



**GATE CITY TOWN COUNCIL SPECIAL CALLED MEETING MINUTES**

**December 02, 2025**

**156 East Jackson St., Gate City, VA 24251**

**6:30 PM**

**I. SPECIAL CALLED MEETING CALLED TO ORDER AT 5:12 PM BY: Mayor, Jamie Lawson**

**II. ROLL CALL: Town Clerk, Kristie Tipton**

PRESENT: ABSENT:

Mayor, Jamie Lawson	X
Vice-Mayor, Kevin Barnett	X
Council Member, Wallace W. Ross, Jr	X
Council Member, Pat Elliott	X
Council Member, Dexter Harmon	X
Council Member, Allen Dougherty	X
Town Manager, Greg Jones	X
Town Attorney, Michele Brooks	X

**Others present:** Charles Stone, Milburn Stone

**III. NEW BUSINESS**

**1. Gate City Community Park Subgrade Soil (too soft for planned construction).**

**Greg Jones:** Was called by Quesenberry's Construction on Nov. 25<sup>th</sup> to the Community Park on Water Street. The soil is rutting in the back left-hand corner of the property. Quesenberry's concern is that without remedial work, the soil will not support the weight of the construction equipment. The soil was tested a few weeks ago and it tested fine, but the weather we've had (rain) is compromising it. A subcontractor will be brought in to do this work.

**Wallace W. Ross, Jr.:** They knew this is in a flood plain so why is it a surprise?

**Greg:** It's a surprise because we did test the soil and it came back fine.

**Wallace:** It was allocated as a flood plain a long time ago.

**Greg:** No, it's in a hundred-year flood plain. It's out of most of the flood plain now.

**Allen Dougherty:** A lot has changed in the four weeks since Greg and I were there. They were bragging on it and now it's compromised. I don't understand why they couldn't realize that, that day.

**Greg:** Let me give them (Quesenberry's Construction) a call a let's put those questions directly to them so you can hear.

**Mayor Lawson:** My question is, instead of doing the whole L shape thing, is there not a situation or solution that could be tiled, a ditch that's dug and put tile in so it will drain?

**Greg:** Well you can, but the soil itself is compromised – that's not going to fix the soil conditions.

**Kevin Barnett:** Could we not go with a different or a cheaper contractor, sub-contractor, is that something that they could...?

**Greg:** Let me get them on the phone, okay?

*\*Quesenberry's Construction was called on the phone to answer Council's questions.*

**Greg:** I have Council in front of me, and they have a number of different questions. I'm gonna start off with one of the comments we have already talked about. We have one of the Council members that did the walk through about a month ago and the soil was fine. We're now a month later we're having a problem. Can you explain that to them?

**Zack, Quesenberry Rep.:** I actually spoke with the contact on site (the subcontractor who tested the soil). When we initially tested that soil, we had just removed that existing pavement. That soil is very moisture sensitive, and it was left out in the open, for a couple of months at this point. With all the rain that we've had and continuing to get, the soil is just wet, it's just super wet, and it's not going to get any better right now. So, we're to the point where, to have a good product, to have a good court installed, it's going to have to come out.

**Pat Elliott:** I'm reading off the Engineer's Field Report, in the notes and observations. It says the area was proof rolled with a loaded tandem axle truck operating at a slow-moving pattern. During the test, deflection of up to three (3) inches and up to three (3) inches of rutting was observed. Okay, I can understand that happening.

**Zack:** Yes.

**Pat Elliott:** But that's under a basketball court that will be paved over and never another loaded tandem truck will ever be on that corner again.

**Zack:** No, no. The way this was designed, when this report was initially sent out, ultimately that sub-grade has to hold the weight of the paving machine.

**Pat:** Okay.

**Zack:** This remedy that we have come up with, and has been recommended by Field Services Engineering (FSE), that's to support the weight of that machine. It's ultimately to support that, I mean you're not, because theoretically, anymore traffic will not be on that area. I won't say you would never have traffic, but you may have traffic.

**Pat:** So, this order for change is due to the fact that that corner will not hold up the machine in order to lay the asphalt.

