



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

I. COUNCIL MEETING CALL TO ORDER 6:01 P.M. BY 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, Chuck Newton, Arletha Newton, Bob Cloud, Mitchell Brown, Jon McConnell, Joe McConnell, Faye Owens Sanders, Andy Miles, Joe Coates

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

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 - NONE

VII. COMMUNICATIONS – NONE

VIII. APPROVAL OF MINUTES

Council Member, W. W. Ross, Jr. – Mr. Mayor, for the record, I'd like to before we approve the minutes. I'd like to apologize I see that I was two times out of order, so I apologize.

Mayor Jenkins – Apology is accepted, Wallace. I assume we will interrupt one another from time to time but that's okay.

Motion made for approval of Town Council meeting minutes from March 8, 2011

Motion by: Council Member, R. Cassell 2nd by: Council Member, W.W. Ross, Jr.

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

IX. APPROVAL OF PAYMENTS

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

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

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

X. REPORTS

A. Treasurer's Report –

Mayor Jenkins – Any questions on the Treasurer's Report?

Council Member, W. W. Ross, Jr. – Yes, on page 10 of 15. I had talked to Chris earlier about some things about the report. But, I was going through it again and I don't, on page 15 where the check # is 10632 to date 3-23, I'm sorry, 3-23-2011 and based on the auditor of eight hours. Okay now, it says computer software and they have different they have the number account number and they paid out 242.50. I'm confused.

Mayor Jenkins – Wait a minute Wallace, what check number?

Council Member, W. W. Ross, Jr. – Page 10 of 15. It says check # 10632.

Mayor Jenkins – Okay, I got you.

Council Member, W. W. Ross, Jr. – Now what, what I'm trying to under this software support, they got to based on auditor of 8.5 hours, was that in connection with the auditors or auditor's report or is that separate.

Mayor Jenkins – That is in connection with the audits that Bostic and Tucker are performing.

Council Member, W. W. Ross, Jr. – Well why would if we we deems seventy I mean so much a year for that, would that be included in that part of it?

Mayor Jenkins – This is to do with paying the computer software, I mean the computer company to pull out of the old system and reconcile it with the new at the auditor's request.

Council Member, W. W. Ross, Jr. – So, so okay what you are saying is when we
Interrupted by

Mayor Jenkins – We take the computer programmers **Interrupted by**

Council Member, W. W. Ross, Jr. – Okay, so my other question is, when we brought the first computer we didn't by no back-up system? Usually most systems have a back up where you put all your data on and then if something happens you can go to it. We don't have that?

Mayor Jenkins – We went from a DOS operated to a Windows operated and they are not interfacing properly.

Council Member, W. W. Ross, Jr. – But if we still didn't, you all didn't purchase a back-up system even nothing to put back up this information on any information you but on you didn't?

Mayor Jenkins – The information is there, but translating it from one system to another system is what the cost is. They are actually pulling data out of the Bright System and putting into the new system. That's, because the other system is what gave us so much trouble and they are having a lot of problems of even finding the proper data.

Council Member, W. W. Ross, Jr. – Well, I had talked to Chris about some of this software, specially for like okay on page 8 of 14 I had these are some numbers 01566 61 64 which is, I think they confer to that's the number one of the numbers that they are talking about. Here it has one number and so down here it has a different category, it has a total amount of \$1200.32 right here it has software of amount budget of \$69.00 minus so, I didn't I just didn't quite, I'm not a bookkeeper so I quite understand what saying maybe you could explain it to be me better than someone I don't know why it would be such a cost amount on the computer system when the computer system should be in existing to the excess records or needs of any problem.

Mayor Jenkins – I don't know exactly what the support item is, but we are \$69.00 over budget.

Council Member, W. W. Ross, Jr. – Well, I alright, I just have to talk to Chris about this. So, okay so each these \$246.50 is each department that you all can pull off software from?

Mayor Jenkins – I don't understand the question, Wallace.

Council Member, W. W. Ross, Jr. – Alright, each you have two, you have 1-2-3-4-5 five \$246.50 is that to each department on the software, each of these you have a number account number 516 61 64 support software and hardware computer software support and 61 64 61 63 61 64 61 64.

Mayor Jenkins – That is where it costs us probably allocated to different departments since it is a central computer system but it handles different pieces of the transactions. I guess for the water, sewer and I'm not positive but I'm assuming that's what it's for. It's like some of the vehicle costs are spread actually across different departments, I assume the computer costs would be the same.

Council Member, W. W. Ross, Jr. – Oh, okay. That's the only question I think I have.

Mayor Jenkins – Thank you, Wallace. Any other questions on the Treasurer's Report.

B. Codification Committee/Property Maintenance –

Mayor Jenkins – Amy has provided a report on that. The tear down of the Scott Motel is complete and other clean up is on-going on the other property. I assume Weber City is taking some action on that property too because the clean-up is extending over onto them. I know they have called up here to see what we have done to get the ball rolling. I don't know, they evidently, I haven't talked to them they evidently have encouraged someone to finish the clean up there too. The Public Works did have to remove trash from property on Highland Street. The notification was sent out on this. We got no response and we are putting a lien against the property if the crew is not paid. The bill has been sent for the clean-up costs. There are five additional properties included on the list for court, that is Betty and Junette Clark, James Rogers, Gary Russell, Lucy Brickey and Mark Chapman all have court dates. There are a total of ten properties listed for court action at the current time.

Town Attorney, M. Brooks – She's keeping me busy.

Mayor Jenkins – I'd say she is.

Council Member, R. Cassell – Before you move on to the Farmer's Market, I've talked to Amy about this other day. If we don't see some action, I mean, everyone is calling me about how much better it looks now with the hotel gone and I think they're under the impression that the old gateway in town, we have some responsibility. If we don't see some action somebody, I mean I don't care to go with Amy, you or whoever, but I think someone needs to attend Weber City Town Council Meeting on behalf of this town and express interest in getting that cleaned up. Because there's comments on Facebook everywhere about how bad that looks compared to everything else that has been cleaned up. I think it needs to be known that it's not Gate City problem but they're dragging their feet on getting something done. They might not have ordinances.

Council Member, F. Perry – They don't. I've talked to the supervisor about it and he said they don't have one and the County couldn't do it because it's in the Town of Weber City.

Mayor Jenkins – Okay, but they have been inquiring here. So, evidently they do have some interest.

Council Member, R. Cassell – She said there were two gentlemen, she wasn't sure if they were Council or what, came up here and asked for a copy of our Ordinance.

Mayor Jenkins - But if they don't address it, we'll go and ask them to entertain us.

Council Member, R. Cassell – Couldn't be in a worst spot. I mean right there.

Everybody comes through here and sees it, I don't care if where they're from, if they are going Kentucky or beyond, everybody sees it.

Mayor Jenkins –Thank you, Roger. There has been three new notice of violation letters sent from Robert Mullins this past month. There was one letter sent from our office regarding 5-6 dogs on property and that problem has been resolved. With the Farmer's Market, we had a check of meeting on March 21st and a follow up meeting was held on April 4th. A decision was made to continue to advertise and promote the farmers market. We want to advertise as a "true and unique farmers market" to encourage more participation. We are promoting exclusively locally grown products and meats. We are not going to allow wholesale to retail. Where they go to Asheville or somewhere to buy it and bring it here. It does need to be locally grown, locally produced and we have had some interest in it. At the meeting the other night the ones that are interested in participating wanted us to push it back to mid-May because they said they definitely would have no produce before that time. Some items they brought up, they questioned some of the activities going on at the flea market on whether their proper inspections being done. Said they were selling pre-prepared food and some of the vendors spaces wanted to know might be, and you might want to answer this question later, but are we liable for activities that we let go on properties or that are endorsed or coordinated by the town. Of course that is coordinated more by the fire department. But, they said that one vendor was actually selling cake off of a just with no health inspection and that a lot of the goods are not being kept properly when it comes down to how you have to store vegetables after they have been taken out of the field. The ones that are wanting to participate in the farmers market said they had very strict guidelines from the state. They have to have enclosed structures for food storage. They have to go through health department inspection. If they are going to participate, they mainly want to participate on at least a level playing field where they are adhering to all the state and federal guidelines and health department guidelines whatever and that everybody else is too. They did question the vendors at the flea market where they are coming in and actually bringing goods that they purchased wholesale and then retail them not charging any tax or don't have a business license. I know that several years ago there was an ordinance put in place to allow vendors at the flea market to pay the fire department whatever the fee is in lieu of the business license.

Council Member, R. Cassell – It's an additional dollar per space in addition to what they charge.

Mayor, Jenkins – Okay, but that may be something we need to look at.

Council Member, R. Cassell – There has not been any money turned in since September, according to Chris.

Mayor Jenkins – We're going to have to look at the issue and since the questions were raised on mainly the food safety that we probably need to address that. I plan on calling

the Health Department, I believe it is Jeannette. I'll try to get a hold of her and find out exactly what the guidelines are, how the Town is responsible if something were to go wrong.

Council Member, R. Cassell – According to Amy, Mark, she's kind of handling this by herself. I'll be glad to pitch in whatever way I can, help her with it, flea market or whatever. I think it's a good thing, we need to pursue it.

Mayor Jenkins – Yes sir.

Council Member, W. W. Ross, Jr. – I was at the meeting and so pretty much everything that you said. One of the major question is that where we losing revenue on the flea market and that's one of the things if we should we be in compliance with the revenue or is that. That's one of the things that was brought up.

Mayor Jenkins – Yeah, they did bring that up, I forgot that. Thank you.

Council Member, W. W. Ross, Jr. - That's the main issue not that the flea market continue to go as it is but that they complies with the tax revenue for the Town of Gate City. By anybody coming over, as he said selling something and we're not getting any revenue off of it. That's one of the major questions.

Mayor Jenkins – Thank you Wallace.

Mayor Jenkins - In the report there is a little more in detail of what has taken place of the properties that is being addressed. I won't go too much into that. Amy has done an excellent job on the property maintenance and working on this farmers market started.

Council Member, R. Cassell – I understand that Robert is trying to help her get into class for certification

Council Member, W. W. Ross, Jr. – Oh, another thing, I didn't mean to interrupt.

Another thing I mentioned is that we have to kind of get started in the sense, I know that deadline push it back some, but she says its possibilities some grants out there and once we can get the program footed than it's a possibility we can apply for certain grants that's out there, but we initiate one step at first thing. That's one of the things that was brought up

Mayor Jenkins – Thank you, Wallace.

C. Council Reports –

Council Member, W. W. Ross, Jr. – On the Council Report that's the time we can bring up certain things, correct? Well, I'm making a mess here. Excuse me.

