



**GATE CITY SANITATION AUTHORITY MEETING**  
**APRIL 13, 2011**  
**156 E. JACKSON ST.**  
**6:00 PM**

**I. CALL TO ORDER**

Jim Craft, Chairman called the meeting to order at 6:02 P.M.

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

PRESENT: Chairman, Jim Craft  
Vice-Chair, Dewey Breeding  
Council Member, Roger Cassell  
Town Attorney, Michele B. Brooks  
Acting Town Manager, Mark Jenkins

ABSENT: Town Manager, Steve Templeton

Others present: Amy Lee Quillen, Jesse McClellan, Dane McClellan, Wallace W. Ross, Jr.

**III. CONSENT ADGENDA**

- **Approval of Bills.**  
Motion made to approve payment of bills for March, 2011.

**Town Attorney, M. Brooks** – Asks if we received our bills in a timely fashion?

**Town Treasurer, C. Edwards** - Provides the dates when each bill was received from PSA, stating they are up to date. Asks the board if they want him to take off the same things that they have been taking off, the Administrative costs and amount for the Board Members that they pay?

**Chairman, J. Craft** - Asks Town Attorney if in the letter she sent Mr. Danko if these items were addressed.

**Town Attorney, M. Brooks** – Responds she did not directly address the costs that the board had mentioned about deducting.

**Acting Town Manager, M. Jenkins** - Questions fuel expense of \$155.00 stating only fuel they would consume for Town would be to come and check the main. Questions postage and delivery, stating we do our own billing.

**Town Attorney, M. Brooks** - Explains costs as defined in the Code as to what they (PSA) can bill us for stating she would provide copies of that to look at and see what costs can be.

**Council Member, R. Cassell** – Questions the vagueness of the contract.

**Town Attorney, M. Brooks** – Quotes Article 5, Section 1.1 of the contract. She believes there are some Administrative costs under the contract and defined in the code that we would be responsible for...some.

**Town Treasurer, C. Edwards** - Further explains what we have not been paying-Board Fee for the Board of Supervisor member and Administrative cost of paying the bill and providing this bill to us. The calibration fee is their responsibility and to provide us a copy of the calibration.

**Acting Town Manager, M. Jenkins** – Discusses the 100% of the utilities at the pump station making sense, but cannot understand the fuel charge.

**Council Member, R. Cassell** – States they are charging us at 64% of everything.

**Town Treasurer, C. Edwards** - Goes over the bill of the employees listed and hours.

**Acting Town Manager, M. Jenkins** - States he wants to look at the bill and look at it closely.

**Council Member, R. Cassell** – Asks if he is reading the bill correctly with us paying 64% of everything? States 64% of the flow is alright, but not 64% of everything across the board.

**Town Treasurer, C. Edwards** – Explains the percentage of the next two bills being 57% and 52% of the flow.

**Town Attorney, M. Brooks** – States she will review the contract with regards to costs goes, stating some administrative costs are warranted in the contract, but as to the percentages not sure where that is coming from.

**Vice Chairman, D. Breeding** – States we are paying twice as much as they (PSA) are. We're paying 2/3 and they're paying 1/3 of the total operation.

**Town Attorney, M. Brooks** - Reasonable administrative costs are a part of it and it is in the contract.

**Vice Chairman, D. Breeding** - States 2/3 does not seem a reasonable.

**Acting Town Manager, M. Jenkins** – Asks if they (PSA) provides an actual flow at the Plant?

**Town Treasurer, C. Edwards** – Responds yes and refers Mark to area where flows are listed.

**Acting Town Manager, M. Jenkins** - States he will have to make a spreadsheet. Does not add up.

**Town Attorney, M. Brooks** - Suggests having Mr. Danko come to the meeting to explain these costs. States she will also invite the County Attorney to come with Mr. Danko.