**Zack:** Yes, yes. Ultimately, you'll be using that paving machine and that soil has got to be able to support that machine.

**Pat:** I can understand that. Okay, thank you.

**Zack:** That's basically the main concern at this point. That corner, that whole side, is the low point of the entire property – all the water drains to that side, all of it around that corner.

**Allen:** I was down there a few weeks ago when we did the walk through. That was maybe five (5) weeks ago or six (6). Nothing like that was reported. At that time we determined the low point was down there in the right-hand corner, down next to the creek so we made the decision to move it eight (8) feet forward. I'm assuming there's a cost associated with that moving of eight (8) feet – so we get some cost-savings on that.

**Zack:** Yes.

**Allen:** And that avoids the issue of water in the right corner. Now we get up here on the left corner and we walked around that area and nobody recognized it so, in the last four (4) weeks something happened to our soil, I heard you say it's the rain, and I understand the soil is wet, but the day we looked at it everybody was saying what a great job we done on removing the asphalt and not damaging the compaction. I thought compacted soil like that would turn the water instead of absorbing it. I just can't figure it out. So, we're going to go back and ask taxpayers to pay \$41 thousand dollars, and I want to have an explanation of what happened, personally. So how did the water undercut the compacted soil?

**Zack:** It was covered in pavement so that was protecting the soil at that time. Once we uncovered it, we tested it and it tested good. The best that the engineers, the third-party contractor, and we could come up with is that it has been exposed to all the moisture, all the rain and it's just a moisture sensitive soil. It's sandy underneath that stone and it's holding all the water right there. That's my explanation as to why the soil has become saturated to the point that it is now.

**Wallace:** I'm not sure how to ask this question. How did they put that basketball court there in the past? I mean, they had to pave it. How did they do that with how you said the soil is? That's what I'm trying to understand. If they pave it, the basketball court, are you saying they had to use that type of equipment to pave that?

**Zack:** Yes, you saying like what kind of machines they used to pave it?

**Wallace:** They had to. That's what I'm trying to understand. Yeah.

**Zack:** You're saying the existing pavement that was there initially.

**Wallace:** Yes, they had to use some kind of paving machine.

**Zack:** I would assume so, yeah. All of that asphalt had totally deteriorated – it failed, that whole side area was cracked and crumbled to pieces. And that was probably the main resort from all of the (*inaudible*)...that was there initially.

**Wallace:** So, the water run-off was seeping between the pavement and going down into the ground. So, after so long...

**Zack:** Yes, I would agree with that.

**Wallace:** It was cracked enough...anytime water can seep in cracks it raises up.

**Zack:** That's correct.

**Wallace:** So that's what you're trying to say.

**Zack:** Or sinking – it could actually sink too if....

**Wallace:** Thank you for answering my questions.

**Kevin Barnett:** We have not applied any of the aggregate over this yet, to bring it up to grade.

**Zack:** No

**Kevin:** Would that help resolve any of that?

**Zack:** So...

**Kevin:** I think we may have lost him.

*\*We had to call Quessenberrys back – call was dropped.*

**Pat:** You know, when you look at the summary of the total cost, the big cost is that subcontractor cost. That's \$30,000.00.

**Allen:** Yeah, it is.

**Kevin:** Surely there's somebody out there who would do it cheaper. With the aggregate layer we're supposed to apply, would it take care of any of that? It would definitely be more supported.

**Zack:** So right now, as the grade sits, we're about 8-10 inches to the playing surface as we're graded right now. We'll be stripping out between 20 inches at the top, toward the parking lot and toward the bottom of the site, closer to the railroad tracks, it will be between 6 and 7 inches that will have to be stripped there. All of this aggregate we're waiting to put back will give you 2 paving surfaces.

**Kevin:** So, it wouldn't be thick enough to counter any of that?

**Zack:** No, right now, we still have to add material as it is right now. As it sits right now, we're about 8 inches below paving surface.

**Kevin:** If we said okay and went with this, and they went in and put in all the under layment in and all that, would we get a **guarantee** that the structure would not crack within a certain number of years?