Mayor Jenkins – Yes you may.

Council Member, R. Cassell – While Wallace is picking his papers up, I'd like to give credit where it due. I'd like to commend the Mayor and office staff for the job they're doing. I don't see how Mark does it, but I think the office has not missed a beat since Steve has been gone. I've seen a lot of progress. I mean, you send Mark an email and the next day it's done or you got a reply. All the office staff is the same way. They ought to be commended for the job they are doing.

Mayor Jenkins – I appreciate that Roger. Wallace.

Council Member, W. W. Ross, Jr. – One of the questions, I’m trying to remember, at one time, did you all do a survey company that did a survey on Town of Gate City to do evaluate to see how what’s the improvement they can do to the Gate City? You bring a company in and paid so many dollars to that?

Mayor Jenkins – Yes.

Council Member, W. W. Ross, Jr. – What happened to that report?

Mayor Jenkins – That report is still here. I scan it occasionally. Joe Coates has a copy of it or had one last night we were looking through it. It is valuable and I have it on digital format and if you want a copy of it.

Council Member, W. W. Ross, Jr. – Well yeah, but I was thinking that the Planning Committee is that one of the expertise they can work on that?

Mayor Jenkins – That would be **Interrupted by**

Council Member, W. W. Ross, Jr. – Cause that would be some of the ideas that they came in. Reason I brought that up is that they did mention this about the sign. This is a Gate City sign here and they maybe to use it. They say it’s a beautiful thing to utilize it in a way that would attract the knowledge of the Gate City plus it was done by the vocational school. But my question is. The second question is now where the signs are down there for the I want to say for the I guess the town, chair, I’m sorry, chairman, council I mean, Town Council, I’m getting my words all messed up.

Mayor Jenkins - Corporation limit.

Council Member, W. W. Ross, Jr. – Yeah, I’m getting tongue tied here. Where the signs are, that you all said that you could not put the whole Gate City where the gates where you come across the bridge where the sign is where it says Gate City where the light is, right there. You know where I’m talking about where you put the new Gate City sign at? Right at the bridge there, where the light flickers on and off.

Mayor Jenkins – Right.

Council Member, W. W. Ross, Jr. – Alright. Down there, you said you could not move, you couldn’t move it down there right?

Mayor Jenkins – Move?

Council Member, W. W. Ross, Jr. – Either, either one of these signs. At the time you said that it wouldn’t because it was owned by the state.

Mayor Jenkins – That sign is on federal property and was not purchased by the Town.

Council Member, W. W. Ross, Jr. – This is purchased by the federal government?

Mayor Jenkins – No, the property is federal government property.

Council Member, W. W. Ross, Jr. – That’s what I’m trying to okay.

Mayor Jenkins – And the sign belongs to I guess the Daughters.

Council Member, W. W. Ross, Jr. – But they’re using our name. The Gate City, who owns, well the reason I’m **Interrupted by**

Mayor Jenkins – We don’t own the rights to the name Gate City. Even the new town logo sign, that we **Interrupted by and talking over**

Council Member, W. W. Ross, Jr. – Well, I just

Mayor Jenkins – **Continues** we chose not to copyright that so others could use it.

Council Member, W. W. Ross, Jr. - So, okay, so I'm a little confused. If this is federal property we can't advertise on federal property. It's against the law to do that.

Mayor Jenkins – I'm not going to argue with you that we can't.

Council Member, W. W. Ross, Jr. – But, I mean it's just I mean, just a question.

Council Member, F. Perry – The NCOA Club is the one that did that sign and they got permission from the National Guard to put that sign on that property.

Council Member, W. W. Ross, Jr. – But it's still federal property, but that would be federal property, I mean I don't know law but reason I was asking if the state would not let them put that sign down there where the Chamber of Commerce have their sign then they could put it up on the four lane, it's a little confusing to me.

Mayor Jenkins – I don't know how it happened. I just know I took part of it down, I got scolded, I'm not touching it. **W. W. Ross, Jr. is speaking at same time. Unable to understand what I is being said.**

Council Member, F. Perry – Well the sign that you're talking about was put there before the state took that property over also. So, that was there when the state took that property over. You're talking about the one with the Civic sign, and the churches and all that?

Council Member, W. W. Ross, Jr. – Right, that's how much okay so how much

Council Member, F. Perry – That's been there for years, Wallace. Long before the state took that property.

Council Member, W. W. Ross, Jr. - So when they took that over they took that part of the signs and everything, right? I mean, we don't own.

Council Member, F. Perry – It's there at the King property is what he's talking about. You know where the King Ford was.

Council Member, W. W. Ross, Jr. – Right, that little corner right there, don't we, do that took all that they took so when they purchased that they King Ford gave us permission the Town of Gate City put signs down there like.

Council Member, F. Perry – It wasn't King Ford when the sign was put there it was probably Kraft.

Mayor Jenkins – I'll check to see the property ownership for that piece. The property ownership for the new sign the light finding sign, the new logo sign **Interrupted by**

Council Member, W. W. Ross, Jr. – But, what I'm saying is that the company who done the survey of making Gate City they said to use this, this was one of their suggestions. You know, I mean I know where it days ago I know it's such a beautiful sign. It would look good down there. I think it would enhance the City of Gate City but.....but I was just confused about the connections of right of property if that's federal but you cannot advertise on federal property of the ones I know and then the state owns that property down there so if they can't tell you you can put anything down there so I just **Interrupted by**

Mayor Jenkins – The state gave us permission to put the new sign and they even came out and **Interrupted by**

Council Member, W. W. Ross, Jr. – I mean, I mean down there, you all said earlier years ago that you couldn't put the sign down there where the other signs are.

Mayor Jenkins – Where the Corporation Limit signs are. No. They’re wanting that, what space there, where we want to without putting over pretty close to the creek. They came down and walked down and actually gave us the approximate location of putting

Interrupted by and talking over Mayor Jenkins

Council Member, W. W. Ross, Jr. – I mean where the

Mayor Jenkins – **Continues** the one on the west end of town, Doug Humphries gave us written permission to put the sign there.

Council Member, W. W. Ross, Jr. – **Cause he owns that**

Mayor Jenkins – Right.

Council Member, W. W. Ross, Jr. – I was just wondering. I’m just kind of curious, I was just wondering what the confusion why what certain territories within the boundaries of the city is off limits and what is on limits, so I just didn’t know. And I the civic signs if they wanted to develop their signs down there, if they the Planning Committee decided to maybe help put new signs down there to make that look more attractive and put there and put a sign down there, it would enhance the fact when people would be coming in to see the Gate City where they are coming in Gate City because everybody don’t see the sign right there at the bridge. And if we’re going probably do a video some day that would probably be a good idea to incorporate that in there.

Mayor Jenkins – Thank you, Wallace, you have anything else?

Council Member, W. W. Ross, Jr. – No, that’s it at this time.

Mayor Jenkins – Randy, do you have anything? Frances? Roger?

D. Economic Development Committee –

Mayor Jenkins – We have Joe Coates which is the Chair of Economic Development and he’s going to present the (farmers market) and we all have hard copies in your packet.

Joe Coates – Thanks Council for having him speak. Discusses the enhancement of the farmer market, how to increase foot traffic through Town with different events and goes over the two drawings rendered from Andy Miles of Town parking lot as a proposed Farmers Market and/or Community Events Park.

Questions/concerns/comments from Council Members include: **R. Cassell** – Vendor tents. **W.W. Ross, Jr.** – Handicap parking spaces, parking availability, flooding and train noise.

F. Perry – States limited parking would not stop people. It doesn’t stop people from going to Barter, Trail of Lonesome Pine or Play House in Wytheville and they don’t have any more parking than we do, with us having all of main street at night. **R. Lane** – Applauds use of greenery would help stop some of sound of train and possibility of Daugherty Brothers for parking.

Joe Coates – Will look at it and hope to move forward with this which is primary focus of the Economic Development Committee of helping existing businesses and see some prosperity downtown.

Mayor Jenkins – Thanks everyone for their work.

Joe Coates – Extends invitation for all to attend future Economic Development Committee meetings first Monday of each month at 7:30 p.m.

E. Engineer's Status Report –

Andy Miles - Just wants to hit a couple highlights. Not to sound like a broken record, but basically on the list of projects going on are two on hand and in order to advance the audits need to be completed and turned into the state. Does know at least one or another of the audits was finished or closed.

Mayor Jenkins – They have completed audit and is waiting for feedback from Assurity Company or I guess their insurance company.

Andy Miles – Sounds like some progress has been made. Last conversation with the Health Department are pleased we are closer but wish that faster they can get this in to be cleaned of their plate, there is work that can be done, putting people to work temporarily. Once completed project is in, it'll obviously save money in the long run. Audits just need to really be finished up and submitted to the state ASAP to keep advancing forward. The water line project replacing the 12 inch line from the plant by the high school to the middle of town all the permits, every that needs to be gotten in terms of permission is there, just the findings part. Once the people with money say you are in place we can advertise for bids. The other two water projects with the water meters and the water works plant, I've included a letter which is a summary of the minutes with the state seal on it. Which is a summary of when Mark and I attended back in March to discuss what was required in order to move forward which is standard procedures with these kind of things. If you want to take time to read through it. There is a detail schedule that goes with these and I'll be happy to, the Town actually has a copy in the files, but if you want a copy will send you one as well. The critical thing is they would like up to be under construction by the first of next year, which can be done, if able to move forward with the audit issues resolved. Are there any questions on the water projects?

Council Member, R. Cassell – On the two grants, I was talking to Chris. We'll need to start working on the budgets. Do you have any idea of when we can get notification Moccasins Hills

Andy Miles – Well those are the two projects where we had the initial meeting at state and they have actually you are on the list to be funded. The way it works is the state have to prepare a list of how they will spend EPA money, how they will spend their allocation from the fellow government, which is sent to Washington where they look at it and rubber stamp it. You are on the list and only way to get off the list is don't meet scheduled criteria in the agreement, with audit being on the agreement.

Council Member, R. Cassell – If we had the audit, is there any approximate

Andy Miles – Once the audit is done, you are given a green flag to incur costs for moving forward. Work can actually start work on it now, but downside is until everything is signed off at Richmond, you're taking a gamble if you're working on the audits and working on getting everything together and two months from now the state they'll pull the funds because you didn't get the audits done. You're out without getting

reimbursed what money you spent so far. You have been awarded the money, but you haven't been given the green light to start incurring costs to move the project forward. I would not advise it, but you can move forward to incur costs on the hopes that the audits will be done within next few days or weeks. As far as when you start paying back the money for the loan, part is a grant, part is a loan. You don't start paying the money back until roughly six months after construction is finished. Right now, construction would be finished about next June, so payments would start on these loans sometime December 2012, January/February 2013. It may not incur additional loan pay backs in this next fiscal year budget, but definitely next one.

