



***GATE CITY TOWN COUNCIL MEETING MINUTES  
AUGUST 9, 2011  
156 E. JACKSON ST.  
6:00 PM***

- **PUBLIC HEARING: APPROVE ORDINANCE REQUIRING DOGS TO BE KEPT ON A LEASH AND PROHIBITING DOGS FROM RUNNING AT LARGE WITHIN THE TOWN OF GATE CITY.**

I. Mayor, Mark Jenkins called Public Hearing to order at 6:00 P.M.

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

Present: Mayor, Mark Jenkins  
Vice Mayor, Tommy Herron  
Council Member, Roger Cassell  
Council Member, Randy Lane  
Council Member, Wallace W. Ross, Jr.

Absent: Council Member, Frances Perry

**Others present:** Town Attorney, Michele Brooks, Benny Reed, Steve Bishop, Susan Davidson, Jeffrey Davidson, Michelle Ericsson, Jennifer Belanger, Debbie Kindle

III. **NEW BUSINESS**

- **HEARING: APPROVE ORDINANCE REQUIRING DOGS TO BE KEPT ON A LEASH AND PROHIBITING DOGS FROM RUNNING AT LARGE WITHIN THE TOWN OF GATE CITY.**

IV **PUBLIC COMMENT**

**Jeff Davidson** – States he is in favor of a dog ordinance, but after reading it, does not feel it is the one that we need. Speaks about his dog that stays in his yard and does not feel it should be kept on a leash. States he has a neighbor with 4-5 dogs and when they turn them loose they go wild through the neighborhood. That is where he sees the need for a dog ordinance. Doesn't feel all should be penalized for what others do.

**Vice Mayor, T. Herron** – If you have your own dog in your own yard, they shouldn't have to be on restrictions, fence them up.

**Mayor Jenkins** – Way it currently reads, it does sound like

**Town Attorney, M. Brooks** – Has to be under immediate control.

**Vice Mayor, T. Herron** – I let mine run in my front yard.

**Council Member, R. Lane** – Recites Section II of the proposed ordinance.

**Vice Mayor, T. Herron** – Doesn't see if the dog isn't getting off your property

**Council Member, R. Cassell** – Suggests putting in wording about being on your own property. Amy took this straight out of the State Code, but we need something.

**Vice Mayor, T. Herron** – Agrees.

**Benny Reed** – States many take care of their pets, with many who don't with having to run two dogs off his property. Doesn't appreciate dogs that destroy his shrubs and if you can accommodate those who take care of their pets, he'd like to see that. But, he preferred to see them all leashed or tied.

**Council Member, R. Cassell** – He brought it up due to complaints and cites previous Town ordinance that dogs had to be under owner's control or on owner's property.

Former Council adopted County Ordinance because County Dog officer said he couldn't enforce our code. County Ordinance dealt with tags and shots, taking anything about control out. I don't have a problem with letting a dog out in their yard, but almost got attacked twice by dogs. If we can get the wording "if it's on your property, but loose dogs in traffic and don't know where they come from".

**Benny Reed** – Reiterates if accommodation can be made to pet owners' fine, if not leash and tie them all.

**Jeff Davidson** – Asks who will enforce the ordinance, who do we call?

**Mayor Jenkins** – Would have to be enforced by the county, due to the Town not having the facilities to keep the animal.

**Jeff Davidson** – States he has called in past (Animal Control).

**Mayor Jenkins** – States we have addressed those that were of immediate danger. You need to have approved facilities and vehicles for transport and containment. If it is a matter of public safety, the animal would be put down. We are trying to develop something the county will enforce.

**Council Member, R. Cassell** – States old ordinance put burden on the person complaining because you had to prove who the dog's owner was so they could be fined.

**Vice Mayor, T. Herron** – Asks for legal definition of confined.

**Town Attorney, M. Brooks** – Tied or on some kind of leash, pen.

**Mayor Jenkins** – It implies a physical barrier.

**Town Attorney, M. Brooks** – Can be modified if the Council pleasure to do so.

**Council Member, R. Cassell** – Thinks she (Amy Page) was doing it by the state thinking the county would come closer to enforcing it, but I agree with them, if it's in their yard, don't think we should tell them what to do with their dog in their yard.

**Town Attorney, M. Brooks** – Suggests alternative language for Section I of the proposed ordinance, "All persons who are the owners or custodians of dogs within the corporate limits of the Town of Gate City, Virginia shall be at all times keep the dog on the owners or custodians property or under immediate control by keeping the dog on a leash or otherwise restrained. If she understands everyone is what you want.

**Council Member, R. Cassell** – Will that still hold up.

**Town Attorney, M. Brooks** – Under Section II, I think we'll need to put under that second line, "at all times take all appropriate and necessary steps to maintain the dog on the owners or custodians property or to confine, restrict, or pen said dogs.... I think does what you all want.

**Benny Reed** – States the county won't enforce it unless you have something worked out with them.

**Council Member, R. Cassell** – States Steve spoke to Rufus when he was County Administrator and he said they can't, but it comes down to the dog warden. But he offers to go to the County Board Meeting to find out as a Council representative.

**Benny Reed** – Provides a situation regarding a sick cat and it took two hours for animal control to come to take care of the animal.

**Council Member, R. Cassell** – Asks Town Attorney if we need another Public Hearing with the changes with discussion occurring between the two regarding proper wording.

**Mayor Jenkins** – States it is already addressed in this 3.2.6538, reading state code, "For the purpose of this section, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control."

**Town Attorney, M. Brooks** – Under Section II, I think you are correct, but under Section I, it says under immediate control by keeping on a leash or otherwise restrained.

**Mayor Jenkins** – Asks, what does this do? So do we need to apply that language to this.

**Town Attorney, M. Brooks** – I think we do. I can do alternative language.

**Council Member, R. Cassell** – Asks Wallace, you're on Codification Committee, does that work for you?

**Council Member, W. W. Ross, Jr.** – Asks if, legally, do we have to change wording before we vote on it?

**Town Attorney, M. Brooks** – Did not know the answer to that question. I don't think a slight modification because the substance hasn't changed. That is why you have public comment. Suggests to adopt it as modified, if that is what you all deem, she will research it and if an issue, put it back to Public Hearing. This is the proposed ordinance you are modifying it slightly in accordance with Public Hearing.

**Council Member, W. W. Ross, Jr.** – If we broaden it, does it stay within parameters of Virginia State Law?

**Town Attorney, M. Brooks** – Yes. We're just making it less restrictive than the original ordinance.

**Council Member, R. Cassell** – Asks about the wording.

**Town Attorney, M. Brooks** – States, on the owner's property, or under immediate control, on a leash or otherwise restrained, and that is just a suggestion.

**Mayor Jenkins** – That would make it a lot more reasonable.

**Town Attorney, M. Brooks** – We don't have to do it, just for clarification. Mark is correct, the statute says running at large. If you're enforcing an ordinance, it is better to be clear than not clear. I'd put take all appropriate and necessary steps to maintain the dog on the owner's property or to confine. Under Section II, it would read, "All persons who are the owners or custodians of dogs within the corporate limits of the Town of Gate City, Virginia shall at all times take all appropriate and necessary steps to maintain a dog on the owners property or to confine, restrict, or pen said dogs."

**Council Member, R. Lane** – Asks if it should also say owners or custodians in both places?

**Town Attorney, M. Brooks** – Yes, that's a good point. Again, that is a suggestion, you all do with it as you will. That way, it is abundantly clear.

**Steve Bishop** – Asks if his dogs runs across the street, are they as guilty as the other person, in the eyes of the game warden?

**Mayor Jenkins** – It would violate ordinance.

**Council Member, R. Cassell** – That's going back to dogs running at large and the Police Chief is nodding his head.

**Susan Davidson** – Asks same question, if their dog darts across street, and they complained about their neighbor's dogs running at large, could they come up and say yours is running across the street. Do I have a leg to stand on?

