – When your water is turned off inside the building and the spinner which indicates flow is not showing anything.

Charles Bridwell – Well we have a big leakage right here back in 09 where some 40,000 gallons.

Mayor Jenkins – That was a possible usage. That's not, I mean

Charles Bridwell – We don't know. We don't know. It's like you don't know that water line going down under the sidewalk that's there not underground leakage there, under the town.

Mayor Jenkins - We would show constant usage. It's not showing constant usage. All indicators are it was a one-time occurrence. That's all we can go by. I mean, I wouldn't want a high water bill either.

Charles Bridwell – Well, I mean, mines not going to be unique.

Mayor Jenkins – No, it's not, but

Charles Bridwell- And it probably will spend lots of Council Meeting hours ahead of this.

Mayor Jenkins – They may have to.

Charles Bridwell – That may be, that's apparently what you chosen to do.

Mayor Jenkins – But, if we do this we'll spend long hours of other people coming and arguing the same thing. You let Chuck get by with this why can't I get by with **Interrupted by**

Charles Bridwell – And that's nothing for the goodwill of the town.

Mayor Jenkins – Distributing somebody's water bill where the usage is apparent is not doing good for anybody. I mean that would encourage a more **Interrupted by and speaking over**

Mayor Jenkins

Charles Bridwell – I can see your point if I was taking water and selling it and reselling it.

Mayor Jenkins – Do we have a motion to adjust Mr. Bridwell's water bill and if there is a motion what is the amount that it needs to be adjusted. No motion. Thank you.

- **Ron Baker, water bill dispute.**

Ron Baker – For the record I'm Ron Baker. I don't know if it's necessary unless it is for some of the members on Council for me to reiterate on all the factors that I did last time. I think everybody should still be familiar with that. The quick scenario is simply there was a water bill that that was the billing for January of this year that came to me \$117.00 and I questioned that. Like most everybody else in town I didn't know that the water policy had been rewritten under Mr. Jenkins administration. Then I had no increase in billing for the next month and the only thing that I could come up with was the factor that we had a real cold February which would have been March billing. Unless it was frozen or something out there on the Town property and it didn't leak I have no idea because there was no leak inside the building on multiple checks in either commode or either sink, the water was shut down. Then I received the bill for, let me think about here, 32,300 gallons of water on the bill on February or April which would have been done in March and the bill was \$464.20 for that. Now, after we went to the inspection Mr. Jenkins knows the water leak was found in a hole, in a pipe on the Town property, outside the building. That town, that pipe was put in was put in by the town when the water system put in. And, there has never been a leak inside the building from that stand point except in the beginning as I reiterated before where I was out of the country in Japan and where I given permission for that water line be put in under the foundation and brought into my building through my water line something went awry and the water leaked and I think at that time I think it was 130 some thousand gallons but it was adjusted and I went and repaired it into my building. And when we found this, like I said, it's on Town property it was the Town's type. Also found in the process after Mr. Jenkins provided the compression fittings, to repair it and I went down to provide a piece of pipe myself and repaired it that the water meter itself was shut off was still running water through the meter because it wouldn't stop it enough for me to have the water in the hole or in the hole that I had dug cleared long enough for me to put the coupling back together and fix that line. So, water continued to run even though it was shut off at the meter. That's the reason I made the request to the Council. I had paid previous month. I had paid my normal billing which is \$30.00 for water and sewer,

\$10.00 for the garbage. I went ahead and paid that and that is why I requested the Council that this be adjusted to where I'll pay the standard bill for this \$40.00 but not for this well this last billing I'm being billed for \$713.30 that's the current bill I hold right here due on the 18th.

Council Member, R. Cassell – Where is your meter, Ron, is it in the alley?

Ron Baker – I can't hear you.

Council Member, R. Cassell - Where is your meter, Ron, is it in the alley or behind the building?

Ron Baker – It's in the alley as you come up Antique Street. It's right there just about this far away from the pavement, about this much distance from the edge of my building.

Council Member, R. Cassell – Would that be the distance from where the actual leak was? Did you find the hole?

Ron Baker – Yes. That's where the actual leak was it was about, I'll say fourteen inches, maybe from the meter itself. There was never a sign of water except one time, came up in that meter, and that's when I got a report to find out that the water sounded like it was running and went down and the meter box itself now, still no water showing up on the outside between the building and the meter box. But there was water standing this deep in the meter box itself. When I cut it off, it took it about ten minutes and it all just went straight down. But for any other time there had never been any water show up anywhere.

Council Member, R. Cassell – In comparison to the other one we looked at, yours was high, all but March went down, went from 7,500 to 400 March and went back up to high usage. Wonder what happened there in March?

Ron Baker – The only thing, Roger, that I could come up with that March was not actually the month, February was the month that the first

Council Member, R. Cassell - Right, but then in March it dropped down to 400 gallons.

Ron Baker – Right.

Council Member, R. Cassell – Then it went right back up.

Ron Baker – The only thing we had really cold weather unless it froze or gravel got in there in the hole. The hole was almost the size of my little finger. Something restricted it. What, I don't know, but something obviously did. Because there was nothing that changed inside the building and there has never been anything found inside the building.

Council Member, R. Cassell – When did you make the repair?

Ron Baker – As I told you the last time, I did it on it was on a Sunday.

Council Member, R. Cassell – Because it was high the 5/24 was even higher.