Council Member, R. Cassell – Have you had this conversation with Chris?

Andy Miles – No, not to this detail, I haven't.

Council Member, R. Cassell – Would you, because he's kind of delaying getting Randy and myself together thinking we're going to get a dollar amount and we need to show this in budget. What we're going to do about how much needs to go into budget for reimbursement. We don't want to be here the last day of June trying to pass it.

Andy Miles – That easy, because basically we can take the project budgets and there is some money you would have to spend ahead of time before they kick in the grant. What you are paying ahead of time is our fees. Once you get a construction contract underway, that is when the state wires you the money. They do maintain a contingency fund in Richmond until it is totally finished. There will be some minimal amount of money, 10-20 thousand that will have to be spent until you reach the reimbursement point. But that information is easy and I can get it to Chris to help him prepare for next year's budget.

Council Member, R. Cassell – What you're one recommendation to pay back was on water rates and his one concern was, he's thinking we're going to get a dollar amount and what we're going to have to pay for a year. If we're going to have a public hearing, we're going to run out of time. If you guide him along, then he can guide Randy and myself along.

Andy Miles – I can give you that information. Most of that is the business case that is prepared with the application when that is turned into the state. It shows what the loan payments will be, with revenue side open. The state doesn't care how you generate the money so long as you can make the payments. You can put it all into water rate increase, which people don't like to do. On the energy efficiency programs you're going to be realizing a savings. You won't be spending as much money on chemicals reducing by 25 to 35% chemical costs. That's when you can start taking all those savings out. Then you can see how much that eats into your loan payment. They're saying you will have to have some sort of rate increase, just depends on how much cost savings you run into.

Council Member, R. Cassell – If you guide him along and he can put us where we need to be. Might start working on that, soon.

Council Member, W. W. Ross, Jr. – Well, how long, since the last time you talked to them, did we meet the deadlines or do we have an extension? Are we in the yellow zone heading for the red?

Andy Miles – If I had to say, I would say you're probably in the yellow zone. Not in red zone yet. You got the one audit done since last time we met, and state is looking at that,

which is good. They still need at least one more years worth which sounds like you're pretty close to happen. Correct?

Mayor Jenkins – The last email I got, we have been pretty close for several months now.

Council Member, W. W. Ross, Jr. – Now do we, by being pretty close, do we have like 60 days or 90 days to have that completely have it in before the state, before we be monitored where we may have to pay this back?

Andy Miles – The state has not, to my knowledge, has not given the Town any correspondence saying that you have 60 days or until June 30th. They have not issued anything, yet. They have indicated if they don't get it forth wit they probably will issue such a letter. They're going into new territory, they generally not had too many problems with these kind of delays, giving people the benefit of a doubt. This is a very worthwhile project and it scored high enough, they want to try to make it work. They do understand everybody has set backs and issues. They have not issued any letter or correspondence, to my knowledge, that says you have 60 days or here's the date that if you don't get it to us it's over.

Council Member, W. W. Ross, Jr. – Alright, so if they evaluate the audit and if they are not satisfied with it, would we be if they feel like it's not complete?

Andy Miles - They'll let the town know if they have any finds, I can tell you that VRA has issued debt to this town before. That's how Manville Rd/Red Hill Project got done. It is not as if you're a new person they're loaning money to. It is just they have federal guidelines to go by and they have to have up to date audits to base their credit analysis on. They can't really do a credit analysis if there isn't anything there, something recent. They want to know what you're doing now. Is there anything else on the water projects? I'll get Chris that information.

Council Member, W. W. Ross, Jr. - One more question. With the both projects and the loan and the grant, how much are we talking about here?

Andy Miles - We are, going off memory here, I think each project is roughly 1.1 million dollars so you're talking close to 2.2 million. Of that figure 30% of that is what they now call a principal forgiveness, which is a grant. The other 60% or 2/3 is a loan for either zero to two percent for 30 years. Just sort of a Rural Development loan, but not quite.

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

Andy Miles - Outside the water projects, the Water Street Project, the lights are being put up and have been working.

Mayor Jenkins - We have received several positive comments, no negatives yet.

Andy Miles - I know that Chris has recorded the deed regarding the easement that Bank of America gave. That has been recorded and Stoney has the green light to go ahead and do the work whenever they get good weather. We do have to notify the railroad at least 72 hours ahead of time. Stoney indicated it would take more than a week to get it done because it is excavating some material out and seeding it.

Mayor Jenkins - They were down there looking it over, today.

Andy Miles - There is a small structure they need to put in to regulate the water that goes into the creek, but it won't take them that long. There was a compliance audit, meaning that Joy Rumley from DHCD came by today. For our part, I think everything was okay.

There was a couple sub-contractors, they had an employee or two that didn't sign their wage rate sheets, but that's not really a critical finding. The last major, and it's not really an active project, but the Police Chief, Birchfield, and Administrative Assistant, Nancy Peters, met the other week. The Police Chief wanted to know if there was any state or federal grants that could help improve or put a new public safety building in. After review of the facilities over there, it shows a need for a new facility. I put in the report a list of minimum requirements that you have to have a safety public office or police agency. Just wanted to see estimated space and cost and come up with some ideas of the programs that are out there to pay for it. A lot depends on what will happen with next year's Congressional budget. I told Chief and Nancy to just keep moving on as if it's the status quo. Experience shows the programs will always be out there but may not be as much revenue as each state or department is used to getting, but to put a plan together, there is definitely a need there. We discussed about expanding it to a public safety, public works, public administration facility, just wanted to bring it to your attention, food for thought. Anytime you can put multiple uses into a single structure that is more attractive as far as a funding stand point. Is there any questions?

Council Member, R. Cassell - Have you had any luck on the green grants for the lighting?

Andy Miles - Yes. As far as any funding for changing the lights out on the street, I did find out about the energy efficiency grants that were out there. They were one shot deals through the stimulus money. However, you do have the current project that you can utilize some of your funding for. The East Jackson sidewalk project which is for repairing the sidewalk, the money does include replacing street lighting, whether just there or through the town. That is something we can use as an immediate source of revenue. We did, actually, budget to put lighting up there, on that segment. There probably is some left over money that we will have access to slowly replace them coming this way. What I would suggest is the next time there is any application for block grant, regardless of what it is, the energy efficient grants that the communities have been using in the past years are primarily stimulus funds which is basically, once this year is over they're gone. VDOT will pay for that through the enhancement program and Rural Development Community facilities is an eligible block item through streetscape. The Department of Energy on the federal level does have some small pilot projects kind of grants, that I'm not that familiar with.

Council Member, R. Cassell - But that is in the plan for this out here? To have money when it's completed?

Mayor Jenkins - Which we had originally talked about, relocating and thinning, but we may want to put new lights in.

Andy Miles - The VDOT grant did not specify it just said. We just wrote down paving and side lighting, so it's kind of open. If its move them by who, they don't really care.

Council Member, R. Cassell - Now that it's thinned and put on Water Street to go all the way up, will it still be enough?

Mayor Jenkins - Yeah, but we're going to want to look at the economics of it to see if we want to put new ones in. That would be the time to do it. Thank you, Andy.

F. Facade Committee -

Mayor Jenkins - We did meet last night and went over several items. We have six more buildings under contract right now. I think Andy or Joe may want to mention there were working on Helen Smith's. They took down the sign and part of the old facade. There are other buildings that have been bid out and the bids have been accepted on them, we should see some more movement on them. They have finished with the first phase of Marvin Egan, Jake's Family Recreation Center, Randy Bledsoe, were the first ones that were completed. We did participate in the start of the VHCD audit on the facade grant this morning. Like Andy said, he his part went very well. I haven't talked to Rob. I actually left after they got into the financials and she didn't complete the audit today and will be coming back and we should be getting the reports on that. I usually doesn't take her two to three weeks after she does the audit for the reports of where we are. We did get the extension to October to complete the grant. That is not to complete all the buildings, but to have everything under contract and approved. There probably won't be another extension, so we are not going to look at that to pushing close to that date and asking for another extension. We're going to try and get everything completed by October 31st.

Council Member, R. Cassell - As long as you got it going

Mayor Jenkins - Right. We can start the draw downs. No more bids will go out. Some of the buildings that originally meant to participate in it and backed out we are going to have to address the blight conditions of those buildings. Some of those are on court docket already, the others will be pursued. Some of the people have gone ahead and done the improvements on their own and are not going to apply for the grant money. I think Farm Credit was one of them, that went ahead and did their own improvements. We got a benefit from that, did not cost any of the grant money to do any of those improvements.

G. Historical Committee -

Council Member, F. Perry - I don't have anything.

H. Manager's Report -

Mayor Jenkins - Some of the pending items were putting street lights on Reed Hollow/West Jackson. The orders have been put in for that. I've talked to Mr. Barker from AEP and as of last weekend I went to both locations the lights weren't up yet. They said it may take a little while to get all the approvals and actually get and I would assume the recent storms we had, probably put installation of new street lights on the back burner, but I'm not positive.

It was in the paper, the Kingsport Times News, did call and ask about the audit, why they have not been completed. I did make a short statement about that.

On the Garbage complaint from Cypress Street on the west end of Cypress Street. I have been going up routinely on Monday before I go to work and when I come back in the evening. It must have been a couple incidents where the trash was being thrown around, because it has been clean before and after trash pick-up.

The issue with Dickey Gaines where the Sewer Authority, I took the information to the Sewer Authority where he had paid someone to work on the lines and it ended up being on the easement. Amy found the copies of the easements and we did, the Sewer Authority voted to pay half of the bill that Mr. Gaines had actually paid someone to do because it was partially his and partially the town lines.

Amy Quillen, I took their information to the Sewer Authority and they voted to drop that item from the sewage bill because they are actually on a septic system and not on the sewer system. That's going to be readdressed because they're actually wanting reimbursements. They recently bought property and I'll go to the Sewer Authority and explain the details of that.

With the Water Plant issues and I'm going to skip over and look at her water report. They did find a leak on Fir Street. We were losing approximately 300,000 gallons a day that had been on-going. That is where our high loss was coming from. That won't show up so much on the loss for the system this month. We're still at the 50% loss because that leak was only located recently. They think there is another, intermittent leak, and I'm not sure what causes it to start or stop. They are working on finding that one and doing some tracing on the lines. I think the loss, right now, is right at 30% instead of the 50. But that had tunneled out and was probably into Burnt Cabin Branch which is why it is so hard to find. Part of it was emptying into Paul Argoe's basement That is why his basement has become extremely wet and that is why they concentrated on that area. We did hire another, Nathaniel Phillips, as part time and the Water Plant and there are a few other issues that are being addressed right now at the Water Plant.