**Council Member, R. Cassell** – Wouldn't that be officer's discretion?

**Chief Birchfield** – We won't have an officer sit there and watch your dog cross the street, that is not what this ordinance is about and what we are looking at, It is about dogs running at large, but when you go back to the ordinance it will read a certain way and if you go by the letter of the ordinance if your dog is across the street at the neighbors, then you fall in being in violation. You can look at it both ways.

**Susan Davidson** – There is a difference though.

**Chief Birchfield** – There is a difference, but the letter of the ordinance I don't see it.

**Jennifer Belanger** – Asks if something can be written in there, if the dog is left unattended. States she has no problem with the Davidson's dogs, but the other lady across the street lets her dogs out and runs at large.

**Benny Reed** – States Town officers will have to get involved in this.

**Michelle Ericsson** – Understand about loose dogs, but real problem is owners are not taking care of them. Asks if any rules regarding inadequate care?

**Council Member, R. Cassell** – We are trying to stop the dogs running at large, not the occasional dog that gets loose. Like Kim (Chief) said the letter of the law if you don't keep it on your property you may as well not have the ordinance at all.

**Town Attorney, M. Brooks** – Has reversed her opinion and feels we will have to revise the ordinance and redo it.

**Council Member, W. W. Ross, Jr.** – Asked if this ordinance would cover cats too?

**Town Attorney, M. Brooks** – No, it does not.

**Council Member, R. Cassell** – The county doesn't have any way to accommodate it. He has read the county and it is not restriction more to make sure they have tags and shots. What we had before is better than what we have now.

**Susan Davidson** – States she has called Animal Shelter, Dog Warden's office, and was told directly from him that it is not his jurisdiction.

**Mayor Jenkins** – States he is wrong about that. They suggested that we adopt their ordinance so they could enforce it. We had had no luck getting them to react to any situation, to tell you the truth. Each one of us in here pays the same amount of county taxes as anybody out in the county in addition to Town taxes. So, yes, it is his jurisdiction.

**Council Member, R. Cassell** – We just need to get the ordinance in place.

**Jeffrey Davidson** – You're heading in the right direction, Roger, it just needs to be tweaked.

**Mayor Jenkins** – Any other comments?

**Council Member, R. Cassell** – We'll have to redo it and have another Public Hearing?

**Town Attorney, M. Brooks** – Yes, it's the best way to do it.

Close Public Comment at 6:31P.M.

## **V. Public Hearing closes at 6:31P.M.**

**I. COUNCIL MEETING CALL TO ORDER 6:31P.M. Mayor Jenkins**

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

PRESENT Mayor, Mark Jenkins  
Vice-Mayor, Tommy Herron  
Council Member, Roger Cassell  
Council Member, Randy Lane  
Council Member, Wallace W. Ross, Jr.

ABSENT: Council Member, Frances Perry

**Others present:** Town Attorney, Michele Brooks, Tommy Holtzclaw, Benny Reed, Andy Miles, Michelle Ericsson

**III. INVOCATION: Tommy Holtzclaw**

**IV. PLEDGE OF ALLEGIANCE Mayor Jenkins**

**V. APPROVAL OF AGENDA**

**Motion made to strike the voting on the dog ordinance and to approve the Agenda with that deletion and to have it carried over to next month Agenda.**

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Vice Mayor, T. Herron

VOTE: Yeas, 4  
Nays, 0  
Absent – 1 - Council Member, F. Perry

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

None

**VII. COMMUNICATIONS - None**

**VIII. APPROVAL OF MINUTES**

**Motion made for approval of Town Council meeting minutes from July 12, 2011**

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

VOTE: Yeas, 3  
Nays, 0  
Absent – 1 - Council Member, F. Perry  
Abstain - 1 – Vice Mayor, T. Herron – Not present

## IX. APPROVAL OF PAYMENTS

### Motion made for approval for payment of bills for July, 2011

Motion by: Vice Mayor, T. Herron                      2<sup>nd</sup> by: Council Member, R. Lane

VOTE: Yeas,                      4  
Nays,                      0  
Absent –                      1 - Council Member, F. Perry

## X. REPORTS

### A. Engineer's Report –

**Andy Miles** – I had emailed the status report this afternoon actually had some recent activity. There's a workshop the state is putting on earlier today so I was able to get some information to include that in the report. I'll focus on the three main topics. The first of which is the four water projects that you have in various stages. From previous meetings, everything is hinged upon the audits and being submitted and the status of those. Regarding the 2009/2010 water projects which is the main water line coming from the water plant to the high school and coming into the middle of town. I've included a copy of a letter that basically I included the pertinent language in the summary here. The state office said they are going to wait to get the F/Y 2010 audit that they anticipate being done in 45 days from the date of this letter. Once the result of that is known they will make a determination of whether or not it will be kept or by-passed. They are expecting the F/Y 2010 audit within 45 days and I think the letter was received August 8<sup>th</sup>. The audit has to render a qualified opinion and that you would implement or promise to implement any issues that were previously identified.

**Council Member, R. Cassell** – Andy, if we adopt this proposal, this auditor, you have a deadline in there that he promises to have but I don't know if it will meet.

**Andy Miles** – I know that Mark had sent some information to the state office. I think that the proposed contract that you were going to use, at least that is my understanding

**Mayor Jenkins** – Yes, they have read and over looked that.

**Council Member, R. Cassell** – So long as we have it pretty close and the auditors will do it we'll be okay? We won't lose this

**Andy Miles** – The letter from the VRA and Health Department was issued, they wrote it on the 29<sup>th</sup> and I know that they have received the proposed contract of the new auditing firm took that into account. I believe they are attempting to give the town and the new auditing firm the time to get this past Fiscal Year audit completed to see if it comes up with an unqualified opinion. It's all going to hinge upon that.

**Mayor Jenkins** – The new firm has indicated it is doable that section of getting the review from a second entity. They think they can actually do it if we

**Council Member, R. Cassell** – So they are aware of their deadline?

**Mayor Jenkins** – Yes. Andy, thankfully, has had several discussions with Virginia Department of Health and I've spent several hours on the phone with them. They're bending over backwards to keep us in the loop.

**Andy Miles** – I will say that the Health Department is doing everything within their power to accommodate the town as much as possible. They realize money is tight in this type of climate. It is a high ranking project and they want to keep the money, but at the same time they have to comply with federal regulations. If there was someone down the list that was ready to proceed and had everything in place then it's not fair to them to keep waiting. They are still working within the framework of everything that is there it is in their discretion to keep the money on hand. From

the letter from Steve Pellei who is the director that is what they are doing. They are waiting to get your 2010 audit and then see what the results of the audit is. I just hope that the audit results are good. That is one thing that all of us can't collectively control of the outcome until the auditing firm gets it completed. That addresses the 2009/2010 projects.

**Council Member, R. Cassell** – Is that the Moccasin Hills.

**Andy Miles** – No, that is actually the water line project from the plant

**Council Member, R. Cassell** – Phase I and Phase II?

**Andy Miles** – Yes, to the middle of town. That is replacing your old 8" line, that has been falling apart with a brand new 12" line all the way and connect it up to the middle of town.

**Council Member, R. Cassell** – Does that affect the energy enhancement grant?

**Andy Miles** – No, actually that was the next project I wanted to mention. The Health Department said that as far as the projects that you have received money for this year they said to keep on, you are good to go. They realize these are based upon the F/Y 2010/2011 audits. You are in a good position. But, since the water line project is older money you are tied to the older audits.

**Council Member, W. W. Ross, Jr.** – So for the ones that we sent in 2008 and 2009 had they been received as been qualified reports?

**Andy Miles** – The way I read it is the auditing firm didn't express an opinion, either way. It was qualified or unqualified. I don't know where that puts it.