Ron Baker – I did it. I did repair it would have been after this was issued because I come to Mark and addressed it at the Town about that at the Town, and so on and waited and never got anything done, nothing addressed and so it went on from there until finally I came back and said we needed to resolve it in some manner I'll go to the thing and fixing it provide fittings and that kind of thing and I even said I'd provide a piece of pipe cause I think I have a piece left over from some work outside the county that I've done.

Council Member, R. Cassell – All the way out to the meter then. That's when you found the split?

Ron Baker – From the point, outside of my building, I cut all, of the pipe out that was any question in it not just the piece that had the hole in it, but all of it back toward where the coupling came out of the meter and joined it there and eliminated any possibility that that pipe might do something later. It was sealed up and there has never been, there's not been anything since. You can go back on record that both your, that the print out that I have here which goes back to 8/24/10 and even beyond that point and the water usage for my billing has been consistent all the time.

Mayor Jenkins – This was an outside leak to the building. It was external, the actual foundation of the building. So, that part can, policy can be applied to adjust the 4/21 or the 5/24 billing, but

that would be going the three prior months. But the 2/24 billing, Ron you came in on the 11th and wanted your once a year adjustment, is that not correct?

Ron Baker – That’s true.

Mayor Jenkins – And, when I came in that evening they me you wanted that once a year adjustment and I was to talk to you. I went and took pictures of the service coming into the building and on the 14th you came into the Town Hall again for an adjustment. I asked you where the leak occurred. At that time you said, the leak had occurred inside the building, flooded and ruined a lot of stuff.

Ron Baker – What now?

Mayor Jenkins – The leak occurred inside the building, flooded and ruined a lot of stuff is what you said to me.

Ron Baker – No.

Mayor Jenkins - Yes, you did.

Ron Baker - Never said that to you.

Mayor Jenkins – I have two **Interrupted by**

Ron Baker – Your honor, I never said that to you.

Mayor Jenkins – I’m not a liar. That is exactly what you said. **Interrupted by**

Ron Baker – You’re a liar. You’re a liar, I did not. I have never had any leak inside the building.

Mayor Jenkins and Ron Baker speaking at same time.

Mayor Jenkins – and no hear yourself talk, but that is the statement that you made

Ron Baker – I can hear myself talk and I know what I

Mayor Jenkins – That is exactly what you said

Ron Baker – said and I never once told you that it caused any damage nor that I had anything break in the building that the cold did that.

Mayor Jenkins – I must have really misheard your mouth.

Ron Baker – Well you must not have been hearing Mark because I never said that to you.

Mayor Jenkins – I maintain that you did.

Ron Baker – Well, I maintain that you misheard what I said because I never said that and I’ll tell everybody on this Council, I’m not afraid to talk to anybody on this Council, telling exactly the same thing.

Council Member, R. Cassell – Mark, which period are you talking about? Is it prior to this one?

Mayor Jenkins – I’m talking, now this is the first one. Interrupted by

Ron Baker – The 1/17 bill

Mayor Jenkins - This is the first high bill.

Council Member, R. Cassell – 2/24?

Mayor Jenkins – That is the **Interrupted by other Council members and Ron Baker**

Ron Baker – 3/22 bill of \$117.00

Council Member, R. Cassell – Well, 2/24 Ron is what we show on here, it was \$117.00.

Council Member, F. Perry – Why was he requesting a one-time adjustment?

Mayor Jenkins – Because of the first leak. This was one leak.

Town Attorney, M. Brooks – And then there was a second leak, is that what you are saying?

Ron Baker – No, there’s no second leak. We’re dealing with the same leak.

Town Attorney, M. Brooks – A second occurrence on your bill how’s that.

Ron Baker – Second occurrence.

Town Attorney, M. Brooks – On your bill?

Ron Baker – That’s correct.

Council Member, R. Cassell – There’s actually three if you even go through May. He’s had high usage all except March. Consistent and you fixed it sometime in June after that.

Ron Baker – Right, this was after I received I finally, did I not come to you and say or call you and say we need to settle this thing and get it settled up?

Mayor Jenkins – Yes

Ron Baker – And you give me fittings and I'll take and do that?

Mayor Jenkins – Yes

Ron Baker – Okay, and that's exactly what I did.

Mayor Jenkins – And you repaired an outside, which I can verify it was a leak that was outside your foundation which does qualify for an adjustment.

Ron Baker – Right,

Mayor Jenkins – But, the way I'm understanding you're requesting more than the standard adjustment.

Ron Baker – I'm saying that, **Interrupted by**

Council Member, R. Cassell – I think

Ron Baker - wait just a moment, let me finish then I'll let you. I'm saying that I have a history here to justify that there have been no mistakes on my part or leakage on my part. I'm saying that you have said it qualifies for an adjustment. But, I'm saying that it's your pipe, it's your property being the Town and therefore it has nothing connecting to me to tie the policy for adjusting for an average of months. I should be billed only the amounts that I am normally billed because I had no part in any of this. And therefore, \$40.00 per month is what I pay for my services. That's what I should continue to pay and that's what I should pay for these billings here. Because, it all happened on you, it happened in your equipment.

Mayor Jenkins – No, I cannot agree that it happened in our equipment. Our equipment ends at that yoke.

Ron Baker – But, in this situation that equipment was yours.