**Motion to have Town Attorney, M. Brooks, write Mr. Danko a letter requesting he be at the next regularly scheduled Sanitation Meeting (May 11, 2011) to explain charges on our monthly bills.**

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Vice Chair, D. Breeding

VOTE: Yeas, 3  
Nays, 0  
Absent, 0

**Motion to approve payment of bills for March, 2011, minus the commissioner's compensation and administrative charges from each of these monthly bills.**

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Vice Chair, D. Breeding

VOTE: Yeas, 3  
Nays, 0  
Absent 0

- **Approval of Sanitation Minutes**  
**Motion made to approve Minutes for March 9, 2011.**

Motion by: Vice Chair, D. Breeding 2<sup>nd</sup> by: Council Member, R. Cassell

VOTE: Yeas, 3  
Nays, 0  
Absent 0

**IV. PUBLIC COMMENT - NONE**

**V. UNFINISHED BUSINESS - NONE**

**VI. NEW BUSINESS**

- **Amy Quillen, 300 Sharon Drive, regarding sewer bill.**

**Amy Quillen** – States in 2009 she purchased a home in Estil Heights and had been paying for sewer ever since. They had found out they do not have sewer and has paid \$578.00 and is requesting a credit since service wasn't provided.

**Acting Town Manager, M. Jenkins** – Addresses board that last Sanitation Meeting was to let them opt out putting the sewer in since it would be very costly to them and the Town would have to extend a line, but it would be a burden to the homeowner.

**Vice Chair, D. Breeding** – States last meeting we voted to exempt her from the payments of the sewer bill because she didn't have access to it.

**Amy Quillen** – Asks for credit since she has paid \$578.00 over the past

**Council Member, R. Cassell** – Asks, you've lived in a house for almost two years and didn't know what kind of septic system you had?

**Amy Quillen** – Responds, no. The lady that had it before said she was paying for it also.

**Discussion between members of whether a credit should be provided. M. Jenkins questions whether reimbursements have been done in past? D. Breeding states he didn't believe they (Sanitation Authority) has done that before of reimbursing anyone for previous payments. We've exempted a few because they couldn't get the line to and J. Craft states doesn't remember doing any reimbursements though.**

**Council Member, R. Cassell** – Asks when she moved into and purchased home.

**Amy Quillen** – States she moved and purchased home in June, 2009. States she was told she had water/sewer, paid the deposit and doesn't have sewer. The sewer charge has been taken off her bill now.

**Chairman, J. Craft** – Questions of whether assistance or credit should be provided with taking the charge off her bill.

**Council Member, R. Cassell** – Has a question regarding Rural Development, can we do this? Taking the credit and putting it back to the water, is this putting us back into where we were with Hope House and Fire Department or is this a different situation?

**Town Attorney, M. Brooks** – Did not think so, it would be a credit, not free.

**Acting Town Manager, M. Jenkins** – Need to check the stipulations of when the sewer lines were put in for that, the owners at the time might have been obligated to hook on. He explains the grant/loan program at Red Hill and Manville where the owners opted out of not hooking on to

water at this time, but were obligated to pay the tap fee later if they wanted to and they have to pay the water bill. They are not getting services due to the original contract with the original property owner, but that is where the responsibilities drop, but we need to check and see how everything is laid out.

**Council Member, R. Cassell** – Asks, M. Jenkins, you’re talking about when the sewer was put in during the 70’s? He then asks Ms. Quillen, who built her house.

**Amy Quillen** – States she does not know who built it, but she bought it from Susan Greear, also the people who just built home just got the sewer to their house, having to raise the line for the flow.

**Acting Town Manager, M. Jenkins** – If the line wasn’t there or available, that would have knocked that out, but it was a available and not hooked on by the original owner at the time. He does know that a lot of the people have the contracts and does know that that would make sense if the line wasn’t there

**Amy Quillen** – Well Susan came up, that’s actually how we found out. She came up and walked the property with us, just a while back, and had told us that we didn’t have sewer and we’re going????? and it wasn’t ever there.

**Council Member, R. Cassell** – Asks, she (Susan Greear) didn’t disclose that when you bought the house she waited two years later to tell you?