**Council Member, W. W. Ross, Jr.** – Could you define that a little bit?

**Andy Miles** – Well, I'm not an accountant so I don't know exactly how that is interpreted, but I know that does not meet the Health Departments guidelines. It has to be a clean and qualified audit. But they realize there were items in there that the town was working on to address. That is what they want to see the results F/Y 2010 to see if all those changes, like the computer software system and getting everything updated, if that corrects and addresses everything. If it does, then I think everything is good to go. At least that is what the Health Department has told us.

**Mayor Jenkins** – We're pretty confident about the software now and they have the F/Y inventory conducted. We should be okay.

**Andy Miles** – I don't know what all, I didn't read everything word for word in the auditing findings, so I don't know what all they did find. I know the Health Department had some items that needed to be addressed.

**Council Member, W. W. Ross, Jr.** – Well, that was some of my concerns when I looked at this 2008 and I had these questions that I asked about this audited that they just didn't find. So, but I was understanding that most auditor firms had to be accountable for every item that I may be rephrasing this wrong, but I thought some of the questions in it that they just didn't find some of the things that they should have defined some of the problems. And I asked these questions, you know about the. Had the Town corrected this computer software and the standard that they are keeping transactions current? Has it been changed? Can the auditor be corrected if things are missing? If the audit company is not responsible for any accounting report? The Town is not getting statements or federal guidelines for any audit report? It's just some of the questions that I had asked when I got this received this report so. Over here had the town it has been corrected? Has they made any changes salaries and wages for the department or a new system is in place for checking inventory supplies? These questions I asked has they been addressed?

**Mayor Jenkins** – Those questions are directly from the audit and yes, I have a response prepared.

**Council Member, W. W. Ross, Jr.** – These are my questions I had I may read but where they came from.

**Mayor Jenkins** – They are applied directly from that. So yes we have to respond to. It would be nice for us to be able to get our auditor here to answer those questions.

**Council Member, W. W. Ross, Jr.** – Well, that's what I'm saying so why what's the hold up now? Why is he

**Mayor Jenkins** – I couldn't even get him to respond to a phone call. That is why I think we'd be better off with a new auditing firm and I will feel confident that anything they actually identify as a weakness will be a true weakness and not a vengeance.

**Council Member, W. W. Ross, Jr.** – So, we do have, do the town has a back up computer system for its files?

**Mayor Jenkins** – Yes. The computer system is new and is very, well, it seems to do the job it was designed to do, which the other one never did. I guess we really need to let Andy go on

**Andy Miles** – These questions that you are asking is probably what the new auditing firm is going to have to look at to render their final report for this next year.

**Council Member, W. W. Ross, Jr.** – The reason I asked that question is I want to be sure are we going to be in the guidelines to get do this or are we going to run into some problems? That's one of my concerns.

**Mayor Jenkins** – We won't know that until we got a new audit.

**Council Member, W. W. Ross, Jr.** – Well that's right now its 08/09 doesn't seem to be feasible. So, that's what I'm saying.

**Mayor Jenkins** – Well, we won't know until we get the new audit.

**Andy Miles** – As far as the water projects go, the 2009 and 10 projects, the money is still there, they are holding it and it solely is going to come down on what the results of this audit produce in 45 days for this recent fiscal year is going to resolve. As far as the offers you got this past year, the Health Department said to proceed on. Everything is okay, they know the town is moving forward on the new audits. There is no issue there. The other two items, I'll just highlight is on the Water Street project the streetscape has been done for a while now. The railroad permit came in the other day. So, now Stoney and the guys can go out and finish the storm water management area behind the bank. The railroad's permit is effective August 15 to September 15 which is more than enough time to get the work done. Next Monday is when the actual start date. I've been talking to Stoney probably one day next week they'll get started. That won't take five or six days to get it dug out and reseeded and that would close out that portion of the work. The other thing I want to draw your attention to and this is the last item. The Department of Community Development recently announced a funding program, grant program that is called the Industrial Revitalization Fund. According to the workshop today, the purpose of industrial is not your classical industry/manufacturing. Industrial has been expanded to include any large scale non-residential structure. The past state's budget, and at the Governor's request is they put three million dollars into this fund and you can get up to \$600,000 in grant to redo a structure of some kind. It doesn't have to be manufacturing, it can be commercial. It just can be all residential. Any local government can apply with applications due September 9, 2011, but it is not a drop dead date. Their intent is they will take applications starting September 9<sup>th</sup> and start looking at them as they come in and people can keep submitting application up to the 31<sup>st</sup>. It's like a first come first serve and when they see a real good project and it meets all the scoring criteria they'll award it. It's for three million dollars and if you go up to the maximum of \$600,000.00 you are looking at five projects statewide. Some projects may come in less. There is a scoring criteria and I did include that in the electronic status part I sent out. If you want to take the time to read through everything, I just bring it to your attention. I didn't know if the town had some kind of potential project that you might, whether it is a building you might want to try and renovate to try to help with economical development. If it will create jobs, tourism pretty much anything as long as it helps develop the area. Private companies/entities can be the recipient of this, only through the local government and as a loan. If you wanted to set up a revolving loan fund, that would be the only eligible item. There is a bunch of criteria here, but that is something you might want to think about. The application open date is about a month from now, but you can submit them anytime. It may be possible to consider asking the County and I don't know if the County has any plans to



do anything. Any time you get multi-jurisdictions cooperating together you get more points, just something to consider.

**Council Member, R. Cassell** – Do you think restoring a historic theater in a designated historic district would be as tourism, jobs and

**Andy Miles** – Yes, you can make a case for that. There's money there. If the people want to get a good application together and get something submitted. The Planning District Commission was will probably help out some localities. We'll be glad to help out in any way or if you want to get with the county. The main thing is to let you know, the money is there. I hate not to submit an application anyways. Does anyone have any questions?

**Council Member, W. W. Ross, Jr.** – Could I get a copy of that cause my computer system don't download.

**Andy Miles** – You can have my copy. It's what I sent you by email, it has some 40 pages, but I did include a link in there, so it's on the states website so you can go to it at anytime to pull it up.

**Council Member, R. Cassell** – Before you leave, this goes back to your other report. Can we schedule an appointment with you one evening and go back here on Back Street where I took you that day and see if everything is still what you recommend and just try.

**Andy Miles** – Just shoot me an email or call me for whatever time you want to meet.

**Council Member, R. Cassell** – See if what you recommended still. The way Wallace talks, it got worse. We batted this around now for years and try to get you back up there.

**Andy Miles** – Whenever you want to meet, just let me know.

**Council Member, W. W. Ross, Jr.** – My neighbors is upset.

**Council Member, R. Cassell** – We'll get together and set a date. Get this, maybe one evening later okay.

**Andy Miles** – Yes, pretty much, unless I have a Council Meeting like tonight or next Monday night at another locality.

**Mayor Jenkins** – Thank you, Andy.

## **B. Treasurer Report –**

**Council Member, W. W. Ross, Jr.** – Oh, okay, now on Page 2/12 and then Moccasin Hills water system Phase I and II so that's in a minus, so that means that they just one meeting 192,000 is that just sitting there or part of that been spent?

**Council Member, R. Cassell** – That's this grant.

**Council Member, W. W. Ross, Jr.** – So, even though it's a minus, this just holding?

**Council Member, R. Cassell** – Well, the money is not there. You have to show it in the budget so if it does come it, it's paid out, the books will balance.

**Council Member, W. W. Ross, Jr.** – Okay. So we haven't got, so okay.

**Council Member, R. Cassell** – If we didn't, if we got a million dollars, it would look like we're million dollars to the good, instead of, it'll all balance out in the end.

**Council Member, W. W. Ross, Jr.** – So, the \$397,000 we don't have that either, right for the sidewalk? For the grant sidewalk you don't have that, I thought you already had that money.

**Council Member, R. Cassell** – That's the one in Andy's report, still working on getting the easements that we talked about.

**Town Attorney, M. Brooks** – Yes, we're working on that. Andy and I spoke about that yesterday, easements. Is that what you are talking about? It's already drafted, they have already identified the property owners.