Mayor Jenkins – **Interrupting and speaking over Mayor Jenkins**

Ron Baker – I have the proof that you the Town, prior to your administration put the pipe in, not me.

Mayor Jenkins – I have not seen that proof.

Ron Baker – You don't have to, I'm telling you.

Mayor Jenkins – Yes I do have to

Ron Baker – Okay, if that's the way you want it then we'll take it to another authority and I'll bring my witness.

Mayor Jenkins – That's fine. You can do that, you can take whichever route.

Ron Baker – Now, you think that because we can take your word you can't take ours?

Mayor Jenkins – I'm not taking your word.

Ron Baker – Well, I'm not taking yours.

Mayor Jenkins – I'm still maintaining that you told me this.

Ron Baker – I'm saying that you talked to is wrong because I never said that.

Mayor Jenkins – That's okay because two other people heard it and

Ron Baker – That's quite alright, they never heard that and if they say they did then they're doing the same thing you're doing.

Mayor Jenkins – So, everybody's lying but you.

Ron Baker – I never once told you that I had a break that damaged a thing and I came back in on the second time before we did this and I said, Mark

Mayor Jenkins – So, you didn't tell me

Ron Baker – So you had 32,000 gallons going through a three story building, I most certainly would have a swimming pool and a lot of damage. So you said yes I knew you would. Why would I say that on a \$117.00 water bill that I had had a break in my building and a lot of stuff damaged?

Mayor Jenkins – I don't know why you would have said that.

Ron Baker – I didn't. That's the whole point.

Mayor Jenkins – So you didn't tell me that then that the line had broken that it was inside building but it was our line not yours? You didn't say that either?

Ron Baker – I never said anything like that either. You're the one that said you had a policy for adjustment outside. I thought the policy was the same.

Mayor Jenkins – That is when you told me that, then you said, okay it occurred outside. That's when I told you I took photographs and there had been no disturbance outside.

Ron Baker – Then that's when I told you, Mark, and I told the Council here as well, upon inspection, even by your own people who uncovered it on the Town property that the leak was on the Town property and this turned out to be the Town pipe.

Mayor Jenkins – The Public Service workers maintained that it is not our line. I made sure. I had them hand dig it because I knew the leak was near the meter it was about a foot from the meter **Interrupted by**

Ron Baker – First of all, my question to you is, who uncovered it? Which one of your maintenance workers uncovered it?

Mayor Jenkins – Stoney and Gary.

Ron Baker – Okay, Stoney and Gary and I know both of them. Now when were they first put into service by the Town?

Mayor Jenkins – I have no idea.

Ron Baker – That's what I thought because they weren't employed in Town whenever this line was put in, so how can they have knowledge of something that they weren't here on.

Mayor Jenkins – Cause, it ends at the yoke. That is standard.

Ron Baker – I don't think so. Don't think so. I think you'll find that you have that and I think also you have assumed responsibility of maintaining it from the yoke over there whenever you provided fittings and I put it back together also.

Mayor Jenkins – And you may maintain that too, but we provide fittings to make connections.

Ron Baker – That's good and I provided the pipe. That is never the less, that's where it falls and I request that it be adjusted to this amount so that no more action has to be taken on this. To get this out of the way so that everybody can move on about their business.

Town Attorney, M. Brooks – How much are you asking for the adjustment, Mr. Baker?

Ron Baker – For me to simply pay my \$40.00.

Town Attorney, M. Brooks – So, how much, do you know, have you paid those bills?

Ron Baker – Yes, I've paid, I only outstanding for the \$40.00 is this month's billing. Now I did not pay anything on large amount, I paid the \$117.00

Town Attorney, M. Brooks – But you haven't paid the two that were large after that?

Ron Baker – Yes, I paid the \$40.00 after that. Then when I received the \$464.00 bill, I came in and I made note that there was no leak in my building there was no justification to the water bill. I would pay my bill, and I did, I paid my \$40.00 and then I didn't get any action from Mr. Jenkins over there for four weeks or better when he promised me he'd call me back the next week to let me know about this situation. So, goes another month and goes into additional billing comes up to \$673.00 and then this past billing that I have which is due this month \$713.30.

Town Attorney, M. Brooks – Is that added in with the \$673.00? What's your bill for the month of June?

Ron Baker – Well, for the month of June whatever the billing was I paid the \$40.00 that I was obligated to pay.

Town Attorney, M. Brooks – Okay, so it's the \$40.00.

Ron Baker – Yes

Town Attorney, M. Brooks – Okay, that's all what I wanted to know, thank you.

Council Member, R. Lane – So, it sounds like to me maybe what we got here is policy allowing certain amount of payment and it sounds like what we are hearing is that it fits the policy but we also then you're maintaining, Mr. Baker, that it should just be the \$40.00 all the way through.

Ron Baker – Yes

Council Member, R. Lane – So, that's really our contention between the two, you're saying \$40.00 a month and our policy is saying something else. Sounds like we may be able to accommodate according to policy?

Mayor Jenkins – It can be accommodated according to policy with a payment of \$414.16 is what policy would allow.