**Amy Quillen** – No, she didn’t tell us.

**Woman in audience speaks up without addressing who she is** - We didn’t talk to her.

**Couple in audience and Amy Quillen speaking at same time** - States, we bought it through a Real Estate Agent

**Council Member, R. Cassell** – Asks, so the Real Estate Agent didn’t pass that along?

**Woman in audience speaks up again.** No, neither did the Town

**Chairman, J. Craft and Acting Town Manager, M. Jenkins** – Discuss where the home is located.

**Town Attorney, M. Brooks** – Asks Ms. Quillen how long she (Susan Greear) owned the property?

**Amy Quillen** – I think she built it. **She asks the woman in audience behind her, didn’t she?**

**Amy Quillen** - She built the house or had it built.

**Woman in audience** - Confirms, she built the house.

**Amy Quillen** – I guess it’s probably 30, 30 years maybe.

**Woman in audience** states in the 80’s.

**Amy Quillen** – Oh, in the 80’s maybe.

**Woman in audience** - It didn’t belong to me.

**Council Member, R. Cassell** – Asks Ms. Quillen if we can table this to cover our legalities and search the records.

**Town Attorney, M. Brooks** – Wants to make sure we are not in any violation of program to do that.

**Amy Quillen** – Agrees to R. Cassell’s request to table to next month.

**Motion made to table Amy Quillen’s reimbursement request to next month’s meeting.**

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Vice Chair, D. Breeding

VOTE: Yeas, 3  
Nays, 0  
Absent, 0

- **Mitchell Brown, 201 Valley View Dr, requests release of sewer charges.**

**Acting Town Manager, M. Jenkins** – Explains Mr. Brown has a septic system and is not on the sewer. States his situation is entirely different, explaining where the home is located. He explains he is only a few feet to hook onto the sewer. Does not know why it was left off before.

**Chairman, J. Craft** – Asks if there is a situation of rock or elevation that would keep him from connecting.

**Council Member R. Cassell** – States, everyone else in there has sewer, probably.

**Acting Town Manager, M. Jenkins** – Doesn't understand why that home was never put on.

**Chairman, J. Craft** – States, there is no good reason why he shouldn't hook up?

**Acting Town Manager, M. Jenkins** – Replies, no.

**Chairman, J. Craft** – Doesn't see any reason to release him from charges, if he can connect and asks for member's opinion.

**Council Member, R. Cassell and Vice Chair, D. Breeding** state if it's available and you can hook to it, you pay for it.

**Council Member, R. Cassell** – Asks how long has he lived there.

**Acting Town Manager, M. Jenkins** – States, not long.

**Motion made to deny request to be released from sewer charges due to availability of sewer at property located at 201 Valley View Drive.**

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Vice Chairman, D. Breeding

VOTE: Yeas, 3

Nays, 0

Absent 0

**VII. OTHER BUSINESS**

**Wallace W. Ross, Jr. asks to approach the board.** States a resident has been having problems with sewer back up and asks what steps the resident would have to take to have it evaluated to see where it is coming from.

**Acting Town Manager, M. Jenkins** – Asks Mr. Wallace what are the properties?

**Wallace W. Ross, Jr.** – States one of the properties is on Manville Road and he did not have the address.

**Acting Town Manager, M. Jenkins** – Tells him to get the addresses for Public Works to check the lines.

**Wallace W. Ross, Jr.** – Asks, so you need an address? He wanted to know what steps to take, with number one being to get the address. Asks if there will be a cost to resident when Public Works goes out to check lines?

**Acting Town Manager, M. Jenkins** – States they will check to see if the problem is on the Town's lines.

**Town Treasurer, C. Edwards** – Informs Mr. Wallace if he calls with the addresses, we can do work orders for Stoney to go and check it out and then we can go from there without you having to wait and come back for the next meeting.

**Wallace W. Ross, Jr.** – Questions the quality of the lines in the 70's.

**Acting Town Manager, M. Jenkins** – Restates, we can check the Town lines. It just takes a work order.

**Town Attorney, M. Brooks** – Brings up the status of the Water and Sewer Reimbursement Contracts with the various subdivisions that were discussed at last meeting. Previous request was to see if I could locate the contracts. I have made contact with everyone and have been unable to get copies of any contracts. Kathy has spent many hours looking for contracts, we do not have any signed copy of any contract for anything that we are paying on, presently. We have drafts we do not have a signed contract .

**Town Treasurer, C. Edwards** – Asks, Town Clerk, what about the Quillen Heights contract?

**Town Clerk, K. Riley** – States it was only signed by the Sanitation Board and it had not been notarized, no notarization on it. Nothing legally binding that I would think.