On the Business Licenses, we still have a few that have not paid. I'll address that in a little more detail. It is an agenda item.

Wallace had the question about the \$137.00 on legal services. Asks Mr. Ross, I got that information to you on that. Didn't I? It was actually the fees for the special election, postage for mail sent on the Quillen/Starnes buildings, recording fees for Bank of America easement and the deed of trust for the Helen and Ralph Smith building. So, that's what that \$137.00 on the Treasurer's Report was on legal services.

I checked on the situation on Back Street on the bus backing up on Back Street. They actually don't back up into the mud hole, but it is a problem that the children have to walk around. I went up there a couple of days and observed that. We did find, though,

that buses are not supposed to back into anywhere. They are not, actually, supposed to be going up there and backing into that street, but that still doesn't.

Council Member, W. W. Ross, Jr. - That would probably have to look at it again, with the rain coming down. We probably have to get the state up there to look at it. I think most, some of the problem is coming from off of Chestnut Street is when it rains its right in there, comes off that drain comes down in there and I think that's one of the problems. One of the problems is, on that street. That has been a problem on that street up there for a long time. I know our funding is pretty tight. I know you all are on the Street Committee. Is there, can I also ask the Board to allocate my salary to go to be paying for that street, Back Street, for that to add plus add any condition of that money that would need to enhance that street?

Mayor Jenkins - I don't know why you couldn't.

Council Member, W. W. Ross, Jr. - Is it alright, that Council take whatever and then add whatever it needs to take my salary and put it on that street and then put whatever, any other sum to make it complete without helping to come up to the whole street.

Mayor Jenkins - Let's do a study first to see what the total expense is. Asks W. W. Ross, Jr., "Do you know if that house below, have they done any fill there?" It looks like fill, that it has been filled, recently, which would make a big problem in the street.

Council Member, W. W. Ross, Jr. - Yeah, Yeah, they did come in and do that.

Mayor Jenkins - Okay, that's

Council Member, W. W. Ross, Jr. - Well, like I said, that's a drain now when I said.

Mayor Jenkins - It looks like they may have filled over a drain, because they built their lot up higher than the road surface.

Council Member, W. W. Ross, Jr. - Well it was a drain system, because it should be when they put in a drain system goes all the way down beside the church all the way down through there. It could be that they clogged it up or whatever, but they did do some, added some kind of moving some dirt around up there.

Mayor Jenkins - I'll get back up there and look and look at that and we'll figure out some way. Because it is a pond in the road **W. W. Ross, Jr. speaking at same time, cannot understand what is being said.**

Council Member, W. W. Ross, Jr. - It's getting worse, because in the last year with the rain. I think with a lot of it is coming off the state, off Chestnut Street. Because, when it rains, it just comes, it just floods in there and through there and it's going into the church also. Because and it's down whenever it needs paving because of the lower of the gravity and it's difficult for that bus to. I don't see how the bus don't back up in there cuz it's no way for the bus to miss that puddle.

Mayor Jenkins - They missed it two days. I went up there, sat and watched just to make sure.

Council Member, W. W. Ross, Jr. - You did?

Mayor Jenkins - And that was after I found the well, someone in the office, found the rules on buses backing up

Interrupted by

Council Member, W. W. Ross, Jr. - Well, maybe on that day now, when there wasn't that much, but the day I was up there, I have pictures of it when it was really wide. I mean

Mayor Jenkins - It was covering over 90% of the road, because I could barely make it around without getting into the water.

Another item was to check on the permit to allow handrails on the south side of the Jackson Street. I did get a hold of Ms. Wells. She responded with a letter and met me on the 24th. We walked down there and discussed the pedestrian travel assist railing and she made several suggestions of what we could do. Because of the conditions, it would not have to be ADA compliant. Because all we were doing, we got the proper handicap parking spaces marked at the end and have the proper curbing and everything. She said this would be good to assist people who did have some mobility issues.

Council Member, W. W. Ross, Jr. - Did Roger get a copy of that letter that you sent me, a copy for Ms. Wells?

Mayor Jenkins - I may not have forwarded that directly to Roger. I try to limit my email so it won't be an illegal meeting.

Council Member, W. W. Ross, Jr. - On this right here, where you got them, what had transpired earlier was take, like have here and come up here and have this up on the higher level where they'd be able to hold from here and come to there. Do you understand what I'm saying? Like a rod come from here up to that level and then a bar from there where they'd be.

Mayor Jenkins - We cannot break the vertical plane of that first rise. It has to be set, that was one stipulation she had it be set on the second step. That's why I had to extend the height from 36 to 41 inches to make sure that it cleared. You cannot obstruct the parking place **Interrupted by**

Council Member, W. W. Ross, Jr. - Oh, okay. So what you're saying that you can come down and come down here with the rod right.

Mayor Jenkins - We could come to the lower sidewalk

Council Member, W. W. Ross, Jr. - To the sidewalk

Mayor Jenkins - So we can come down further in that direction. We cannot extend any further up into the actual parking of it.

Council Member, W. W. Ross, Jr. - Oh, okay, well if they did that, would that, well, it wouldn't with that, no car would hit that, would it? Would it, I mean if rail.

Mayor Jenkins - No, we can come back toward the building towards the sidewalk. We just can't go back any further toward the roadway.

Council Member, W. W. Ross, Jr. - So, okay, actually, you put it here and come down here then?

Mayor Jenkins - If we can.

Council Member, W. W. Ross, Jr. - And have a rod come up and then bent leverage and then come down. That's what I was thinking. Then they, by the space you was saying to get through there if they had a hand or walker or whatever you would get through there, but then they would have some hold something to hold on to if somebody

wanted to climb up. So, that's what I was you know. And we had talked about it earlier in the earlier meetings. I believe, remember?

Council Member, R. Cassell - You talking about putting another post down here on the sidewalk itself, making it like a **Interrupted by**

Council Member, W. W. Ross, Jr. - Like a rod, like to hold where you can come down through here and then. I had talked about maybe putting it up here and then come down here where it could be like a rod where they could hold up on both ends, but he said we won't be able to put something up here right?

Mayor Jenkins - No, we cannot go any further back towards the street. She said it had to go back on the second step.

Council Member, W. W. Ross, Jr. - Oh. Cuz, well did she did she well understanding we was putting a rod across here or just

Mayor Jenkins - She said for ornamental purposes we may want to put a rod across for just mainly to give it a better look with what the town looks like now or what we want the town to look like.

Council Member, W. W. Ross, Jr. - Well, more like a rail that goes straight from bottom up on both sides where somebody could hold onto both of them is what I was Mayor Jenkins - Wallace, really, all we need to address is the approximate drawing that I have done and the Town Council has to vote to allow me to send it back to the state for their approvals. Of course now all the actual securing and everything, they have the guidelines of how deep the bolts have to go or how much you have to drill for the posts size and we have to adhere to that. But, she did think it was a good idea.

Council Member, W. W. Ross, Jr. - Well, I think for the elder folks.

I have sent Jeff Brickey an email leaving him a message that you do want the financials as far as the Fire Department. I forwarded him an excerpt from the last meeting on the discussion that went on about that. I haven't heard back from Jeff. He has tried to call me a couple times at work and I have not been in my office. But he left a message that he would get back with me.

Under the new items, a press release was issued to the media sources on March the 9th about the new Police Chief. I think they have done some interviews.

I did give permission to Harold Walker, from AEP, to use the Municipal Parking Lot for emergency assembly point. That's something we do every year just in case there is severe weather conditions and they need a staging area to use the big parking lot. He did call and we renewed that information.

Returned a call to a gentleman who told me he was going to ride his horses to town. There would be 20-30 people riding their horses into Gate City, doing their shopping. I did tell them they would have to diaper their horses or they would be charged with littering. I don't know if that was the right thing to do, but I did tell him that.

We did have a resident come in wanting his one-time water adjustment for the year. I went to the location of the water meter, took pictures and asked him when he came in, if it was an inside or outside leak. He said it was inside the building. I told him we made no adjustments for internal leaks and then he told me it was outside the building. We did have pictures of the location and he paid the bill.

With the other sewer item, Dane McClellan did return my call and they are going to go to the Sanitation Board and ask that all the sewer fees that they have been paying, they be reimbursed that.

I have had several meetings with the Police Chief on different items. We have had complaints on the west end of town. I have left out all of the names that is associated on that until the police actually do the work that is needed to be done. We have another problem on Old Nickelsville Road and I kept all the names out of that too, until the police address the issues. I say, when they get done with all that I'll let the police share all the information on that.

Andy has already covered where we met with the people from the field office from the Virginia Department of Health about the water improvements and they have been, they have bent over backwards to help us. They put up with not having the audits longer than I think I would have ever done. They did say that we have one of the more worthy projects.

Some other items that are on here, that are addressed that are either complaints or concerns that the police need to address. We had three/four building zoning requests, I have turned down three of them and approved two and they will be going to the zoning board for the appeal. I would assume that nobody has actually filed yet, but that is the old item on Old Nickelsville Road.

We did have a meeting regarding a situation with a local business owner. Something that had happened and they weren't aware of the situation. We did have police on the scene when the item was corrected.

We have had one re-zoning request on Marvin Egan to re-zone some property from R-1 to R-2. In error, I took this to the Planning Commission and ask that they approve it when really it needs to come to the Town Council first and I think we need to direct it to them, is that not correct on the re-zoning issue?

Council Member, F. Perry - It goes to them.

Town Attorney, M. Brooks - It goes to the Planning Commission and they report back to us.

Council Member, R. Cassell - According to what Jo Ann sent me, it states that the Council has to refer it to the Planning Commission. She quoted the by-laws or whatever she had in there she had put it in the email we have to send it to them first.

Mayor Jenkins - I thought it was just the opposite. So, when he made the request, I took it and went to them for a vote on it. We have got, I have put together a list of all the property owners, addresses, everything, so when we do get it we're basically ready to go. We may have to work out some details of the correct path, that's something that I thought I knew what I was doing and evidently did not.

We did have an attorney make a request for me to call him about the co-op property and I opted not to do that since it is in litigation.

Smith Electrical contributed \$500.00 for the Clinch Mountain Music Fest and I will issue a written thank you from the Town for them doing that.

We had a call, someone had a complaint, people was looking into his windows and throwing rocks on top of his house. He thought that's what it was and he said he'd call me back if he remembered exactly what the complaint was.