Ron Baker – That's unacceptable. Even if it weren't on my billing, you have no justifiable reason to take a leak and to take that leak and put it into play to make with make an adjustment to rectify a wrong on a leak. So, by you adding in the amount that went through on the leak you're circumventing all the justice that there is even in your own policy. Because here you have a situation that you have a record here maintained for a number of years. If there has ever been anything in past record where I had a commode or anything there was never a word said to anyone here in this office. Before you or during the time of your administration and I paid it. I even paid this \$117.00 after you had told me that you had had the policy rewritten and we went on from there. Now all of this fits the criteria to make a justifiable adjustment on this. Now, I should pay no more than what I am normally billed because I had no fault in any portion of it whatsoever. And it would be a miscarriage of Town policy to follow the and go the routes that you're saying.

Mayor Jenkins – The policy applied here has always been the policy. The water policy was rewritten **Interrupted by**

Ron Baker – No it hasn't Mark.

Mayor Jenkins – Yes, it has.

Ron Baker – Right here is a gentleman, pointing at Benny Reed, sitting at the front seat was on the Council before you, long before you. He knows like I know, that before you requested that the policy be rewritten on the water, that it included a one time a year adjustment period.

Ron Baker and Mayor Jenkins speaking at the same time.

Ron Baker – which you had rewritten since you came into the office.

Mayor Jenkins – Yes, because hundreds and thousands dollars of bills were not being paid.

Interrupted by

Ron Baker – You requested it and it didn't take into play the citizens of this town or the property owners of this town that pay their taxes to have this system maintained, along with paying their bills to have water come into their places. And, here we come to have something simple taken care of and it's overly complicated and unjust.

Council Member, F. Perry – Mr. Baker, at the time the policy was rewritten, I was on the Water Policy Committee,

Ron Baker – Yes, ma'am.

Council Member, F. Perry – It was not done at the Mayor's request, it was done at the request of the office because of the complaints that were coming **Interrupted by**

Ron Baker – It was requested by who, Frances?

Council Member, F. Perry – From the people in the office because of all the complaints that were coming in and some people were saying you did this for that one and you did this for that one and you did this for that one and that's why we did a policy to suit everybody. And I'm a taxpayer and I made the policy and I have to go by it just like you do.

Ron Baker – Yes, but in a situation where you find this much out of kilter and this must injustice involved in the situation, policy can be adjusted.

Council Member, F. Perry – I'm not disagreeing with that, I'm just saying, it sounded to me that you were accusing Mr. Mayor of having the policy rewritten for himself. **Interrupted by**

Ron Baker – Well, you know

Council Member, F. Perry – **Continues** – That’s not so. **Ron Baker speaking at same time.** I want the record to show that that’s not so.

Ron Baker – Well, there has been quite a bit difference in administration and policy and so on since the Mayor has been here. I’m simply grouping all of the different ones a blanket coverage as such.

Council Member, R. Cassell – Ron,

Ron Baker – I’m not making an accusation of any kind, I’m not afraid to back up anything that I have to say and I’m not making any kind of threats to the Council or Town, I don’t intend it that way. I just want a simple rectification of this circumstance and I think that we here people who own property in this town because there’s probably 80% don’t live in this town, but we own property in the town. I think that we deserve the same kind and I mean an adjustment if it’s necessary in a situation like this. This is not anything that falls into the direct

Council Member, F. Perry – That’s exactly why we have a policy so everybody is treated the same.

Ron Baker – Yes, but you are also saying here that it’s a thing that if I have leak and here I can clearly prove that the town had the pipe, that it was their pipe it was on their property no way that I can legally go on the Town’s property and dig and do anything, that kind of. I’ve asked about this thing before 117 nothing done. I reported it back that I had checked

Council member, F. Perry – I wasn’t questioning that.

Ron Baker – Okay, but never the less, this is the only fair and equitable thing to do in this situation. Policy is made to go by when there are extreme circumstances, policy should have enough flexibility to accommodate. If someone else had the same, Roger, or you, or anyone of these gentleman here or the Mayor over there, or the Town Attorney had the same kind of circumstances arise on your property, so I wouldn’t expect anything less to be done for you either. Now if it’s just a simple case, you know, every bit of the criteria you got, this is between the meter, if you don’t have it on Town property and be going out and all this kind of thing. You know that’s different, I do have some houses here that are that way. The meter is not located on Town property, they’re sitting in the edge of my property and so on, that’s a different circumstance. I expect to take care of all that, always have. But this is not that circumstance.

Council Member, F. Perry – I’m not questioning that.

Mayor Jenkins – Does anyone want to make a motion to adjust Mr. Baker’s bill?

Council Member, F. Perry – Would you explain to me which one of these that would be, that would qualify under our policy? Which of these figures would qualify under our policy?

Council Member, R. Cassell – It would be to his advantage to go from the 32,300 back the other way, cause you’re going to get a 32-3 and a 7,500 both. That goes all the way back to when he first reported in February. If you take into consideration. Was that meter, Ron, put regardless put on Town property because there was nowhere else to put it? There’s not a lot of room. Was there anywhere else to put it? So there had to have on your circumstance had to be on Town property because there was nowhere else to put it.

Ron Baker – It’s on Town property is all I know.

Council Member, W. W. Ross, Jr. – And the meter was checked?

Ron Baker – Pardon?

Council Member, W. W. Ross, Jr. – Was the meter checked by the Town crew, calibrated?

Ron Baker – I have no idea. I heard something mentioned to that in the last meeting. To my knowledge I know of nothing going on.