**Council Member, R. Cassell** – We don't get the money until they actually do the project.

**Town Attorney, M. Brooks** – Right. It's in the process though.

**Mayor Jenkins** – It's been approved, but not actually appropriated.

**Council Member, R. Cassell** – Everything has to be shown to make the books balance.

**Council Member, W. W. Ross, Jr.** – Okay, now the Fire Fund 95 Grant, that's minus 6,000. \$6,400.00 is that a minus does that mean

**Council Member, R. Cassell** – Where are you, Wallace?

**Council Member, W. W. Ross, Jr.** – Page 12 top.

**Council Member, R. Cassell** – I'm sorry, Page 12?

**Council Member, W. W. Ross, Jr.** – I'm sorry, Page 2 of 12.

**Mayor Jenkins** – That's the grant we applied for the Fire Department, they just manage it through the Town. The Town has to, it hasn't come in yet.

**Council Member, R. Cassell** – The reason and I need to get with Chris on this, the reason there's \$800.00 taken off of that they re-evaluated and awarded the Fire Department and extra percentage above, they made, they used to get \$8,000.00 every year. Due to the state's budget shortfall, they cut them. Apparently, I talked to the Assistant Chief the other day and where the state had a surplus they went back and gave them the other \$800.00. There will still be another \$7,200.00 coming in this fall.

**Council Member, W. W. Ross, Jr.** – So, that's what I'm asking, so with this and we need and we need a correct audit going in these will balance out enough to the state, I mean the state I mean whenever we send our auditing that we won't have any so see yeah.

**Mayor Jenkins** - That's why they are this way.

**Council Member, W. W. Ross, Jr.** – Well now, what about the Scott County Tourism Grant minus \$437.00 we haven't got that either, right?

**Mayor Jenkins** – No, they have not announced who gets those grants. That was based on what we got last year and we were hoping to get it again this year. We don't know if we will.

**Council Member, W. W. Ross, Jr.** – Oh, okay now, with the question about the new firm that they since you all got hired how much do they what is the income for them to do this job?

**Mayor Jenkins** – We have not hired them yet. That is an item that we will address tonight. It's on the agenda.

**Council Member, W. W. Ross, Jr.** – Oh, I thought you said that they have already been doing communicating with them.

**Mayor Jenkins** – We have been communicating with them

**Council Member, W. W. Ross, Jr.** – Okay, so the contract is in the process of making

**Mayor Jenkins** – The contract is drawn up, but the Council will have to approve it. We only got one bid. We didn't have any other firms apply. So, everything we have talked about is really contingent of whether we approve the contract or not. I don't know if we have a whole lot of choice, unless we want to back up and punt and try again which I don't think we would get any more response from another advertising that what we got from the first one.

**Council Member, R. Cassell** – It is a reputable firm.

**Mayor Jenkins** – It is a very reputable. They do Kingsport and do several other towns.

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

**Mayor Jenkins** – Amy and Kathy has prepared this. We have 16 properties listed for court action, town wide. And the Public Works crew has cut shrubs and grass at five different properties with a total of \$614.00 has been paid back.

**Council Member, R. Cassell** – The property that was brought up at Planning Commission is on here.

**Town Attorney, M. Brooks** – I thought it was, it sounded familiar. I have ten to file. We're still waiting services to be process.

**Council Member, R. Cassell** – Last page Michele, 195 Woodland Street, James Johnson.

**Town Attorney, M. Brooks** – Yes, that's it.

**Council Member, R. Cassell** - And the other one you were talking about, down below the Co-Op building is this Norma McMillan is the other one? But the Johnson one is the question with the Planning Commission. Is that not who owned the big green house up there, Johnson, when he was alive. That's the one they were asking about.

**Council Member, W. W. Ross, Jr.** – Do you have any other property on the list that you all are looking at or just some

**Town Attorney, M. Brooks** – I don't do that, they just send it to me and Amy confers with Mr. Mullins who is the Code Official. We have a lot on our plate.

**Council Member, W. W. Ross, Jr.** – Well, there's a property on Cleveland Street, I don't know the address, but it's an old vacant house with a lot of

**Mayor Jenkins** – Which block?

**Council Member, W. W. Ross, Jr.** - It's right up on Cleveland Street right there before you get to Chestnut I don't even know the address, a brick house that got a lot of weeds in it and it's right between two livable residents.

**Mayor Jenkins** – That's been addressed.

**Town Attorney, M. Brooks** – It's on there. It's probably one for court.

**Council Member, R. Lane** – Is it the Marlene Quillen on the next to the last page?

**Mayor Jenkins** – That's it. I believe it is.

**Town Attorney, M. Brooks** – They have till the 15<sup>th</sup> to file a response.

**Council Member, R. Cassell** – Is it actually on Cleveland? There's a Chestnut on here too.

**Mayor Jenkins** – That one is on Cleveland. That is Marlene Quillen

**Council Member, W. W. Ross, Jr.** – What about some of the property that the town owns that for instance that street Cleveland Street goes all the way, go all the way around and it's a lot of brushes up through the Methodist Church which never has been cut and that's part of the town responsibility to take care of that so I know that the crew was stretched and all but that's part of the process and another question one of the concern is that on what is that street between gravel, let's see here, the gravel street there up there that's owned by the town and they cut it but that lot in there a lot of people don't realize it's very confusing it's alley way on both ends and they said they said not to cut it but the majority of that property is alley way on both ends. Cleveland Street comes all the way down and the alley way goes right between those two properties people don't realize that but that's part of the town. And I know the crew has been doing maybe this is a little early the crews been doing a lot on the street cutting grass but do they have a blower.

**Mayor Jenkins** – I assume we do have them. I'm not sure.

**Council Member, R. Cassell** – Yes

**Council Member, W. W. Ross, Jr.** – They have a blower? Well they came up and cut through Manville Road all through came up through there and did that but they had grass on the was a state road on the main street Chestnut Street and up and I took my blower and blowed all that out off the road all the way down from Manville Road all the way down to the courthouse and because they just kind of left it there and I didn't understand how come they didn't blow it off.

**Council Member, R. Cassell** – I don't know if the weed eater crew carries a blower.

**Council Member, W. W. Ross, Jr.** – So, the weed eater crew don't have a blower?

**Council Member, R. Cassell** - The town owns one, but I don't know if the weed eater crew keeps it like Stoney and Mark. It's a back pack blower because I've seen it on Mark.

**Council Member, W. W. Ross, Jr.** – They have a lot of because that made it, it was done cut up Manville Road, but they left a lot of grass on the highway and it got wet so I kind of had to I blowed it off cause it made it a little slippery there. I know they have been really, really stressed and trying to keep up with everything. But I appreciate what they I just want to know where they could get a blower the to maintain that.

**Mayor Jenkins** – I'll mention that to them. I sure they'll start doing it.

**D. Council Report –**

**Council Member, W. W. Ross, Jr.** – Well, yeah, I have a question. Very, I'm trying to okay, my question is, I know that I met with the Planning Board and they had discussed King property everything and at the meeting it was I asked a question maybe could they get Mr. Andy to do a kind of sketch for them down there and even though they don't need a well sketch but I just wondered why. My question is and you and the question was they would for him to do that it would cost of the Planning Committee or the town to do that. That my understanding. What you say.

**Mayor Jenkins** – Yes, I would expect to pay him for anything that we requested like that.

**Council Member, W. W. Ross, Jr.** – Alright, so my question is I was just trying to trying to find what the difference when this print right here it has market and then they build the back stage street and they did it so the is that still connected to the town project? So this down here would be

**Mayor Jenkins** – That was a potential grant project that we need a preliminary drawing to lay it out and we have control of that property. The other is a lease and they said we did not need to go to the trouble of having any exceptional drawings done, that we just need to plot out what part of the property we need to use. So there would be no need of going to any extra expense of getting something elaborate to display to them.