**Zack:** Yes, I think that it is safe to say yes. Right now, we could eventually pave it but it will be high risk for cracks – that's what we're concerned with and we don't want that. So, doing it with this 2-inch stone with the geo-fabric and then the 21 (*inaudible*) compacted on top to let water drain from underneath. It's unfortunate and our hands are tied with it; part of that DEQ approved plan we have in place. We could go back and redesign it to include some drainage, but it would have to go back through the DEQ approval process. It would take another large sum of money to make that happen and three to six months wait time on approval.

**Kevin:** Let's ask this too while I've got you right here. Are we fixed with that sub-contractor, or could we reach out and see if we can get a better price on that?

**Zack:** Uh, you'd be tested. Their numbers and stone is inhouse. They have their own quarry to get that stone from so their number includes installing it and compacting it. So that number is like a unit price for them. We had anticipated doing that material cost ourselves to try to save money on this, but it's ultimately cheaper to let the subcontractor do this and handle all the material. Their unit price is a lot cheaper than what we could even get the stone for. That's an all in price, that's them hauling it, placing it, compacting it, that's the whole thing.

**Allen:** If we don't get a cover, don't get the asphalt down and get that covered, is this apt to happen to the rest of the area?

**Zack:** It's ultimately going to come down to the playing surface. We just want to have a good product to present to you guys and we're concerned with having problems if we proceed with paving it as the soil is now.

**Allen:** Is this going to happen anywhere else to the rest of the park?

**Zack:** No, we don't expect it. The pickleball court, that's the only other area we're paving and it's pretty solid over there. We have to cut that down anyway, it has to be cut down about a foot right

now to hit grade, so we don't anticipate any issues over there; it's all pretty good. The pickleball court is actually the highest point on the site too, so that's actually good.

**Kevin:** Are there any other options we could take?

**Zack:** Uh, in terms of what, the change order? We would have to go back to FSE to get other recommendations. That was their recommended fix for this issue. I don't mind reaching back out to them to see if there's any alternatives that would be more cost effective for this project. Really, we're getting down to the wire, and my only concern is paving. Locally our sub is making their own asphalt at their own plant so they have a little bit of flexibility when it comes to the asphalt. The asphalt plants shut down...I think W&L have already shut down this year or are about to be. I don't want this to drag out too long and we miss windows to pave. That's my main concern at this point.

**Greg:** We'll call you back if we think of anything else. Thank you.

**Pat:** I'm not an expert. I don't claim to be an expert, but for several years of my life I dealt with heavy equipment. I did a lot of community service projects through the Virginia National Guard. One of them happened to be an access road to the fairgrounds in Lee County. Now as long as cars was running over it, it was fine. The problem was, as here, once you get the asphalt on there, the problem should be solved. I'm not saying it'll be one hundred percent, but it should be and solve the problem. Now ultimately, what he's talking about here, is the fact that we can't get that corner paved. It will not hold up the paving machine – that's what he's saying. They can talk about this, they can talk about that, but it won't hold up a paving machine. Look at the pictures on the last page in that document. Now look at the top picture, it's solid. Back towards the back it's all cracking. Trucks have to back in there to pave and it has to hold up the paving machine.

**Wallace:** Well, how did the process it when they paved the parking lot, originally? That parking lot has been there for a long time.

**Dexter Harmon:** Yeah, but you heard what he said; it's all degenerated back there.

**Wallace:** Okay, but how many years has it been?

**Greg:** They just took the asphalt off.

**Wallace:** No, I mean that parking lot has been there a long time. I'm saying that parking lot has been there a long, long time.

**Dexter:** I know I cruised it in the 80's.

**Wallace:** That's what I can't understand. The process of doing that parking lot and they paved it. That information was not...came forth, I guess to make it happen. They didn't have the problems...

**Dexter:** Well, back in the day they didn't even do it.

**Kevin:** What he's saying is they can't do the job because the machine won't hold up.

**Dexter:** The main thing is if we don't do it now, if it keeps doing what it's doing out here (*raining*), we're not going to be able to put the cover on it then it will get worse and cost us another 20 thousand or so dollars. He says it won't if we get it fixed, if they get the cover on it.