Council Member, W. W. Ross, Jr. – So, you didn’t see anything in the mail saying that it had been checked

Ron Baker – No.

Council Member, W. W. Ross, Jr. – Your meter did go to Roanoke? You said three of them.

Mayor Jenkins – No, I mean this was an apparent leak. I mean, it was a leak. I know there was a leak there.

Council Member, R. Cassell – You're even denying it was a leak in the pipe. I don't think you're denying there a leak in the pipe. There was a leak in the pipe.

Mayor Jenkins – And it's external to the building. It was a leak before it went, well, property line, I'm not sure it was prior to going into the foundation of the building. It was not inside the building so it is an adjustable leak by policy on that leak, yes.

Council Member, F. Perry – Which amount is that?

Council Member, W. W. Ross, Jr. – The leak or the Town property. You said it's not on Town property?

Ron Baker – It is on Town property.

Mayor Jenkins – I don't know. I don't know that.

Ron Baker – Why?

Mayor Jenkins – Because I haven't seen the survey.

Ron Baker – There's nobody that owns into the building and when the pipe was dug out by your own employees and so forth all they had to do is look, it's printed out.

Mayor Jenkins – It may or may not be on Town property. I don't know. I can't swear whether it is or not. It appears to be, but I didn't have a surveyor go down there and mark it out. I don't know where his property line runs. Kathy (Town Clerk), on these adjustments, what is this.

Town Clerk, K. Riley – It's according to what Judy had processed as far as the sewer, the \$227.10, the \$15.00 and \$53.50 divided and it comes out to \$98.53 and then you subtract that \$98.53 from the \$227.10 bill and it gets \$128.57 off the water and the \$128.57 comes off the sewer. The total adjustment is \$257.14 that comes off the total bill of \$673.30. Now at that time it was \$414.16 but it may be higher according to whatever. But we did, we took off the penalties and interest we didn't even put that on the bill. We took that off accordingly to the Council.

Mark Jenkins – Okay

Ron Baker – And I reiterate, one more time. That I came in with a concern with the \$117.00 bill, didn't know that the policy had been changed that we didn't get the adjustment. Went ahead and paid it, went on from there. Came back to Mr. Jenkins and talked to him before we got into any of the rest of this and it overlapped creating these other bills. Now, you know Town policy or not, of any Town policy you got. It should not fall on me the responsibility of the water price here with the penalty and interest and everything when I already reported it, the situation. And, it is on the Town, and it is in the Town's pipe and so forth and come back and try to adjust from the bill that is created by that leak. Does not set, won't set.

Town Attorney, M. Brooks – Mr. Mayor, the things you are saying that fall within the policy, are they the 5/24 and the 4/24 bills, both of them?

Mayor Jenkins – No, there is a one-time adjustment. One time per twelve calendar months.

Town Attorney, M. Brooks – I just wanted to clarify that.

Mayor Jenkins – And it's based on, it has to be based on three bills.

Town Attorney, M. Brooks – Okay, right.

Council Member, R. Cassell – When the Town crew, of course in Ron's situation, it's unique because they had nowhere to put it. But even when I built my house, my contractor had to run all the way to the meter. The only thing the town did was set the meter and put on connected the water to it. I had to put in and I'm not discounting you, if yours hadn't had to been put where it's at, it would have been on your property, that piece of pipe. But in your circumstance it's the only place they had to put it.

Council Member, F. Perry – The Town's responsibility goes from the water line to the meter then from the meter to the

Council Member, R. Cassell – I think it's the same situation as any of our houses, from our house to the meter, normally would be considered the homeowner.

Council Member, F. Perry – Right.

Council Member, R. Cassell – But Ron's, that fell on Town property, it's the same pipe we're speaking of, it's just his ended up being on Town property because of nowhere else. There ain't a space this wide down there. I went by there and looked.

Ron Baker – Nothing for it to go on other than

Council Member, R. Cassell – Ron, I mean it's like Michele said whether I like you or I don't like you or whether I like Mr. Bridwell or I don't like him if we turn around and deviate from that we've done him an injustice, see what I'm saying?

Ron Baker – Let me give you an example. If a man is sentenced to death and put on death row, it's positive because he's been convicted. And then, at a later time, in a stay period he's executed. Then the next man is sentenced to death row and he sits on that and then, suddenly, there's evidence uncovered that he's not guilty. Then there should be a variation of policy to save that man because circumstance and evidence shows differently. You should go ahead and stick to the policy and let him be executed as well? I don't think that holds too much water. Policy of any jurisdiction or any government is written in generalities to try to take care of public welfare. Because that's what the entire town of Gate City is about. It's the people in the Town of Gate City itself. It's just a name entity not the town, the people who own the property here and the people who pay the taxes here or Gate City. Now, general policy, works in most cases but all of us know when we live, we are no longer that any of us have lived that there are circumstances that can't always fit policy. Therefore, it is justified to address taking care of those circumstances. Now, if in the situation you are afraid that it opens up a can worms it always has to be brought for you, it always has to be decided on by you and voted by you as to whether you make the policy adjustment or not. And, if the circumstances fit, as I feel they do in this particular situation, then yes then the policy adjustment be made and kept as close as it can be, but adjusted nevertheless even if it's outside the criteria of that. Because someone just comes to you and throws up something you gave so and so an adjustment and everything, I want the same adjustment and everything I feel you know and I know that they are going to have to provide more proof than that. It's not a popularity contest. And it's not a situation of asking for any favoritism or popularity at this point either. Neither one of these bills of \$673 or \$464.20 are justified in any manner here. We already got proof of that. Everyone is in agreement. Because of the fact, it's Town property it is the Town's pipe. I never put the pipe in and I have the proof that it was put in by the town. And, I'm blowing no smoke at you. I have the man that can testify that because he was here when it was put it and he was a Town employee. So, here's what I'm willing to offer. You say the Town policy is to average three months and then that average. I will agree to save us further ado and have them take this to another authority to get it settled taking the 3/22 billing, the 2/24 billing, and the 1/25 billing and averaging those and I will pay you the difference out of the average of those three bills, which is fair and in accordance with your policy.