**Council Member, W. W. Ross, Jr.** – Okay, so I'm trying to find, what's the difference in association with certain projects in for the town that would what projects you do? And that's the reason I was trying to find that out.

**Mayor Jenkins** – Well that one is something that we hope that we will apply for a grant for. This other one is out of VDOT's heart that they are going to let us use that property and they said that all they do need is a rough sketch and they will either approve or disapprove it. If we want to go into the expense of getting an elaborate drawing for down there when all they said was to do a few little boxes to say that we are going to position this and that. But there's really not need of it. They're not going to require it.

**Council Member, W. W. Ross, Jr.** – I understand that. But I just wanted to find out what was different.

**Mayor Jenkins** – They told us that in order for us to use that property the way that we want to use it that we needed some kind of drawings and really an architectural study or something.

**Council Member, W. W. Ross, Jr.** – Well, we just found out that that's a possibility you could qualify for a grant just few minutes ago.

**Mayor Jenkins** – We might, but this like they told you, this is in the planning stages, it has to come to us to be approved or disapproved and then we will take action.

**Council Member, W. W. Ross, Jr.** – I understand that. I understand that.

**Mayor Jenkins** – I mean if it becomes necessary for us to do elevations and drawings and structure plans, we'll do that. That's going to up to the Council mainly of how far we go with it after the Planning Commission gives their recommendation.

**Council Member, R. Cassell** – What you're saying is if we was to get a grant to put something there and it required a drawing, Andy would be paid out of that grant money.

**Mayor Jenkins** – Yes, and I don't think we want to do too much there, this is a 90-day lease contract. They can tell us to vacate the premises in 90 days. Hopefully, we can have a couple little shelters and picnic tables and stuff there. It's not a guaranteed forever project. We won't own the land, we will be leasing the land for a dollar a year, I would assume off of VDOT.

**Council Member, W. W. Ross, Jr.** – Thank you. I had one other thing here and I guess I was looking on the internet and I seen things off of Virginia and they have received a lot of money,

grants and development \$18,765 for market grant and Tobacco Commission granted \$100,000 and Rural Development \$11,000 and downtown grant of \$770,000 I was Mr. Mayor Fletcher put this out and I wondered but even though they getting this individual money I see that this is one of the counties that use the Job Corps for developing their streets and everything else so I just hope that even though they had a lot of funding coming in they still took advantage of the free labor.

**Mayor Jenkins** – Thank you.

**Council Member, W. W. Ross, Jr.** – You're welcome.

**Mayor Jenkins** – Any other Council Report?

#### **E. Economic Development Committee –**

**Mayor Jenkins** – Economic Development has quit meeting because of several issues with members of that board and I think they will resume meeting in September after health issues and other commitments.

#### **F. Facade Committee –**

**Mayor Jenkins** – We did not meet as a Committee last night. I did, Rob Jones met with Joy Rumley and the replacement for her from DHCD. They gave us some other potential avenues to take on addressing the buildings. Setting up some revolving loans, offers for people who haven't taken advantage of the facade monies. They didn't recommend but possibly look for another extension to this. I didn't think it would be available if we didn't get the funds depleted by September. They said that we should go ahead and apply. The next Façade Committee the Façade Board will make a decision of whether to apply for an extension or not. It will mainly be based on if we have people offering to take advantage of that grant money. We have had two new people show interest and in process of buying building in town. So, if we do see some movement, that is what I told I didn't want to pursue something if it's dying and we revive it. There is no need of us putting in extra effort in just dragging it out.

**Council Member, R. Cassell** – You can meet the deadline with what you got already committed?

**Mayor Jenkins** – We cannot meet the deadline with what we got committed with. What we have committed and a couple that have shown interest we possibly could. It is according to how quick those properties get turned over and Rob is going to start working on with one of the potential buyers that the property should be closed on in the next two weeks.

**Council Member, R. Cassell** – You got people willing to do that might miss the deadline, would it be worth an extension?

**Mayor Jenkins** – If we see that there are people willing and it's not meeting the deadline, than yes we would request.

**Council Member, R. Cassell** – It's starting to look good.

**Mayor Jenkins** – It is.

#### **G. Historical Committee – None**

#### **H. Manager-**

**Mayor Jenkins** – I did attend a meeting with VHCD, the Appalachian Regional Commission arm of the VHCD representatives of the county and representatives from LENIWISCO and we met in Abingdon on the 21<sup>st</sup> of last month. Actually looking at partnership with to secure the ARC funds in addition to the Tobacco Commission money that has been rolled over to restore the old Gate City Theater the town owns. That is there is \$500,000 available but it takes matching funds. The

ARC money would be potential matching funds to that though it is a different part of the VHCD which is working of issue there of a \$900,000 grant. They talked favorable of putting ARC funding to that and we are still pursuing private funding to help on that. This what Andy went to today that may be

**Council Member, R. Cassell** – Count as our part of the match?

**Mayor Jenkins** – Yes.

**Council Member, R. Cassell** – That would be good.

**Mayor Jenkins** – I did go to the ribbon cutting at the Heartwood Center in Abingdon. Had several teleconference calls with Virginia Department of Health representatives on the water grant and loan package. Andy also, we spent together over an hour and half on the phone with them. Andy has made a lot of effort in helping in getting the potential of keeping these loans and grants on the table because that one main is very important to us. I checked on getting the city handrails fabricated with exhaust pipes. I went to two different places they said no that that would not be sufficient. He was going to try to get over this evening, a true metal fabricator to do a one rail that we could try. He was going to give me a price on that so we know what we were looking at. He's going to fabricate it out of either 1 ½ or 2 inch heavy stock steel and put the base plates on it. Once he gets something made up, look at it and I'll send the drawings up to VDOT. He is an ornamental iron worker, so if we wanted something more elaborate he would work something out that would be fairly reasonable price wise and we'll look at the positives and negatives are. Work out something more attractive than just the bent steel rail.

**Council Member, W. W. Ross, Jr.** – You said the cost you know we did talk about maybe having the Vocational School welding shop do it, but you said that it would

**Mayor Jenkins** – Steve indicated that they did not want to do that. I can check the vocation school again, but the indications I got was they were the one who told us to go to the muffler shop and have that bent. They said that muffler stock is not heavy enough if you have 300 pounds of pressure on it or a 300 pound person applying pressure. That stock is not heavy enough.

**Council Member, W. W. Ross, Jr.** – Okay so, the vocational school didn't want to do it because it would be too costly or too much work or not they didn't have enough experience?

**Mayor Jenkins** – That was before I got into it. The vocational school, the best I can understand, is the one that directed us to a muffler shop to do the piping. I can go back to them and see, but that's when Steve was working on it. He reported that they wanted us to go elsewhere.

**Council Member, W. W. Ross, Jr.** – Well, I just thought that would be, if the vocational school could do to that would enhance their knowledge and ability of our students and that would show people coming in that you know how well our students are doing by doing this.

**Mayor Jenkins** – I'll talk to Randy about it. I thought we had already eliminated them as the potential source of fabrication, but I'll check with them. That's Randy Bledsoe down at the shop. This guy should have us an estimate and mock up. I told him before he did anything we need an estimate so we could know what we were dealing with before we made any commitment to him. We had some calls on the old theater building and went back and thought it was going into rapid state of deterioration and after I did some measuring I did match up. It hadn't shifted, but they did secure the big air moving unit from the inside of the building so it cannot fall out now. The most it can do is fall inward. They put a little section of chain on the bottom to support the foundation a little bit until we can find out. Lane Engineering is doing an estimate on what in securing the building to stabilize the building to putting a new roof on. They will get us some estimates on that. I think Marvin Eagan as already done a draw up of costs. We just need to know what we're dealing with before we start tearing anything else off. We did meet with the Water Plant Operators, Loretta and I did and went over some problems there. They have what their job expectations are and what to expect if those expectations aren't met. I think everything is going better.