**Allen:** Well, what worries me is the fact that. When I looked at this earlier, I didn't really think we had a choice. It just bothers me that we were right down there looking at it four weeks ago. I just think we need to hold their feet to the fire.

**Wallace:** And two things have come up.

**Allen:** From what I see there's not many options for us and Zack made a good point, about the big trucks being on there full of asphalt. I thought about the machine itself, but not the trucks though.

**Pat:** I agree with Allen. Somebody's feet need to be held to the fire on this. Who was the third-party company?

**Greg:** It was the engineering firm Foundation Systems and Engineering (FSE).

**Pat:** Well, I ain't so sure that we don't need to bring suit against this engineering firm for the cost Of \$40,752.47. Because just a few short weeks ago they said, "Oh, it's all good, lets continue on", and now all of a sudden we can't, when their report said we could. Then they came back and said, "Oh, well all you gotta do is put \$40,752.47 in and you can go again.

**Wallace:** Right, right.

**Pat:** So, somebody's feet need to be held against the fire on that. A few weeks ago, all was good.

**Allen:** That's a pretty big miss, you know. You're walking right across it and they're saying how great it looks. These are people who do this all the time.

**Pat:** And too, it's a major construction project \$40,752.47 may not be a lot, but to Gate City, Virginia, it's a big chunk.

**Kevin:** What would be the process to that? I mean if we were to go after them? Simply because of the fact that we need to get the ball rolling. So we agree to proceed and then try to get them to cover the cost for that?

**Michele Brooks, Town Attorney:** That's something we could talk about, perhaps in closed session, at a later date. The question is, what are you going to do to mitigate your damages? You always have a duty to mitigate any damages that you have.

**Pat:** What's that mean?

**Town Attorney:** Mitigate means to make it less. So, if it damages it all winter long and it's \$60,000.00 to do the same thing, the twenty thousand, just in the theoretical, then we didn't mitigate our damages.

**Pat:** You're right. The ultimate question is then or now? Winter is here and we need to get this covered. They've got us. We're backed into a corner.

**Wallace:** You see, this.

**Allen:** The quote on that rock looked pretty high to me, but I guess if they're gonna dig it out, haul it, and compact it.

**Pat:** It comes out to \$261.23 a cubic yard. That's removal and replacement. When we removed that old existing asphalt and got rid of it, did we just open that up to where water could penetrate?

**Greg:** Absolutely.

**Pat:** What he said a minute ago, is that the quicker we get it covered, the better off we'll be. Now, as far as holding feet to the fire...lady and gentlemen I don't see any choice that we have, but we do need to hold somebody's feet to the fire.

**Town Attorney:** Those are conversations that we could have, and we should have, but we've got to deal with what you've got in your hands.

**Mayor Lawson:** Let me ask this question: the way I understand this, on the lower side below (on the diagram where the basketball court is) this L shape, if we were to have them dig and put a drain in and we'd have go through DEQ and get permits and all of that stuff again. Am I right?

**Greg:** Yes, on top of what we've already planned for, we'd have to start that all over again.

**Mayor Lawson:** Okay, okay.

**Town Attorney:** And that's going to cost a whole lot more than \$40 thousand.

**Dexter:** But they're still gonna dig, they're going down 10 inches one side.

**Town Attorney:** And we're looking at six more months, and engineering all that.

**Mayor Lawson:** More cost.

**Kevin:** So, we're between a rock and a hard place (*inaudible*).

**Wallace:** My point of view, you don't have to agree with me, but we started this project in good faith, hoping we could move forward. I know some things happen, but are we having too many issues with this project, that may have us evaluate this? We've done had two issues so are we going to have another issue?