Council Member, R. Cassell – Run that by me one more time, Ron, which bills?

Ron Baker – The three bills, other than the two large ones which happened and we know that it happened because of the water leakage on the town, the Town's pipe. That is a \$40-\$117 and a \$40, the average of those three, whatever it comes up to be, I will concede to that and pay that average.

Town Attorney, M. Brooks – Even if that's not in compliance, I'm sorry, I didn't mean to interrupt you. Do you understand what the policy is? I know you're offering that as a compromise, but part of the policy is that the larger bill is factored in as well.

Ron Baker – I understand that that is what the policy is state of being, but I'm certain that that won't hold in certain courts. So, that's the alternative that I offer, if not than I guess I'll see you in circuit court. There's no other choice for me. So.

Town Attorney, M. Brooks – I thought you said that penalties and interest were not included, Kathy, is that correct?

Town Clerk, K. Riley – Last month, Council voted not to charge in penalty and interest for the bill that went out until you guys made a decision.

Town Attorney, M. Brooks –Right. How much more penalties and interest would it be for since the 4/21 bill? Is that \$15 a month, is that what that is?

Town Clerk, K. Riley – It was about \$51.00 in interest and penalties on the water and sewer interest and penalties and it was on the 5/24 statement.

Town Attorney, M. Brooks – I'm sorry, I don't understand.

Town Clerk, K. Riley - If you look at the statement here, 5/24/11, you'll see sewer, SW Interest, SW Penalty, that is what was applied on that month.

Town Attorney, M. Brooks – Okay.

Council Member, R. Cassell – About \$23 something on sewer and about \$27 roughly on water.

Town Attorney, M. Brooks – So about \$50 and some change.

Town Clerk, K. Riley – Right. But, it wasn't applied this last bill.

Town Attorney, M. Brooks – Thank you.

Ron Baker – I don't mean to say anything out of kilter, try to sound like I'm pushing, but what Mr. Jenkins is getting there looks mighty tasty to me I'd ask to wait for me to go get a drink also.

Mayor Jenkins – You're welcome to one of these, if you want.

Ron Baker – I appreciate it, I'll just get it out of the out there. Have we come to an answer?

Town Attorney, M. Brooks – I think they are still ciphering.

Council Member, F. Perry – Just like Jethro.

Town Attorney, M. Brooks – Kathy, is she giving him credit for the payments that he did make?

Town Clerk, K. Riley – I'm sorry, what was that?

Town Attorney, M. Brooks – Did she give him credit for the payments that he did make?

Town Clerk, K. Riley – No, you just go off of the sewer, you don't take any payments into account on that.

Town Attorney, M. Brooks – He did make the \$40, \$117 and the \$40 payments.

Town Clerk, K. Riley – Right

Town Attorney, M. Brooks – I just want to make sure I'm understanding

Council Member, F. Perry – That had me too.

Town Attorney, M. Brooks – I thought I was misreading something. So whatever figure it is, it would be less any payments you already made.

Ron Baker – Well, yes, but let's just cut to the chase I offered you \$65.66 or \$65.67 actually as a settlement for this to complete our transactions here altogether. That would still leave me the \$40 to pay for this month bill. Okay, but the \$65.67 would be the adjustment that I would pay for these other bills which have been erroneously building up out the water leak from down there and so on. So, I will do that and I will go ahead and pay my monthly bill that I'm due to pay before the 18th of this month. If the Council doesn't see the way fit for that then we need not waste time anymore.

Town Attorney, M. Brooks – Why don't you hold your horses for just a second and see what they come up with.

Ron Baker – Well, I'm getting tired. I've set through all of this, everybody else is looking tired. So, that's all that I can do. And if we can't come to an agreement on that, than we need not waste each other's time.

Council Member, R. Lane – Well, kind of where I'm personally at now. I know they're trying to figure out, but I still think it's based on policy. Sounds like what you're saying is policy is fine, you're asking for a deviation from policy.

Ron Baker – A slight amount. I'm asking for what would be justified to average three months for the leak that was inclusive because the leak does not and should not come into play in this.

Council Member, R. Lane – Personally, I would love to see you get the maximum according to the policy. That's my take.

Ron Baker – Okay. Unless somebody stands up to when there's you know, the heat been turned on in this thing. If the policy is Town policy and it is and the policy is wrong when it comes down to something like this, then there needs to be something done. Just simple as that and that is where I'm coming from and what I'm asking for, nothing more, nothing less.

Council Member, F. Perry – Where do you think it's wrong?