I have had some requests for No Parking Signs on Anderson Street. I have not yet got up there to look at that yet.

We have had a community service worker cleaning up the streets, but the cigarette butts keep coming back quickly and I have made a comment to Chief Birchfield that we need to address that with littering. If we don't address it, I plan on calling Trooper Day because he has done that in the past.

We are having some washing problems on Cherry Street. I went up there and looked at that. I need to take Stoney and look. I think we can really do by putting a little diverter bane on Elliott Street and cleaning out a ditch line. I'll let them make the call on what is the best thing to correct that situation.

Had a call on a big hole falling out on a yard on Cherry Street and Stoney and I looked and none of our utilities run through that area. We are going to up and put some sewer dye in it to see if we can find out what's eating it out so badly. It's falling out. You can put a coffin in it already. Right now, it is that size and falling out pretty quick. Stoney said he was 90% sure that we didn't have any water line or anything that would be in that area, but we are going to make sure.

The farmer's market meeting, I've already addressed those issues are written here.

Had a gentleman call and make a complaint, but when I called him back two days later, he had forgotten what the complaint was. He said, whatever it was, he was fine with it now.

Had a couple inquiries about some zoning and Michele and I met with a person over the

new zoning permits for the property that the co-op wants to build on and I turned both, they actually filed a zoning permit for the current piece of property that they want to put the grinding facility or mixing facility on and they filed for the property adjacent to it. Both are residential and I turned both of those permits down.

We've started advertising and have gotten several applications for the part-time and full-time for the Public Works position. We had a full-time, he actually gave a two week notice but the firm that hired him called and wanted him immediately, so he left. Well, he turned in his two week notice and didn't come back. We have put in on facebook don't know how many we got, got a lot of applications.

Town Clerk - About 40-50.

Mayor Jenkins - We are going to have a pretty good.

The start of the DHCD audit I came over for that his morning.

Council Member, R. Cassell - Who handles the interviewing for the Public Works? Are you going to handle that or the Personnel Committee?

Mayor Jenkins - Personnel will handle the full-time position. I will do the part-time.

Council Member, R. Cassell - I guess this ties into the Water Report too. I was asked today, I knew there was a fire hydrant that had been broke off on Manville Road. It was down there in front of the William's house, Fred and Phyllis. She was inquiring if you knew when that would be put back?

Mayor Jenkins - That's something that I hadn't heard about.

Council Member, R. Cassell - I know that Steve had it in a report, that we had lost a lot of water because we had broke one off. She said this was back before Christmas and it had not been replaced. Kind of concerned that it had not been put back. You know where they're at, right passed Willie. Somewhere, she said right in front of her house.

Mayor Jenkins - That is our responsibility. That is our line.

Council Member, R. Cassell - I told her I would mention that. She asked me about it today at work. So, if you can look into that.

Mayor Jenkins - I'll check on it tomorrow. I would have assumed it'd be carried forward, the Public Works would have already, I'll find out.

With the Office Manager's Report, they have collected \$128,176 in business license for the 2011 period and the \$10,008 for this year. We have several businesses that have not gotten their business license for last year and I am going to ask when we get into the agenda item of how to address these businesses. It is Chapman Construction, Chapman Construction and Development, Chris's Department Store, Commonwealth Real Estate Appraisal Group, Daisy Compton, Gate City Glass, QSQ, Super Transmission and Auto Repair, Sweet Stacks which we have no idea what that is, Thomas Bake, Attorney, Weber City Cabinet Shop and Williams Heating and Air Conditioning. I'll go into a little more detail on the plans.

Council Member, W. W. Ross, Jr. - Do we have to vote on this or do we just

Mayor Jenkins - We have to vote on whether the Council approves pursuing something like this, so I can forward it on to the

Council Member, W. W. Ross, Jr. - So we do this now or later?

Mayor Jenkins - No, later, I put it as an agenda item. Debt set-off we have matched for \$734.00 and another \$407.00 has been collected by not sent to us. Judy as applied for the 2011 Tourism Grant for the Christmas and Window Decorating Contest. We haven't heard anything back from that. The parking tickets stubs have been turned over to the Police Chief, but I think they have figured out the proper sign age and ordered it or getting ready to order it this week. The Meal Tax has come back up \$2,000.00 that they have dropped from the previous month, so their pretty much which was worrying me that people weren't eating in town, but it seems like it has picked back up. It may have been the bad weather from the prior months or something that has actually hurt it. The Town has got 2739 Facebook friends I think now which I think is unbelievable how much information you can get out. I mean to get forty applications off just putting it on. I mean we had several applications just within a few hours, already filled out and

Council Member, W. W. Ross, Jr. - Are we going to refurbish those?

Are we going to repaint them or leave them as it is?

Mayor Jenkins - We will paint them, I guess. They look pretty good .

Council Member, W. W. Ross, Jr. - They do?

Mayor Jenkins - They are putting new fasteners for the actual globes as they go on. That was the biggest problem they were having, because they are having to drill and re-tap all the old screws out. Judy has added a link to the Daniel Boone Wilderness Trail Association and up-dated the web pages. They have mailed out the annual water quality report for 2010 and it has been posted on the web site. But the office staff has all the way around is doing just a super job.

I. Park Committee -

Council Member, F. Perry - The Park Committee did meet and about the only thing that we had to report was Stoney was able to find some covers for those lights that are on the Civitan Shelter that the bulbs were being stolen. He had just purchased them that day that we met, which was last Wednesday. I'm not sure if they got them up yet or not but at least.

Council Member, R. Cassell - I've been seeing the lights on regular at night so they have either not stolen the bulbs or he got the covers on them now.

J. Planning Commission -

Council Member, R. Cassell - Unfortunately, I had to work that night, so I didn't get to attend. I don't know what they discussed. I had a choice between Clintwood and Charleston so

Mayor Jenkins - Faye would you like to report on the Planning Commission?

Faye Owens Sanders - I didn't intend to do that.

Mayor Jenkins - That's okay. I was giving you the opportunity since I knew you were there and on the Commission.

Faye Owens Sanders - No, the only thing, don't know if you talked to anyone in the neighborhood.

Mayor Jenkins - I have not yet. That is something that I hope to get around to up there tomorrow.

Faye Owens Sanders - I think it's just a little immature yet, maybe we shouldn't discuss it.

Mayor Jenkins - I have not done the survey. I did go up there and look at it and you were right about it having a whole lot more area of what I thought it did. So, we got quite a bit of property to work with

Faye Owens Sanders - I just came, just to listen.

Mayor Jenkins - Okay, thank you. I just wanted to give you the opportunity to since you were a part of that.

Council Member, R. Cassell - I apologize, but when they come in and tell you, you have no choice.

Mayor Jenkins - I know what's that's like.

K. Police Department Report -

Mayor Jenkins - We had 269 calls for service in March, 18 arrests, both were up a little from the month before, 30 summons, 17 crime reports, 2 accident reports and 3 DUI arrests, were all three you (speaking to Officer Whitt)?

Officer Whitt - Yes, sir.

Mayor Jenkins - He gets a lot of the DUI's. They received a complaint about breaking and entering arrest of three male subjects and six felony charges and they are all being held without bond. That was several officers participated in that. On-going investigation of multiple items being stolen from three residences resulting in arrest of two individuals charged with one count of grand larceny and one count of petit larceny. Officer Templeton attended the Advance Search & Seizure, Hostage Negotiations, and First Line Supervision classes. Officer Whitt attended the Advance Search & Seizure and First Line Supervision classes. Officers continue to provide extra patrol on Sue Street and Elm Street in reference to complaints. They have had no accidents, no sick days and no injuries during the past month. Officers are continuing with radar enforcement on Jackson and Kane Street in an effort to slow down the traffic and trying to address the blatant running of red lights. The new officer is still in the Police Academy and the Academy has been very impressed by him. In fact, he has been elected class President. The feed-back is he is one of the best that has ever gone through the Academy. So, we probably won't keep him long. We did have a \$15,000 Police dog actually donated to the Town. They have picked it up and it is back here. Adam went, we designed him as the K-9 Patrol Officer. The fence for the dog pen was

bought out of the fees that we collected from last dog and turned that over and some of the drug seizure fees. We may have to pour a concrete pad, but that will probably be out of the drug seizure money too. But, it's supposed to be an excellent dog. I think it's Kingsport or Rogersville has offered us a free spot in their Canine Training (R. Cassell states Sullivan County). So, this is a great deal.

Council Member, R. Cassell - Chief Birchfield used his contacts through what I understand and that it wasn't going to cost us a dime.

Mayor Jenkins - So, we are not in a search for a drug dog anymore. This month, Officer Taylor will attend a DUI Conference in Virginia Beach. Chief Birchfield is at the Virginia Association of Chief of Police. In fact, he's probably on his way back from that. We got the Byrne Grant in the amount \$2212 to be submitted for acceptance. That is something we get every year, we just have to fill out the proper paperwork. Thank goodness it was still on the table for this year, because we thought it may be going away, but we did get it. Nancy is being trained with Grants Manager, Johnson City Police Department. Andy did bring up, they did look over the Police facility and no action is being taken there right now, but it is something that they are looking at. We are getting a lot of water damage over there when it rains.

L. Public Works -

Mayor Jenkins - Brush pick up is up about 13,000 lbs. over last month. Trash pick up is up 30,000 lbs. Recycled is up about 1,000 lbs. They recycled 480 gallons of oil and had 74 work orders this month versus the month before. Public Works, well they are always doing a great job with all the feedback I get.

M. Sanitation Authority -

Mayor Jenkins - We went over what they addressed last month with the sewer adjustments or actually paid an adjustment and they will meet tomorrow night.

Council Member, R. Cassell - I have my agenda and just for information we had asked Michele to send Scott County PSA a letter concerning the billing issues.

Mayor Jenkins - That has been done.

Council Member, R. Cassell - We got a reply back from Mr. Danko that they will start trying to bill at the first week and finally have the calibration results for the meter that was done back in November.

Town Attorney, M. Brooks - They tried to bill us, originally, but I instructed Chris not to pay that.

Council Member, R. Cassell - She has been on the ball, thank you for doing that.

Mayor Jenkins - Thank you for the report, I'm sorry I forgot that you were

Council Member, R. Cassell - That one I did make.

N. Street Commission -

Council Member, R. Cassell - The only thing I'd like to ask Mark, seems you've had pretty good contact with Ms. Wells to see what the status this turn lane out here on 71 at Thriftway. I had forwarded a copy of her response. We had turned in a request where that cross hatch area is where Broadwater Avenue and Reed Hollow Road come out. The last email when we originally requested this, Steve forwarded it to me, that she would submit it. She didn't see a problem with it, because there is really nothing more to do than maybe black out the lines and remark it as a turn lane. She seemed pretty positive, but that is the last we heard of it.