**Vice Mayor, T. Herron** – What about our Town Manager, what's the latest on that?  
**Mayor Jenkins** – I have not hear any words, but his twelve weeks is  
**Town Attorney, M. Brooks** – I think that is stuff to be talked about in closed session.  
**Mayor Jenkins** – Yes, we should talk about it in closed session.

**I. Park Committee** –

**Vice Mayor, T. Herron** – They did not meet.

**J. Planning Commission** –

**Council Member, R. Cassell** – We barely had a quorum, but we briefly discussed the lease agreement with VDOT. We do have a proposed lease but there is a lot of wording in it that Michele and others on the Planning Commission doesn't feel it pertains to what we're willing to do. There are some questions about it. They asked me to contact Mr. Buston to see if he would attend the September meeting to answer some of these questions. He did send me an email pending his surgery that he would try to come to the September meeting to discuss the questions on the lease. Can't go beyond that until we have the lease worked out and secure the property, but we are well on our way from the discussion the Planning Commission is interested in pursuing it if we can get some of the bugs worked out of the lease. Michele can look at it and make some recommendations.

**Town Attorney, M. Brooks** – They are relatively minor issues.

**Council Member, R. Cassell** – Hopefully, Mr. Buston can send Juanita if he can't come and at the September meeting we can sit down and get this on the way. Of course we have on the agenda about appointing a member to the BZA. They did thank the town for advertising.

**K. Police Department Report** –

**Chief Birchfield** – Calls for service up 26, were 405, seven arrests, 47 citations issued, answered calls and made reports on 15 crimes, we worked 10 accidents, and had 2 DUI arrests.

**Significant Activity:**

- Officers continue to provide extra patrol on Sue Street and Elm Street due to complaints.
- We department continues to work in a safe manner (no accidents, no sick days and no injuries) during the month.
- Officers continued with Radar Enforcement on Jackson and Kane Street in an effort to slow down traffic and monitoring both traffic lights.
- Officer Templeton started the K9 School Training July 1 thru Sept 21
- Officer Taylor attended SWAT School at the academy
- Officer Chambers attended the Rapid Response to Active Shooting Training
- Working on Vandalism at Grogan Park and have a suspect and Office Chambers is working that
- Nancy attended Report Beam Training Class
- We have applied for a one-time Byrne Grant in the amount of \$35K provided we agree to match 10%.
- Conducted 4 oral interviews and written agility tests at the academy.
-

For August:

- Officer Templeton scheduled to attend the K9 Legal Update Seminar
- Myself and Nancy scheduled to attend the Smart, Safe & Sober Workshop (required to receive DMV Grant)
- Chief Birchfield scheduled to attend seminar Aug 15 – 19 on Basic Law and Crowd Control.
- Two patrol cars out of commission due to mechanical failures. We're down one, we thought we lost a transmission maybe look at \$3,000 to \$4,000 but was able to take care of that, it was a hole in the transmission cooler and got the part at cost provided by the dealer and they did a deal for us on the labor. Instead of \$3-4,000 we spent \$460 and had the car back on the road. The other car caught fire Saturday night. It's a 99 Ford Crown Vic with 106,000 miles that you purchased used from Weber City some time ago. We had VML come in and send an adjuster in, looked at the car and are trying determine if they are going to total the car out or try to fix it. We should know something the next few days on that. Any questions?

**Council Member, R. Cassell** – What is the burn grant?

**Chief Birchfield** – For different equipment, it's just called the burn grant. It's a \$35,000 one that we're talking about here we will be able to obtain lap tops for each police cruisers for all the guys. We would be able to obtain defibrillators for the police department and one for over here. Several different pieces of equipment in that but it is right at \$35,000 when we were done with just a few dollars under that. Our match would be 10 percent.

**Council Member, R. Cassell** – Think we stand a pretty good chance? Have we had it before?

**Chief Birchfield** – We haven't it's just a one-time deal that they put out. I think we have a very good chance and something that isn't in here is you approved in our budget. We ordered the X-2 tasers and they have come in. Jim Benton, from the Sheriff's Department, to do the training on August 12<sup>th</sup> and he'll come in to train our guys. By the end of the month, they should have and carrying the tasers. They're really excited about it. It's a real good tool for law enforcement.

**Council Member, R. Cassell** – You mentioned budget, where do we stand on the auxiliary proposal, still looking at that?

**Chief Birchfield** – We have, that is part of the oral interviews and the written and agility tests and we'll pull auxiliary out of that also. Right now we are waiting on the officer that may be leaving us to let us know if and when he will be leaving. I'm going to sit down with the Mayor and go ahead and pull our three that we discussed on board and then one of them needs to move up to full time position and we can pull another one into reserves then to just sit and wait. We need to do that.

**Mayor Jenkins** – Thanks, Kim.

## **L. Public Works** –

**Mayor Jenkins** – Brush pick up is down 6,000 pounds, trash pick was down a little and recycle was down 1,840 pounds.

**Council Member, R. Cassell** – You'll see an increase in that shortly. They started the meter change out and they are going to put it on a pallet. All they have to do is back up to the door. Chris and I addressed that with them and they are tickled to death. They said they would rather recycle than throw it away. Just be aware, Kathy, I told those guys to just come up on recycling on the meter project. He said they would break them down and stack them on a pallet. I showed them where Town Hall was at. It's Metadign, they have uniforms, vehicles and everything. I told them to just come see you or Judy and let them know when they are ready to pick it up. It'll be at the back door, all they have to do is back up. So, you won't be caught off guard.



## **M. Sanitation Authority –**

**Council Member, R. Cassell** – We had another eventful meeting after the other eventful meeting over a sewer reimbursement, but the issue came up, Michele was going to try and find out meet with PSA attorney

**Town Attorney, M. Brooks** – I spoke with Sally and we are trying to set up a meeting with Danko, Sally (Kegley) and myself.

**Council Member, R. Cassell** – We're still being charged everything by the percentage of flow. Which Michele has advised us that it is in the contract reasonable administrative cost which we don't have a problem with. But we have a problem with paying a higher percentage of a phone bill than PSA. Everything is split according to flow. We're paying a higher percentage of everything. So, Michele is going to try to meet

**Town Attorney, M. Brooks** – With vacations and everything else, it has been a little difficult trying to get everything worked out, but I have another call to him yesterday.

**Council Member, R. Cassell** – And the question was brought up, do you know if the meter has been installed, the master meter?

**Mayor Jenkins** – It's not, yet.

**Council Member, R. Cassell** – Do you know what the delay was?

**Mayor Jenkins** – As far as I can remember it is still the electrical drop.

**Council Member, R. Cassell** – Has it been applied for, do you know? Are you going to be there tomorrow night, I know you are busy but

**Mayor Jenkins** – Tomorrow night I will be there.

**Council Member, R. Cassell** – Would you find out if it has been applied for. That was one of the questions that came up, why it hadn't been installed or if it had.

**Mayor Jenkins** – That's the last that I remember is that is we don't have the electrical drop yet and we may have by now.

**Council Member, R. Cassell** - Can we make sure that it has been applied for. Be prepared because you may be asked that tomorrow.

**Mayor Jenkins** – Okay.

**Council Member, R. Cassell** – Have I missed anything?

**Town Attorney, M. Brooks** – No, I don't think so. Our policies is a

**Council Member, R. Cassell** – Yes, we are looking at adopting a policy regarding reimbursements as well and we did vote to set the minimum was \$15.00

**Mayor Jenkins** – Okay, I forgot about that.

**Town Attorney, M. Brooks** – I can't remember exactly what it was.

**Council Member, R. Cassell** – What it was the question came up if sewer runs in front of someone's property and they don't, kind of like we do on the water, and they don't want to take it instead of charging them basic water rates for something that they're not using, I think we actually had someone that was willing to pay a minimum so we set a \$15.00 fee that passes in front of your property and you don't take it you'll pay. We didn't feel it was fair to charge them 100% of water, so we set a rate of \$15.00 if it services our need. If they don't take it, they will at least pay a fee. Is that it?