Ron Baker – Why do I think it's

Council Member, F. Perry – Where do you think the policy is wrong?

Ron Baker – The policy is wrong in that you're saying with the policy saying that I should go and be accountable for the amount of water that went through there for the \$400, excuse me let me look at my figures, be accountable for that billing that was \$464.20 now has escalated to \$673.30 which has escalated to \$713.30. That's where the policy is wrong. Because here is the situation that I couldn't do anything about it even if I wanted to, because it's not in a position of any kind that I could have done anything about it. And I had come to him and made an offer and tentatively from that, the Mayor, gave me permission to go down there and to make the repairs and so forth. But, otherwise, I had asked for the repairs to be made, whatever was necessary to get the water thing solved. It was never making itself evident by coming up through the up the ground it would have normally kept anybody off. He even verified that cause he went down there and took pictures and saw nothing. There was nothing. How in the world it did it? I really don't know, I heard it before, but I never had it happen before. But, it was going down somewhere and it wasn't running down the street, it wasn't running out there down on the road or anything, it never did show. But, it wasn't leaking in the building, that's absolutely sure. And when found this outside the building in town and then the Town pipe then we found out where it was going to. How and where it was going after that only God know, I don't know. But, this is, this is only fair and I'm trying to be, I think, overly fair with the town in this concern about doing the average here. Because, this is totally unfair to expect me to take up the slack in this water bill on something that occurred on the town in the town's property of their pipe and so on and expect me to have that averaged in and the average to pay the town for water. I didn't have any part of that and I can't justify it and I just can't do it. I won't. I will, like I say, I'll make adjustment, I mean, I will accommodate the adjustment and go back to three months prior to that bill which is outrageous with the 32,300 gallons and average those three which also takes into account the 1/17 bill and my own most sincere opinion, that 1/17 bill is a result of that leak down there too. Because there was no leak in my building and there was nothing ever found in my building and nothing ever occurred in my building. So, the 1/17 bill was the onset. Why it didn't do it the next month, again, God knows, I don't. I can't guess unless it was the frozen ground. I don't know. Because I do know that when it freezes like that or rock comes through or a rock against it moves the water shakes something up, it moves up against it. Whatever, but it shook it up that amount of time that it didn't consume a lot of water but then it jumped back up and used 13,300 and the majority of the time that that 13,300 come to show on this that meter was cut off. It wasn't on and I couldn't figure that one until I cut all that old pipe out and then cut the meter off so I could put it back together and the water still running out and the hole is filling up with water. That told me then what was going on, that the meter was not doing a finalized cut off as it should have coming into the building so when it was cut off the whole time it still sitting there running water on. You

know there again, how can I be responsible for that? So, do we have a deal with me paying you \$65.66 to settle this and paying you for this month's water bill or we don't?

Town Attorney, M. Brooks – I don't think the Town Council can make a deal, they can make a motion to do whatever they want to do as far as making a deal.

Ron Baker – Okay, they can make a motion, whatever.

Town Attorney, M. Brooks – Yes, sir. **Interrupted by and speaking over**

Ron Baker – To me, it's a settlement.

Town Attorney, M. Brooks - I just want to make sure the legalities, that's my job. I'm trying to make sure they do

Ron Baker – To me, it's a settlement. Do we have a settlement? Do we want to do that or do we want to pursue that further? You have, I'm at the bottom of my options, that's it.

Council Member, R. Lane – The motion that I would like to make is that it is the maximum of what the policy allows adjusted.

Mayor Jenkins – Randy has made a motion to allowing the policy in effect to make the adjustment.

Town Attorney, M. Brooks – Would that include the penalties and interest?

Council Member, R. Lane – I think that would include penalties and interest, yes.

Town Attorney, M. Brooks – To abate?

Council Member, R. Lane – Yes.

Town Attorney, M. Brooks – Just want to make sure we're clear.

Council Member, R. Lane – Yes, thank you.

Council Member, R. Cassell – You're saying take those off since it is a disputed

Motion made to allow the policy that is in effect to make the adjustment and to abate the interest and penalties.

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

VOTE: Yeas, 4

Nays, 0

Absent, 1 – T. Herron

Ron Baker – I guess I'll see you all later. You'll be hearing from me.

- **Matt Cramer, recycling.**

Matt Cramer – When he last spoke to Council it was about legal issues and he had spoke to an attorney with their suggestion to keep it privatized, but possibly put small advertisement on water bill that recycling was available would not put the Town in any obligation legally.

Council Member, W. W. Ross, Jr. – The last time you were here you would bring a proposal for us to look at to evaluate.

Matt Cramer – The problem is you are asking for a business proposal to a city where the people usually controls the recycling. You want me to hand a business plan to a city, who would normally control this business, but asking me to be private. The lawyer advised him not to hand over the business proposal to the same city in which he wanted to do it in.

Council Member, R. Cassell – What is difference with Weber City who contracts with BFI pick up their garbage. Service we normally provide, they don't how is that any different, they have a contract with them?

Matt Cramer – I agree. Wishes to speak to attorney again and come back next month with a proposal. Wants in the proposal that Gate City will not operate a recycling business, within the

next three years, that would compete with him. Doesn't want to set it up and have Town take over once they see money is being made. Do you understand?

Council Member, R. Cassell – Agrees, but when you say you can't offer a proposal that is no different than XYZ Company coming in asking to do business, need to see some kind of proposal.