**Mayor Lawson:** Well, I'm gonna give my two cents worth when it comes to that. I agree with your question about whether we are going to continually have problems on that? When you do any kind of construction, whether you're digging, grading, tearing up a house or remodeling it, you're gonna have issues regardless. But at the end of the day, we have to be transparent and good stewards with the taxpayer's money of this town. We have to make a decision based on the evidence and information that's being presented to us. As Mr. Ross said, in good faith we tried to do this community park for the community, for the town of Gate City. We had no idea we'd run into these problems, we didn't. As far as future problems, my take is, and I agree wholeheartedly with what Mr. Elliott said, we are between a rock and a hard place, but we do need to hold someone accountable as to why we're having these issues – that question I can't answer. That's why they get paid big bucks to be engineers.

**Greg:** Do you want me to have them make an appearance at our next Town Council meeting? We can go ahead and make a decision and just bring them in here.

**Mayor Lawson:** I think the longer we put it off, the more money we're looking at being involved with because if we don't get something over it, to cover to keep it from soaking the soil and keeping on and on because you know what's on us...rain and snow, it's coming. The longer we wait, the more money it's gonna cost us.

**Wallace:** I just want to be sure that we approach this with a future that this is going to be the proper thing to do and it'll benefit everybody, but we may have a hassle with it later on down the line.

**Town Attorney:** You make a good point, but the issue is, the concern is we have committed to this project. We have signed contracts and I do not believe – there's no stopping it really, at this point unless we shell out a lot of money and we don't want to get into that. If we ever got in a lawsuit, they would say that a cost overrun is something that they didn't know and that would not be enough to invalidate the contract.

**Allen:** I don't think we have a choice but to move forward considering where we're at in the process and the weather, and the asphalt won't be available too much longer, so I don't think there's a choice there. We do have a choice to look at the contractor and kind of put a summary together and see if it's a problem then, and it may not be. These may be just normal overruns that happen,

or it may be that they've struggled with the management of the project. We need to sort that out and we need to do it in a fashion to where we've got some information though; other than us just talking about.

**Greg:** I'll ask them for a written summary, and I'll get that to you right away.

**Kevin:** I have a question...do we have a set amount of money that we can allocate to continue this project, that we need to stop at? I mean, is it going to be a million-dollar project?

**Greg:** I'm not quite sure I understand your question.

**Kevin:** Well, it's some 40 thousand dollars we're going to agree to right now. I mean do we have a slush fund that we're drawing from?

**Greg:** We have a reserve.

**Kevin:** That's what I'm asking, how much?

**Greg:** The reserve the town has is a little over a million dollars.

**Allen:** So, we're still, okay? So, if you track where we're on the project and the contingency money that we have, we're okay right now?

**Greg:** We're fine – money isn't the issue.

**Town Attorney:** We're in the best financial condition that we've been in, in the fifteen years I've been working here.

**Allen:** But on this particular project...

**Greg:** It'll come out of the reserves. I should make a point while we're talking about this, is if the Council decides to scrap it we're going to lose the funding. That all came from ARPA and we're committed to it. If we don't use the money for this project, we have to turn it back over – we can't use it for something else.

*\*Mayor Lawson gave all Council Members another opportunity to make a comment or ask questions before the vote – with no further comments or questions, the Council moved to vote.*

**1. Gate City Community Park Subgrade Soil (too soft for planned construction).  
Motion made to accept change order recommended by Quesenberry's  
Construction at the amount of \$40,752.47.**

Motion by: Pat Elliott

2<sup>nd</sup> by: Dexter Harmon

VOTE: Aye: 4

Nay:

Absent:

Abstain: 1 (*Wallace W. Ross, Jr.*)

***\*Motion Carried***

IV. ADJOURN  
Motion made to adjourn

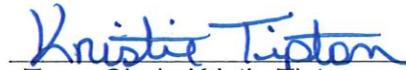
Motion by: Pat Elliott  
VOTE: Aye: 5  
Nay:  
Absent:  
Abstain:

2<sup>nd</sup> by: Kevin Barnett

***\*Motion Carried***

\*Mayor Lawson adjourned the meeting at 6:09 PM, until the next scheduled Council Meeting on December 09, 2025.

  
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Mayor, Jamie Lawson

  
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Town Clerk, Kristie Tipton