**Town Attorney, M. Brooks** – I think that's it. It was an interesting evening.

**Council Member, R. Cassell** – My head was spinning many more meeting like that we had, there's going to be a resignation up front.

**Mayor Jenkins** – I missed that one. Didn't I?

**Council member, R. Cassell** – Yes, you left early.

## **N. Street Commission –**

**Council Member, W. W. Ross, Jr.** – Well we talked about the Back Street and I mentioned about Manville Road where they cut the grass. Now, are you planning to put anymore crews on? I know they overworked and grass but are we still at this number I think because they the grass will probably slow down but it's still growing pretty fast. Alright is is are we going still be lacking behind or are we going to be able to catch up? And one of the

**Mayor Jenkins** – I can put another part-time on. What has really happened is the ones that we have hired for weed eating are ending up because of vacation or absence of other full-time workers we have been having to use a lot of them on the trash truck instead of getting out doing the weed eating. It will only be seasonal work. It wouldn't justify hiring or wouldn't be fair to hire somebody full-time and tell them at the end of the season they are no longer needed. We have several applicants that could and would be willing to come at minimum wage part-time.

**Council Member, W. W. Ross, Jr.** – Well, how come we didn't use summer help. I mean students, people out

**Mayor Jenkins** – We do have summer help. We have two part-times working 32 hours a week. But a lot of that time had to be dedicated to doing other jobs that where we had expected them to do weed eating. They have to fill in for somebody else.

**Council Member, W. W. Ross, Jr.** – Well, another thing I noticed when they do the weed eating especially down on Manville Road right at the Courthouse, right at where the apartments is they cut the weeds right there which they do a good job, but when the grass stays in that drain and when it rains, it goes into the drain and backs up and the water just it can't go anywhere so I think maybe when they do that they may need to go in and pull out. I cleaned it out twice myself pull that out and down through there and probably water wouldn't run all the way down the hill.

**Mayor Jenkins** - That's probably my fault because I just tell them to weed eat. I didn't tell them to weed eat and blower. Maybe we have to give them more specific direction. So that is probably my fault. I ask them to weed eat.

**Council Member, W. W. Ross, Jr.** – I just learned that when I was cutting grass on my own

**Mayor Jenkins** – I mean, that's a good point. It makes sense you want to get up what you knock down, but I do much better instruction because that is probably a weakness on my part of not really instructing them or giving details of what

**Council Member, W. W. Ross, Jr.** – Have we paved any more paved any streets, Roger?

**Council Member, R. Cassell** – I was going to let you finish to address that. Is that where you are moving to?

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

**Council Member, R. Cassell** – I emailed, Wallace and I talked about it this. I emailed a proposed, this taking some of last years, taking some off what has been done. I emailed it to all of you. Frances had a complaint that we added to it, but some recommendations on paving and repairs. We took bids last year about this time the years up and we only had one bid submitted. Chris was going to, correct me if I'm wrong Michele, he sent me a procurement law which is under our budget amount that we can just take phone bids. We don't have to advertise so to save cost to advertise he was going to take some phone bids and try to get a price. He said to keep in mind not to use it all before winter we need to keep some in reserve to see what streets get tore up. Here in the winter we got something to fall back on in the spring. Last time I talked to him he was going to try to get some bids and get started on it and do what we could. Me and you can get together and come up with something with Back Street. Whatever will be convenient for you because I'm going to be working over here some. Is this, I think we pretty much agreed about complaints about what I email you all. I took this off of complaints that the ladies have gotten. Down here at the bottom, Mark may need to address this with Juanita. One big complaint we had,

I got Shoemaker Drive in here, but that's a technicality. The west side of it is a Town street, but the east side where it comes up Bishop Drive and across is actually a VDOT street. We have had some complaints about vehicles out at Chapman Store dragging when they come across that hump and that is the VDOT side.

**Mayor Jenkins** – That one is VDOT?

**Council Member, R. Cassell** – According to the map. I'll look at it again, but Judy and I looked at it.

**Council Member, W. W. Ross, Jr.** – I'll look at it again.

**Council Member, R. Cassell** – It's the way it comes across and ties into Bishop Street and with the story I was told because of the college proposed being up there years ago that was made a 40 foot right of way street because of the college. It comes up by the fire department and all the way across. I'll look at it again to make sure.

**Mayor Jenkins** – That Chapman grocery that's

**Council Member, R. Cassell** – The way it looks on the big map out here on the table, that part is VDOT according to the legend.

**Mayor Jenkins** – I didn't think there was 40 feet there between.

**Council Member, R. Cassell** – I don't know if that carries all the way across or if it's just up there by the Fire Department end of it, but according to the map. But some of these other streets that Wallace is talking about didn't get finished. I'd like to recommend that maybe we send them a letter to suggest they finish some of the streets they didn't, Cleveland for sure. At least we submitted and they know we're concerned. But we have a Facebook complaint on Shoemaker Drive and it is pretty bad. I don't know what the solution is short of a small drain tile in, but when you cross that thing, it has a pretty bad dip. If you have any other recommendations most of these I've looked at and of course what we're going to get into Shoemaker Drive, Mark pointed out to me and I think we had complaints on the other side. There is a sidewalk on the left hand side, part of it you can tell part of it you can't. It's pretty bad shape. But there are hundreds of vehicles that goes through there, days time between parents and it's getting pretty bad shape. I kind of rank them too, according to the size and damage we've done that we're responsible so I emailed all if for you all to have it. If you have other suggestions let us know.

**Council Member, W. W. Ross, Jr.** – Finished?

**Council Member, R. Cassell** - Asks, W. W. Ross, Jr., are you good with this, so far?

**Council Member, W. W. Ross, Jr.** – Well, if we can get that Back Street up there. Another thing, I can't on East Jackson on out there near the Post Office those apartments up there. What would it cost to put a light when you are coming in trying to turn in there, it's very difficult to see at night time. I don't know if you can evaluate that and see what you think. It look like it may need it's going down is alright, but coming up is real hard to see. So I don't know if it would need a light there.

**Mayor Jenkins** – All we have to do is ask for one and there is a standard fee that AEP charges to do that.

**Council Member, R. Cassell** – Is there a pole there close?

**Mayor Jenkins** – I don't know, but you're right it probably needs, you are talking about

**Council Member, R. Cassell** – When you turn, yeah, when you're coming up make a left hand turn up there it's hard to see at night time. You can go down easy you know going down make a right it's easy but when you're coming up make a left there it's you know on your eyes its bad like mine miss it so I think it needs a maybe to look at and evaluate and see where it be considered to put a light there to help maybe to make a turn up there

**Mayor Jenkins** – We've put in several at intersections and that is probably a good place to put one. All we have to do is to request them.

**Council Member, R. Cassell** – There's a pole there, would just have a monthly charge. If they have to set a pole they have to charge for a year. I think you pay for a year and that disappears. They're not real expensive that was one thing that came up with the Planning Commission all the way up 71 there's a section all the way through there that has no lighting what so ever. Maybe do some more lighting evaluation and install or up-grade and the technician mentioned that when he came over here and looked at those two intersections. That might be something if you want to put that before the Planning or Street Committee or whatever, but that came up at Planning Commission.

**Council Member, W. W. Ross, Jr.** – Another complaint, a lot of folks is being complaining about this is up Manville Road right there going all the way up the hill and this wall and that street and then the sidewalk. I didn't so I don't I know that the state owns the highway, but this is part of our

**Mayor Jenkins** – I'm not sure if it is or not. You know the other section of wall that they poured up there the cross hatch design in it the state actually did that.

**Council Member, W. W. Ross, Jr.** – But that was private I think, wasn't it? Wasn't that, wasn't that like paid for that?

**Mayor Jenkins** – I don't know, but the state actually did the work.

**Council Member, W. W. Ross, Jr.** – Yes, but I think a person paid for that privately. I mean, I could be wrong. But, I know this well this could be a hazard to us it falls down hit someone would that would we be liable?