Mayor Jenkins - Okay, I'll check with her tomorrow.

Council Member, R. Cassell - Someone originally asked me to bring it up, she was concerned about it. I've been trying to keep her in the loop, but I hadn't heard anything about it.

Mayor Jenkins - I'll send it to her and copy to you.

O. Water Plant -

Mayor Jenkins - The loss of last month was still at 50% we are looking at seeing a 30% loss this next month unless we break another line. They are running 10 to 14 hours a day now, they put shifts back. Loretta takes real good care of the water plant.

P. Safety Committee -

Council Member, W. W. Ross, Jr. - The only thing I have to talk about today is a question about the new book, Safety Committee book that I just received. Is this considered the new version of it or the old version was knocked out or do we have to amend this one for the old version or do we have an old version of the safety committee?

Mayor Jenkins - If we have an old version I can not find it. That is the new one and I am sorry that I got it to you so late.

Council Member, W. W. Ross, Jr. - I haven't really had a chance to go through it as well as. I had some questions about some things and I just didn't know

Mayor Jenkins - I need to really read through it better. If you want, you and I will sit down and knock some of the stuff around .

Council Member, W. W. Ross, Jr. - I had some questions on this about the Safety Committee and about some other things.

Mayor Jenkins - Thank you, Wallace, and I'm sorry I didn't get it to you any quicker

Council Member, W. W. Ross, Jr. - Ms. Riley did an excellent job

Mayor Jenkins - She did an excellent job on it.

Town Attorney, M. Brooks - As always.

O. Water Committee - NONE

X. PUBLIC COMMENT

Jon McConnell - Asks if Town condemned three or four buildings at one time? Scott Motel being one of them, to be torn down, sold or done away with? Discusses other buildings in Town, conditions and actions. Questions Mayor and Council Members.

Mayor Jenkins - We addressed Scott Motel.

Council Member, R. Cassell - Informs Mr. McConnell the Starnes building is on the Agenda. Southwest Community Foundation working on grants to repair that.

Jon McConnell - States Town needs to do what they need to do, before they point fingers at others. Discusses snakes the city gave him. Can't shoot them, but can grab them, put them in a bag and take them to the other side of the bridge and turn them loose on the other side of Jackson Street. Asks Mayor if he wants the snakes and can turn them loose on the other side of the street.

Mitchell Brown - Resident of 201 Valley View Street. Addresses being billed for water and sewer and doesn't use sewer system. There is a septic tank in place. Home built in 1961 before sewer lines. Septic in good working order and no reason to attach to the sewer lines. Request that cost taken off his bill.

Mayor Jenkins - Informs Mr. Brown he needs to stand before the Sanitation Authority tomorrow night. He'll gather all information on the lot and present it for their decision.

Council Member, W. W. Ross, Jr. - Questions why they missed sewer system and why homes in Gate City not on sewer system.

Council Member, F. Perry - Replies there a flow problems with some homes.

Mayor Jenkins - Informs Mr. Brown, will get contact information.

Mitchell Brown - Compliments Town and proposed improvements.

Mayor Jenkins closed the public comment session at 8:09 P.M. and opened the consent agenda session.

XI. UNFINISHED BUSINESS

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

Town Attorney, M. Brooks - Mr. Mayor, I don't want to get out of order, but I think you had asked or someone had asked for me to find out what the Board of Supervisors was doing with them. I did find that out. Last year, fiscal year which is ending at the end of June they received \$4,000 from the Board of Supervisors. They have not applied for funding this year according to Kathy Noe for the next fiscal year.

Council Member, R. Cassell - Is that all they get.

Town Attorney, M. Brooks - They have other funding, but was not able to ascertain how much or any specifics to that.

Council Member, R. Cassell - That's a different situation than the Fire Department because we are already giving them an allotment and Chris is having the attach it to their invoice and he's writing a check anyway. If we turn around and write them a check are we still reimbursing them. They are going to have to do the same, pay it first.

Town Attorney, M. Brooks - Right. That's what's going to have to happen. It will be paying it back to them directly because of the grants.

Council Member, R. Cassell - Now Mark, I understand somebody promised them water for life. Were you able to find any of that in writing.

Mayor Jenkins - There is documentation of that.

Council Member, R. Cassell - Was it just done in a Council Meeting to vote?

Council Member, F. Perry - Did we not find out that was illegal?

Mayor Jenkins - Yes

Council Member, R. Cassell - We can't give it to them. They have to same thing they have to pay it and we have to turn around and some how write them a check back. It's just a technicality I guess. One suggestion I made to Chris is, I'm going to stay out of this one. I don't really know, I guess to prevent hard feelings, if he doesn't want to write a check each month to make an annual donation of some type of support. Maybe that is easier than paying them every month. I don't know what the rest of you think. Right now, he's not cutting them a check for anything. Chris will not write a check without them sending him an invoice. Anybody. So, they're going to have to copy their water bill and send to him and him reimburse them. Can we, you know the legalities of that. It's a whole different ball game of what we're doing with the Fire Department.

Town Attorney, M. Brooks - Well they are non-profit. As far as the legalities go with that, I think they are similarly situated, legally.

Council Member, R. Cassell - The main thing, they're just wanting to see that the entity is paying the water bill and what we chose to do from there, whether we reimburse it all or help or whatever. I think with Rural Development. I think the main thing they are wanting see is they pay the bill and what we chose to do from there is up to us.

Town Attorney, M. Brooks - That is up to you all. If that is what you want to do. If you think it is a worthwhile enterprise and you want to do that, than it is up to you. You can do a one time, as you suggested, that is up to the Town Council.

Council Member, R. Cassell - You are the attorney, how are we obligated if this was just a Council, wasn't an ordinance, right? It was just a Council vote to provide them water

Mayor Jenkins - With no talking stipulation.

Council Member, W. W. Ross, Jr. - What's the legal

Town Attorney, M. Brooks - The document that Kathy sent me, which was from 1996 was an unanimous vote from the Town Council to provide free water and garbage to Hope House. It didn't say for what time. It didn't say anything, unless you found something else that I'm aware of (speaking to Town Clerk, K. Riley)?

Town Clerk, K. Riley - That is all I found.

Town Attorney, M. Brooks - It does not say, forever. I haven't seen anything that says you all agreed to do that forever.

Mayor Jenkins - I'm assuming that's the one I

Council Member, W. W. Ross, Jr. - So, that's a legal document based on the fact that they are in compliance and we. Is that a legal that piece of paper that gives them they can receive free water and sewer for life. It doesn't say life, it just says interpretation of it that they can receive free water and sewer.

Town Attorney, M. Brooks - Correct. I think in 1996 the Town Council legally voted to give them that. Now we cannot do that. We know we cannot do that.

Council Member, W. W. Ross, Jr. - We can't do that because we can't do that because we'd be in violation of what?

Town Attorney, M. Brooks - This is a RDA Grant or Rural Development Grant.

Mayor Jenkins - Rural Development stipulates that we charge everyone the same, every in town customer the same rate and not give anybody discounts or. It's in the actual loan contracts. This provided up to a monthly bill of \$228.00 water, \$148.00 sewer and \$3.50 garbage for a total monthly bill of up to \$379.70.

Council Member, R. Cassell - So roughly up to \$4,000.00 a year. Ballpark.

Town Attorney, M. Brooks - That's what 1996 they committed up to.

Council Member, R. Cassell - Oh, up to.

Town Attorney, M. Brooks - Yes. I don't know what their current bills have been.

Council Member, W. W. Ross, Jr. - The water bills have gone up last couple years.

Council Member, F. Perry - If we wanted to do something, we could make a monthly donation.

Town Attorney, M. Brooks - Correct.

Council Member, F. Perry - If we did that, if we voted to do that, then why could we not have you to write a letter explain to them that we can no longer do that because of the law and site the law to them and tell them if we vote to make them a donation monthly. Do it that way.

Town Attorney, M. Brooks - I think you can certainly do that.

Council Member, R. Cassell - And not call it

Town Attorney, M. Brooks - You just call it a donation. You can do it monthly, you can do it annually whatever way you saw fit to do, if you chose to do that.

Council Member, F. Perry - The budget would have to be suited to it, would be how I suggest that we do it.

Mayor Jenkins - Benevolence to other organizations should be open, set a certain amount of money aside for benevolence? Advertise for those wanting to participate or how do you arbitrarily just chose one over another? What if someone else opens something up. I mean we should have some process.

Council Member, F. Perry - That's why I think it's different. I'm going to agree with Roger, that it's different to the Fire Department. The Fire Department provides a service to this town that we could not afford to pay if we had to have it under a paid Fire Department.

Council Member, R. Cassell - I think if we do it, we're opening up a precedence of any benevolent organization in town that feels they can't afford the water bill. We're going to be a benevolence every month. It's a whole different situation and I don't ever know

why they entered into that to begin with. There's a lot of worthy organizations in town that I wish we could pay everybody's water bill but it's not a service the town provides.

Council Member, F. Perry - So, essentially, what we need to do is to have our attorney write them a letter telling them we can no longer do that and explain why. Right?

Town Attorney, M. Brooks - If that is what you all would like me to do.

Mayor Jenkins - Do we have a motion for the Council to vote to provide a benevolence. I guess we have to address that business, don't we?

Town Attorney, M. Brooks - I think we have to say, it's benevolence or not. We cannot pay any ones water bill. Whether, we can't place into terms saying that we are paying their water bill.

Council Member, W. W. Ross, Jr. - So, we can't pay anybody's water bill? You saying, okay we

Mayor Jenkins - We cannot provide free or discounted water to any user.

Council Member, W. W. Ross, Jr. - So that won't affect the Fire Department? No way.

Mayor Jenkins - We're not providing them free water.

Council Member, W. W. Ross, Jr. - Okay.

Town Attorney, M. Brooks - We're providing them a donation, monthly, which they may cover their water bill with or not.

Council Member, W. W. Ross, Jr. - Okay. Now if we provide them donation, could them come back and say that we provided one, that they come back and say that we provided one organization a donation and why you can't provide us one.

Town Attorney, M. Brooks - I think anytime you are giving donations to anyone, it's always going to be on a case by case basis. It's the vote of this Council. You all make the determination that you determine have value or not, the things that you are going to fund. I don't think anyone would say that Hope House doesn't provide valuable service to this community. It certainly does.