Matt Cramer – Agrees with him, but repeats city not operating recycling business for three to five. Repeats desire to talk to attorney wants to make it work.

Town Attorney, M. Brooks – I cannot give you an advisory opinion and cautions Town Council not to make any commitments.

Matt Cramer – Not asking for an opinion.

Town Attorney, M. Brooks – I'm not saying you are, but wants to make sure we are clear as they can't say, yes we'll do that we don't have anything in front of us.

Matt Cramer – I did not have adequate time to present a proposal after he spoke to attorney to write in provisions with preference of having legal counsel write them. Does that make sense? Works full time job and did not have time and asks for a month extension to prepare.

Council Member, R. Cassell – Is a month enough time or would it be better to ask to be placed on the agenda when you are ready.

Matt Cramer – When can I be placed on the agenda?

Council Member, R. Cassell – Usually the Friday before.

Matt Cramer – Prefers to take that route. Wants to state that he didn't mean that the Town would take over the recycling business, but it has happened in other towns.

Town Attorney, M. Brooks – We need to understand what you are asking from the Town.

Matt Cramer – Feels, legally, I couldn't state it as well as he would consult an attorney.

Council Member, R. Cassell – Would be best to consult an attorney.

Matt Cramer – Reiterates Town's concerns regarding legal issues about being private and being connected to the city. When he spoke to the attorney, was told when completely private must be some type of agreement with the city not to, in the near future, to compete with me.

Council Member, R. Cassell – Just asking to bring whatever your attorney suggests and we'll go from there.

Matt Cramer – Okay, just tonight don't have it and apologizes.

Council Member, R. Cassell – So, you are in agreement when you feel you are ready to be placed on the agenda.

Matt Cramer – Appreciates the flexibility.

Council Member, R. Cassell – I've lived here almost 47 years don't think we're going to jump out into the recycling business. No pressure from Town, not looking to go into business.

Matt Cramer – Only problem I see is differences between city and county and wishes to definitely speak to lawyer.

Council Member, R. Cassell – Probably good advice.

XIII. NEW BUSINESS - None

- **Council to vote on the Resolution of the Regional Water Supply Plan.**

Motion made to approve the resolution of the Regional Water Supply Plan.

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

VOTE: Yeas, 3
Nays, 0
Absent 1 – T. Herron

XIV. PUBLIC COMMENT – NEW BUSINESS

Mayor Jenkins closed the public comment session for new business at 9:34 P.M. and opened the consent agenda session.

XV. CLOSED SESSION

Mayor Jenkins opened the closed session at 9:34 P.M.

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

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

VOTE: Yeas, 4
Nays, 0
Absent 1 – T. Herron

XVI. RETURN FROM CLOSED SESSION

Council returned from closed session at 10:23 P.M.

Motion made for Council to return from closed session.

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

VOTE: Yeas, 4
Nays, 0
Absent 1 – T. Herron

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 – T. Herron

XVII. MOTIONS FROM CLOSED SESSION:

Motion made for the Town of Gate City to pursue to obtain easements from all property necessary for sidewalk improvement on West Jackson Street from the First Baptist Church westward.

Amended the motion to reflect Town of Gate City to pursue to obtain easements from all property necessary for sidewalk improvement on East Jackson Street from the First Baptist Church eastward.

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

VOTE: Yeas, 4
Nays, 0
Absent 1 – T. Herron

Motion made for the Town of Gate City to advertise for sealed bids to sell the property known as the Starnes Little Store Building with the right of first refusal for top and best bid pursuant to Ordinance # 01510-11-01

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

VOTE: Yeas, 4
Nays, 0
Absent 1 – T. Herron

XVIII. ADJOURN

Motion made to adjourn the meeting until the next regularly scheduled Council Meeting, August 9, 2011, at 6:00 P.M.

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

VOTE: Yeas, 4
Nays, 0
Absent 1 – T. Herron

***Mayor Jenkins adjourned the meeting at 10:26 P.M.**

Mark Jenkins – Mayor

Kathy Riley – Town Clerk

A RESOLUTION APPROVING THE CUMBERLAND PLATEAU, LENOWISCO, AND
MOUNT ROGERS REGIONAL WATER SUPPLY PLAN

WHEREAS, Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply plan to the Department of Environmental Quality (DEQ); and

WHEREAS, the Town of Gate City is a participant in the Cumberland Plateau, LENOWISCO, and Mount Rogers Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

WHEREAS, on 7/12/2011, the Town of Gate City held a public hearing to accept public comment on the Regional Water Supply Plan; and

WHEREAS, the adopted Regional Water Supply Plan will be submitted to the DEQ on or before November 2, 2011.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Gate City hereby adopts the Regional Water Supply Plan as it pertains to the Town of Gate City. Approval and adoption of this regional plan indicates support for and general agreement with the regional planning approach, but does not indicate approval or disapproval of conclusions and recommendations presented in the plan as they pertain to other localities. The Town of Gate City reserves the right to comment on specific water supply alternatives in the future even though such alternatives may be recommended in this adopted plan. The Town of Gate City will not be limited to specific water supply alternatives in this adopted plan and reserves the right to recommend additional alternatives for consideration in the future.

BE IT FURTHER RESOLVED that the Town Council of the Town of Gate City intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Gate City at a meeting held on 7/12/2011.