**Town Attorney, M. Brooks** - We may have something that actually has a signature on it, but we don't have a copy, we don't know how much we are supposed to be paying, for how long. As your attorney, that gives me a great deal of concern. Miss Jenkins (former Town Attorney) wrote letters to those property owners back in August of 2010 asking them to produce contracts. I spoke with her last week, she never received anything. I don't have any evidence that anybody even responded to those letters.

**Chairman, J. Craft** – Suggests we make one more effort to have a letter sent to these people and see if they can't produce the contract within 30 days then we can assume that there is no contract.

**Vice Chairman, D. Breeding** – Asks, didn't Mike Carrico have a contract for his Moccasin Hills?

**Town Attorney, M. Brooks** – He said that he'd look for it and that's as far as I got. He said Jessee might have one and they never have produced anything to me. I've called Terry Kilgore's office because he represented the Town during part of that time he said he does not have any records that he can know of that would have those contract in them. I don't know where else to look and Kathy has made a huge effort to find them.

**Council Member, R. Cassell** – Are these notices being sent certified with return receipt?

**Town Attorney, M. Brooks** – I don't know, Michelle did those back in August. It appears that it was just regular letters. I have not done letters, I made phone calls and spoken in person with both Mike and Terry to see if they have copies of those contracts.

**Acting Town Manager, M. Jenkins** – If we send a letter and it does not come back to us it is assumed that it was

**Council Member, R. Cassell** – That they got it? I know anytime on a warrant a Judge wants to see the return receipt as proof that they either didn't pick it up or they received it. Explains taking warrants for returned checks and the requirement of showing proof they received notice.

**Town Attorney, M. Brooks** – Agrees, he is right about that, but as far as, I think under the law, if mail is not returned than they have received it.

**Council Member, R. Cassell** - Feels they have been given ample time.

**Chairman, J. Craft** – Should we put that in a motion?

**Town Attorney, M. Brooks** – You should be in a motion of whatever you decide that you want to do. As your attorney, my recommendation would be that you don't pay them another cent until they produce a contract.

Motion made to not pay any further sewer reimbursements on the subdivisions (Quillen Heights, Moccasin Hills, Davidson, Cardinal, Hunter's Crossing)

**Town Treasurer, C. Edwards** – Atkins subdivision has been paid. Atkins is paid off. We know that, for a fact. Because we actually had an amount with that and we paid that off last year.

**Vice Chairman, D. Breeding** – That's the latest one. The most recent one, wasn't it?

**Town Treasurer, C. Edwards** – Replies, yes.

**Motion made to not pay any further sewer reimbursements on the Quillen Heights, Moccasin Hills, Davidson, Cardinal and Hunters Crossing subdivisions and have Town Attorney send a letter to each owner informing them of no further payment until they produce a contract, sending letters via certified return receipt mail.**

Motion by: Council Member, R. Cassell 2<sup>nd</sup>: Vice Chair, D. Breeding

VOTE: Yeas, 3  
Nays, 0  
Absent 0

**Town Attorney, M. Brooks** – Asks if they would also like to have an accounting from them produced of where we are if they if it's not in the contract of where they are?

**Town Treasurer, C. Edwards** – In some of the previous contracts, blank contracts, not signed, no dates, no nothing they were supposed to provide bank statements as well as figures. None of them have provided anything that I can find or that Kathy can find.

**Town Attorney, M. Brooks** – Would you also like me to have them produce an accounting of some sort of where we are if we still do owe them, if they believe that we do owe them money that they produce an accounting of what has been paid?

**Motion made to have them provide us an accounting of what the Town has paid and what is still owed, if they have a contract. This information is to be provided within thirty days.**

Motion by: Vice Chair, D. Breeding 2<sup>nd</sup> by: Council Member, R. Cassell

VOTE: Yeas, 3  
Nays, 0  
Absent 0

## VIII. ADJOURN

Motion for Board to adjourn to next regularly scheduled Sanitation Meeting on May 11, 2011 at 6:00 p.m.

Motion by: Vice Chair, D. Breeding 2<sup>nd</sup> by: Council Member, R. Cassell

VOTE: Yeas, 3  
Nays, 0  
Absent 0

Chairman, Jim Craft, adjourned the meeting at 6:45 P.M.

---

Jim Craft – Chairman

---

Kathy Riley – Town Clerk