Council Member, R. Lane - It's a real defining point then between the Fire Department as it stands now and Hope House, is that the Fire Department does provide the Town or Town residents a service. Does Hope House?

Mayor Jenkins - They provide a needed service to the community, yes. I fully support them myself

Council Member, R. Cassell - I think out of good will maybe we can look at the budget and maybe just come up with or if the Council wants to set up a dollar amount like we do some of the other organizations and make an annual contribution or whatever in the budget as a friendly gesture and handle it that way. I don't know what else. Just call it whatever you call it.

Town Attorney, M. Brooks - Donation. It would just be a donation, that's the way you want to do it. That has nothing to do at all with

Council Member, R. Cassell - I just hate to, they've been used to it, to cut them totally off. That's probably more of a better service than some of the other things we support, I don't know.

Council Member, R. Lane - Are those the only two that we know that we provided in the recent past? Any discount or

Council Member, R. Cassell - That's what I don't understand. I know the rescue squad was asked several times even when my brother was on the Council and they turned them down. I guess it was a different Council in 96, but I don't know how that came about.

Mayor Jenkins - If there's not going to be a motion made, I'm going to go ahead

Council Member, W. W. Ross, Jr. - Question? Could we table this until we look at the budget to see how we what to come, would that be more feasible direction or do we need to address it now?

Mayor Jenkins - We can table it another month, if you wish.

Council Member, W. W. Ross, Jr. - At least till the budget, until, I mean

Council Member, R. Cassell - I don't know if, Wallace, if we can have anything by next month. Maybe, carrying on with what Wallace is saying, have Michele write them a letter explaining what has come up. That we'll look at it in the 11/12 budget. If we can put funding in we will continue to do so at that time.

Mayor Jenkins - I'll try to get a list together of all other donations the town may make to other organizations, too. Because, I know that there are some.

Council Member, R. Cassell - At one time we did discuss having anyone that wanted donations come and make a request.

Council Member, F. Perry - Right

Mayor Jenkins - We did that with advertising and there probably should be some kind of request program or request process.

Council Member, W. W. Ross, Jr. - Don't we give so much to for Relay for Life or something like that.

Mayor Jenkins - Yes, we do.

Council Member, W. W. Ross, Jr. - Well now I,

Mayor Jenkins - To the Rotary, there are several.

Council Member, W. W. Ross, Jr. - Right, but now, don't throw darts at me now. What about the Music Festival? Is that considered a \$5,000 donation?

Mayor Jenkins - That is directly for the Town. They manage it for us, we spend it back here.

Council Member, W. W. Ross, Jr. - It's not a donation. Is it a gift? So that's what I want to know if we are going to balance we have to be very careful, because

Mayor Jenkins - We'll look at it all.

Motion made to withhold it until the Finance Committee comes up with the budget and have Town Attorney send them a letter explaining why and we will look into it in the 11/12 budget.

Town Attorney, M. Brooks - Should we invite them, part of that letter to come to Council if they are seeking donations? I don't know what you all want. How specific you want to be. You're talking about next budget session.

Council Member, R. Cassell - Might have a little clearer understanding of what their needs are. If they would come.

Town Attorney, M. Brooks - I mean, I don't want

Council Member, R. Cassell - I put that in the motion that you would, if you don't mind sending them a letter explaining why we had to stop it and that we will address it in the next budget. Have them come and plead their case. I'll make that as a motion.

Motion by: Council Member, R. Cassell 2nd by: Council Member, W. W. Ross, Jr.

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

XII. NEW BUSINESS

****Council Actions to Address Businesses Operating Without Business License Within the Town of Gate City.****

Mayor Jenkins - Is there any Public Comment on this item before we open it? We have 12 businesses in Town that have not secured a business license for the 2010 period.

Council Member, R. Cassell - Have we found out the legalities, can we shut them down by law?

Mayor Jenkins - I have some proposals and I will address them one by one. I'd like to have Council approval on whether or not to do what I intend to do. I started to do it, but I think it would be better to bring it before the Council because. I'll start with QSQ. I already got the forms to do it. They are selling alcoholic beverages without a license in Town. They have to have a business license in order to secure a Alcohol and Beverage License. I will go ahead and file a complaint with Alcohol and Beverage Patrol Board. I'd like to have a motion allowing me to do that. If you don't want me to do that, I won't.

Council Member, R. Cassell - How far in arrears, is it one year or

Mayor Jenkins - They are several years.

Council Member, R. Cassell - So, they've not bought a business license in several years?

Mayor Jenkins - They have been hand delivered the, the police actually hand delivered because they failed to pick up the certified letters. But I have the complaint form ready to go and am willing to do it. It's yours all wish.

Council Member, R. Cassell - I'll make that motion.

Council Member, W. W. Ross, Jr. - Will we have to vote on each of the twelve you have or just vote on all twelve of them?

Mayor Jenkins - There are different methods of handling each one of them.

Council Member, F. Perry - I think what we have to look at, that is very unfair to our merchants who are operating within what we require of a business for this Town. It's a

slap in the face to those people who are paying their licenses to let these people continue without paying theirs.

Mayor Jenkins - Yes, it is unfair.

Council Member, W. W. Ross, Jr. The question is, they are behind on their taxes for the last few years for the city, right.

Mayor Jenkins - I don't know about the taxes, the business license, yes.

Council Member, W. W. Ross, Jr. - Okay, I didn't know if that

Mayor Jenkins - That's last year, this year's is due.

Motion made to file a complaint with Alcoholic Beverage Control Board

Motion by: Council Member, R. Cassell 2nd by: Council Member, W.W. Ross, Jr.

VOTE: Yeas, 4

Nays, 0

Absent 1 - T. Herron

Mayor Jenkins - Now with Chapman Construction, Chapman Development, and Williams Heating and Air we're going to address that, if you wish, with a complaint with DPOR. That is the Department of Regulations of Professionals. They all fall under, I've already checked with each of them fall under DPOR rule.

Council Member, R. Cassell - That is Chapman, Williams and who else?

Mayor Jenkins - That is two Chapman businesses and Williams Heating and Air. They have all been sent the certified letters

Council Member, F. Perry - Chapman Construction and Development?

Mayor Jenkins - One is on Frances Street, the other is on Jackson. I don't know why they are not on Frances it's on the other street

Council Member, F. Perry - Jay

Mayor Jenkins - Jay Street

Council Member, F. Perry - It's out of his house.

Mayor Jenkins - Which, is questionable.

Council Member, R. Cassell - Two different brothers

Mayor Jenkins - Same owner

Council Member, R. Cassell - Two different addresses

Mayor Jenkins - Yes

Council Member, F. Perry - But he's got an office down there in that

Mayor Jenkins - I know. They're both listed.

Council Member, F. Perry - Okay

Motion made to file a complaint with DPOR on these three, Chapman Construction, Chapmen Development and Williams Heating and Air.

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

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

Mayor Jenkins - We have Daisy Compton, Attorney-at-Law, and Thomas Baker, Attorney-at-Law. I'd like to make a request that a motion be made that I file a complaint with the State Bar on both of these. They have been contacted, personally, haven't they (directed to Town Attorney, M. Brooks)?

Town Attorney, M. Brooks - I never did speak to Daisy, I attempted to on a couple occasions. I did speak with Tom. I think Chris sent him another invoice.

Mayor Jenkins - There has been invoices, yes. Because he did ask for an invoice, but we have not had it returned.

Town Attorney, M. Brooks - He did tell me, I know there is taxed based that he hadn't, he had not filed, I don't know filed taxes. Maybe that was part of the hold up.

Mayor Jenkins - Is there a motion to file a complaint with the Bar?

Council Member, R. Cassell - If we are going to do for one, we might else well do for all.

Motion made to file a complaint with the State Bar against Daisy Compton and Thomas Baker.

Motion by: Council Member, R. Cassell 2nd by: Council Member, W.W. Ross, Jr.

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

Mayor Jenkins - The Commonwealth Real Estate Appraisal Group I have checked the address on them and it is not in Gate City. It's actually in the county. The office that was formally used for that is now Git R Sold on Jackson. I don't know if we can press that issue or not. We'll follow up on that and find out. But, it's listed as outside the city limits.

Chris's Department Store, Gate City Glass, the Super Transmission Auto Repair and Weber City Cabinet Shop I'm going to ask Michele to take whatever legal action we possibly can to go ahead and either get license issued or we'll actually have to shut the business's doors. We do have the authority to padlock them, but I don't want to do that until it's the very last resort. It's almost down to the last resort if legal action doesn't. Either they will respond with countersuit or

Sweet Stacks, we don't know whose it is or where it is. It was registered and never, but we will do some more follow up on that and address that with legal action

Town Attorney, M. Brooks - Where does the information come from, State Corporation Commission?

Mayor Jenkins - No, they actually filed a business, bought the business. They are still supposedly listed as a business but we don't, they most of operated out of somebody's house.

They may not be in business anymore. We just can't get any response, what so ever from them.

Council Member, R. Cassell - Can you not follow up with that Corporation Commission?

Town Attorney, M. Brooks - They don't necessarily have to be, just because they have a business, but we can check the SCC website. I can follow up on that. I can write letters.

Mayor Jenkins - Do we have a motion to let Michele address the rest of these with legal action?

Motion made for Town Attorney, M. Brooks to process legal action against the rest of these businesses.

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

VOTE: Yeas, 4

Nays, 0

Absent 1 - T. Herron

****Railing for South Side of Jackson Street.****

Mayor Jenkins - We need a motion to allow me to send the drawings on to Ms. Wells for approval.

Motion made to allow Mayor Jenkins to send the drawing to Ms. Wells (VDOT) for approval.

Motion by: Council Member, W.W. Ross, Jr. 2nd by: Council Member, R. Cassell

Council Member, R. Cassell - Are you proposing to as is or adding that rail, like we were talking about.

Mayor Jenkins - I will provide them with that drawing and the drawing, actually extend that same type rail on over and make a run down handrail. We will have to meet VDOT's specifications which she has sent. Did I forward those to you?

Council Member, W. W. Ross, Jr. - Yes, did you send it to Roger?

Mayor Jenkins - No, I didn't. I will make copies. That's the guidelines we have to follow as far as the anchoring and everything. That's just their standard handrail engineering drawings.

Council Member, R. Lane - One question before you go on. To build on what Wallace was saying, you were going to add onto a second drawing coming on down. That,

potentially, could be some kind of tripping hazard if it was anchored on that down at the bottom. But if it was like a pea shaped that would still suffice what I think you're wanting to try and get done. Something like that.

Mayor Jenkins - Just a single anchor point and then bring it on back to itself.

Council Member, R. Lane - Yeah, that's what I was thinking. If it came on down here, I'm afraid on the sidewalk itself, it maybe might be considered a tripping hazard for people just walking on the sidewalk. This right here would still, I think, give you the same step here, hold onto the handrail that would come out to about

Mayor Jenkins - They will correct us on anything if we get too much into the path of traveling. They will fix us on that. I'll submit it as that single base and rail coming back it to itself.

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

****Property Re-Zoning Request****

Mayor Jenkins - Marvin Egan has made a, formal, written request to the Town that we **Further discussion between Council Members/Benny Reed of location of property location.**

Council Member, R. Cassell - Once we do this, the Planning Commission will have to handle the subdivision, is that correct?

Mayor Jenkins - Yes.

Council Member, R. Cassell - Right now before he does anything, he has to have the zoning changed.

Mayor Jenkins - We have to refer to it to the Planning Commission. I jumped the gun and sent it to the Planning Commission first. I thought that was the order and it was not. They voted yes to do it and I thought they were going to bring it to us and Jo Ann found out that you have to go to the Council and the Council then sends it to the Planning Commission.

Council Member, R. Cassell - Is it, is he wanting to build a different type of house then R-1 will allow?

Mayor Jenkins - R-1 requires 10,000 square feet of yard area of lot area per structure. If you drop to R-2, you have 7,500 square feet of lot area.

Council Member, W. W. Ross, Jr. - So, how will they get the water there?

Mayor Jenkins - The water and sewer is available to the property line.

Benny Reed - Speaking from audience - Will these be one level housing?

Mayor Jenkins - Yes and no step entry. He's filling the need of about everything around here you are either going up or down steps and the elderly cannot navigate it as well. He has been pursuing this for I guess, he's been talking to me about it for over two years and finally secured the property and is getting ready to do this.

Council Member, R. Cassell - How many homes did he figure did you say?

Mayor Jenkins - 28-31. He's got 7.2 acres

Council Member, R. Cassell - So you need a motion to refer it to the Planning Commission?

Mayor Jenkins - Yes.

Council Member, R. Cassell - Can I do that? Make a motion, with me being on the Planning Commission?

Motion made to refer this matter (re-zoning request) to the Planning Commission.

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

VOTE: Yeas, 4

Nays, 0

Absent 1 - T. Herron

Mayor Jenkins - I'll talk this to the Planning Commission.

Council Member, F. Perry - You say this is what entails his property.

Mayor Jenkins - Those are all the surrounding property owners. They are either adjoining either caddy cornered across the street. By definition, those are the ones that have to be notified.

Council Member, F. Perry - That's what I'm asking you.

Mayor Jenkins - Do we need to have a public hearing?

Town Attorney, M. Brooks - I think after the Planning Commission. We don't have to at this point.

Benny Reed - Questions about running into if this is down. Explains a garage that is sitting right in the middle of the street. His opinion is they will ask for that to opened up to tie into that street for ingress/egress and that garage is right in the middle of that street (Monte Vista Street).

Mayor Jenkins - I see where you are talking about.

Council Member, R. Cassell - It's never been closed, I guess.

****Pursuing Grant Funding for Farmer's Market/Multiple Functions for Water Street Parking Lot.****

Mayor Jenkins - Is there any public comment on this item? This is, basically, what Joe Coates presented at the first and just asking for Council permission to start hunting the available grants through mainly the Tobacco Commission and HCD to

Council Member, W. W. Ross, Jr. - Question. Amy is working on the market?

Mayor Jenkins - Right.

Council Member, W. W. Ross, Jr. - We vote, are we already combining these two for what she has done.

Mayor Jenkins - We're voting for her to pursue for the funding for the facility that the Economic Development has presented.

Council Member, W. W. Ross, Jr. - Along with the market?

Mayor Jenkins - No, Farmers Market itself. This is the structure. The actual market does not have to have that to go into. We've already voted to pursue the Farmers Market itself.

Council Member, R. Lane - Basically, to set it up and run it like this, this year.

Mayor Jenkins - The function. We're going to do the function part of it anyway. The structure part, that's what we're addressing.

Council Member, W. W. Ross, Jr. - Alright, she has opportunity to get grant money under that same what you that under that Town of Gate City, some kind of like. So, that, if we vote on that, will that affect her ability to get the grants or is it two different stages?

Mayor Jenkins - We will, jointly, be pursuing the grants for the structure and for other development of the. We have given Amy permission to try to get the funds to whatever we can do. This is for the multi-function structure that, hopefully. I already told you the Tobacco Commission said we have to make an effort on our own to see if the Farmers Market would work and we got to get our feet on the ground and start doing it on our own before they would even entertain the grants. We are going to pursue the Farmers Market through Amy's effort, the actual physical market part of it. That will set the ground work to actually get them to even give us any attention to the funding of the actual structures that we're wanting to have.

Council Member, W. W. Ross, Jr. - Well, I misunderstood its different grants.

Mayor Jenkins - There may be different grants for different pieces of it. We're going to be pursuing, she's pursuing advertising and other grants, even we don't have any buildings or anything we actually will have an operating market. She has secured some grants. She has, actually, gotten some free advertising from some of the other agencies. They are working towards the same goal, but one is complimenting the other.

Council Member, W. W. Ross, Jr. - So what you are saying, we can go in and set up a grant, I mean a Farmers Market under her plan and if we later want to put this in the picture.

Mayor Jenkins - It will all be working towards the same goal of establishing that facility, yes.

Council Member, F. Perry - We have to do what she's doing before we can do this.

Mayor Jenkins - They said if we weren't making some worthwhile effort of our own, they wouldn't even entertain a grant.

Council Member, W. W. Ross, Jr. - Well if her proposal is actually different than that, she's a whole different

Mayor Jenkins - We are going to start with the simple of what's not going to cost us much and then, hopefully, get funding for the other. They are wanting grants. There are, actually, several \$30,000 Block Grants to encourage sale of local goods.

Council Member, W. W. Ross, Jr. - I'm for this, but I'm not focused in my mind.

Mayor Jenkins - Do we have a motion to, it is really, Amy, Andy and the Economic Development will all be pursuing grants for that if the Council thinks it is a worthwhile adventure. Is there a motion

Council Member, F. Perry - So, who do we have to, who are we giving permission.

Mayor Jenkins - Our Town employees.

Motion made to grant permission for Town employees to pursue grant funding for the Farmers Market and multiple function for Water Street parking lot.

Motion by: Council Member, F. Perry

Council Member, W. W. Ross, Jr. - Question

Council Member, F. Perry - You have to have a second before you have a discussion.

2nd by: Council Member, R. Lane

Council Member, W. W. Ross, Jr. - Well, alright. The reason I ask this question is, once before you all mentioned contracts about the parking lot to deem it to the Music Center, that was about three years ago. The reason I was asking would be are we doing the same thing? Setting up the same criteria that we did before? That's the reason, I was wondering. If I voted on something and if it does materialize that's what I'm kind of looking at. I mean it's still too early in the staging plans to quite understand what's going on for me.

Mayor Jenkins - Well, what's going on with the parking the lot. The deed was never recorded. We are probably going, I guess next week, they are going to record the deed as required and then deed it directly back to the Town. We have already discussed that. Southwest Virginia Community Foundation, never, our ex-attorney never recorded the deeds. So, in order for them to give it back, we have to go through the process of them recording the deed and then us taking it back.

Council Member, W. W. Ross, Jr. - So, the property will be deemed to the City of Gate City.

Mayor Jenkins - Yes.

Council Member, W. W. Ross, Jr. - They will own it.

Council Member, F. Perry - Was there not provisions in that deed, if it transpired that it reverted back to the Town?

Mayor Jenkins - Yes. This is what. It is not, the Performing Arts Center, as they planned, is not going, they already given up on it and asked for the money to be reapplied to another building.

Town Attorney, M. Brooks - It's not invalid because it was not, I'm sorry, it's not invalid because it was not recorded, but it needs to just to keep any appearance of improprieties, we're an open book.

Council Member, F. Perry - I understand that. I thought at the time it was discussed that there was a reversion policy in it.

Mayor Jenkins - There was and that is what we are doing. We are going through the process of to get it to revert back to the Town.

Council Member, W. W. Ross, Jr. - So, okay, what about the property where the bank where we had

Mayor Jenkins - The easements had been secured and all that is done. All the documentation is completed. Right? (asking Town Attorney) For the retention pond and all that? Andy told me today.

Council Member, F. Perry - You're talking about the actual piece of property behind the drive-in bank?

Council Member, W. W. Ross, Jr. - Yeah, they made an agreement with the bank to get that part where the drive-in part is that is behind

Council Member, F. Perry - It's not given to us, it's just we have use of it.

Mayor Jenkins - A permanent easement, yes. We have that. We still do have that.

Council Member, R. Cassell - You're talking about the one where they were proposing about the hotel and

Council Member, F. Perry - Yes, that's it. But, it's not contingent upon anything that we have that, whatever we wanted.

VOTE: Yeas, 3

Nays, 0

Abstain 1 - W. W. Ross, Jr.

Absent 1 - T. Herron

****Advertise for a Public Hearing to Sell Town Owned Property.****

Mayor Jenkins - We need a motion to advertise for a Public Hearing to sell Town Owned or Public Property. We'll do that prior to next Council meeting.

Council Member, R. Cassell - Is it going to be before the Council Meeting? Is that what you are saying?

Mayor Jenkins - Yes.

Motion made to advertise for a Public Hearing to allow us to sell Town owned properties.

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

VOTE: Yeas, 4

Nays, 0

Absent 1 - T. Herron

XIII. PUBLIC COMMENT - NEW BUSINESS - NONE

Mayor Jenkins closed the public comment session for new business at 8:57 P.M. and opened the consent agenda session.

XIV. CLOSED SESSION

Mayor Jenkins opened the closed session at 8:58 P.M.

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

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

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

XV. RETURN FROM CLOSED SESSION

ouncil returned from closed session at 9:47 P.M.

Motion made for Council to return from closed session.

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

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

XVI. MOTION FROM CLOSED SESSION

Motion made for the Town of Gate City to have a Public Hearing for the sale of the Publicly Owned Property prior to the May 10, 2011 Council Meeting.

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

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

XVII. ADJOURN

Motion made to adjourn the meeting until the next regularly scheduled Council Meeting, May 10, 2011, at 6:00 P.M.

Motion by: Council Member, R. Lane 2nd by: Council Member, W.W. Ross, Jr.

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

***Mayor Jenkins adjourned the meeting at 9:50 P.M.**

Mark Jenkins - Mayor

Kathy Riley – Town Clerk