**Mayor Jenkins** – Now that you have shown me that picture, yes.

**Council Member, W. W. Ross, Jr.** – And the sidewalk, plus the sidewalk I didn't realize too I just kind of found out something that we have a lot more land up through there that comes over where the hole is it's another sidewalk that is that goes up there right up at the corner there where the steps is I always thought I thought it was the steps that the house, but it's the sidewalk that goes up through there and the wall it's there it's turned it's been it's in down needs to be refurbished but I think somebody you talked to somebody about it or they talked to you about maybe paying to buy the bricks or somebody to do the labor that they would to fix that wall right there not this one the up the street.

**Mayor Jenkins** – I think that I referred that to Steve when he was here and I didn't follow up on whether it had ever been resolved or not, but the gentleman that lives up near where the sidewalk physically ends he had offered to pay to have that done or to provide the materials.

**Council Member, W. W. Ross, Jr.** – Right, so I didn't know where, you know

**Mayor Jenkins** – I don't know where that is, honestly I just

**Council Member, W. W. Ross, Jr.** – And did okay you know I mean I know we don't have money's tight and difficult, but do we need to have the state cause this is opening a when somebody comes in and drives up through there they look at that I mean and the neighbor next door he lives there he brings this to my attention you know.

**Mayor Jenkins** – I'll go ahead on the GIS to see if I can establish who's right of way that is if it's the states I'll get a hold of Juanita if not I guess we'll need to looking into addressing it.

**Council Member, W. W. Ross, Jr.** – Yeah, cause if it. Thank you, that's it.

**Mayor Jenkins** – Thank you, Wallace.

## **O. Water Plant –**

**Mayor Jenkins** – We are still at an extremely low loss rate of 23.82% and I think running well under 14 hours a day now. I know they were running the smaller pumps and having longer pump times. I think they are running anywhere from 12 to 13 hours max of actual pump times.

**Council Member, R. Cassell** – Did they get that flocculater fixed?

**Mayor Jenkins** – They did.

**Council Member, R. Cassell** – Wasn't that what was making the noise so bad? Stoney said it was about to go out.

**Mayor Jenkins** – The telemetry

**Council Member, R. Cassell** – Andy had something in his report.

**Mayor Jenkins** – We are going ahead and Loretta deemed the most important and as we see if we have resource funds to do more will do. We let her qualify what really needed to be done, what was the most urgent. I think we have already ordered the stuff.

**Council Member, R. Cassell** – I believe he had in his report it had already been procured.

**Mayor Jenkins** – I think it was taken care of this week before last he was in here and worked out the details and ordered all of it.

**Council Member, R. Cassell** – Yes, (reads from Andy's report) it says new remote monitoring/control system for the critical water system site locations has been procured and scheduled for installation this weekend 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup>. Water tank/pump monitoring and controls on the next page.

**Mayor Jenkins** – That should help them a whole lot as far as running and checking stuff. We may have some water loss from actually running our system too long running it over across the ground.

#### **P. Safety Committee –**

**Council Member, W. W. Ross, Jr.** – Couple questions, I just like to know from the Chief what the progress is on this the early warning through the 911 what progress has been made?

**Chief Birchfield** – They have not gotten back with me on that. I don't know if the Director has gotten anything or not. I'll check with him and see but he has not given me any information yet.

**Mayor Jenkins** – Thank you.

### **XI. PUBLIC COMMENT**

**Jeff Davidson** – Asks what he would need to do to get an address on this list regarding a neighbor who doesn't mow or weed-eat their yard.

**Mayor Jenkins** – Call the Town Manager, but since I am Acting Town Manager, you are welcome to call me or just call 386-3831. When we get complaints we'll get someone to go look at it.

**Michelle Ericsson** – States she spoke last month before the Committee and asks for answers to her questions regarding the water deposit. Questions if you are a up-standing person who pays their bill on time why it is not applied to your bill?

**Mayor Jenkins** – Policy will we retain it to keep people in good standing. Explains customers who have been in good standing, decide not to pay and then move and we will keep those deposits.

**Michelle Ericsson** – Asks if property owner or homeowner and here to stay?

**Mayor Jenkins** – Current policy says we will maintain a \$150.00 deposit.

**Michelle Ericsson** – Ask how do you change the policy?

**Mayor Jenkins** – States you can request and we might consider it, but it would take policy change and the Water Committee would be addressing that.

**Michelle Ericsson** – Okay, thank you.

**Mayor Jenkins** – Thank you.

Mayor Jenkins closed the public comment session at 7:53P.M. and opened the consent agenda session.

## **XII. UNFINISHED BUSINESS**

### **Matt Kramer – Kramer Recycling –**

**Matt Kramer** – Has decided to go completely private without the city. Is asking the city for permission to put the bins on the curb site and to pick them up and not asking for anything more from the city.

**Council Member, R. Cassell** – You are only asking for permission for the right to do it.

**Council Member, T. Herron** – What kind of monthly charge and you supply the bins.

**Matt Kramer** – There is none. States pick up should turn a profit with high prices for recyclable materials with no charge to the consumer.

**Town Attorney, M. Brooks** – Asks if he got a business license?

**Matt Kramer** – No, not yet. Have to go under the Courthouse, was advised that was next step.

**Town Attorney, M. Brooks** – Can't give you advice.

**Council Member, R. Cassell** – Suggests he go talk to Bill Dingus.

**Mayor Jenkins** – All you would really need is a Business License. Residential, where your house is, you cannot do any external storage.

**Matt Kramer** – Everything will be turned in day of collection. Has a storage location in Blackwater for items such as copper.

**Council Member, R. Cassell** – Will bins have your name on them, doesn't want our garbage truck to pick up your bins.

**Matt Kramer** – Yes, with phone number too. Pick up will be an alternate day of trash pick-up.

**Council Member, W. W. Ross, Jr.** – Asks how many bins you talking about?

**Matt Kramer** – It is all voluntary, dependent on how many households are interested.

**Council Member, W. W. Ross, Jr.** – If I'm interested, how do I contact you. Will you be going to homes.

**Matt Kramer** – No soliciting like that. Will do flyers at local schools, possibly with school and ad in Virginia Star, not door to door.

**Council Member, R. Cassell** – Suggests Shoemaker, sixth grade, Ms. Spicer and Ms. Wood would be the coordinator.

**Council Member, R. Lane** – States no Page 5, Potential Growth, in your proposal.

**Matt Kramer** – Did not include, wanted to keep short and clean and can address Council at a later date.

**Town Attorney, M. Brooks** – Asks for clarification, just asking Council to allow your bins on the curb?

**Matt Kramer** – Yes

**Council Member, R. Cassell** – You're doing a pilot for six months to start with.

**Matt Kramer** – Will know in six months if it is turning a profit to determine continuing or not.

**Town Attorney, M. Brooks** – Only legal issue I see is do you have time constraints to meet with bins laying out on the curbs. Are you going to get them in a timely fashion?

**Matt Kramer** – Yes, will grid off city in four sections, one section at a time and monitor what route and time it will take, with deliveries to Kingsport, Wise or Bristol recycling. Will do pick up four days a week, but prefers two days a week.

**Council Member, R. Cassell** – Are you aware there is one in Weber City?

**Matt Kramer** – Yes, depends on what they take.

**Council Member, W. W. Ross, Jr.** – How many people and what kind of equipment are you talking about?

**Matt Kramer** – Pull behind trailer with different compartments on it. Don't know what kind of participation or volume per house with the pilot lasting six months for a more accurate count.

**Vice Mayor, T. Herron** – All for it, but what if he's not doing what you're supposed to be doing, what legally can we do?

**Matt Kramer** – City can pull my Business License.

**Town Attorney, M. Brooks** – Could do that. Give him a conditional for a period of time you can give him permission to use the curb, put the bins on the curb as long as things are going well can be renewed within a period of time.

**Matt Kramer** – This is a pilot program, will do best not to leave anything sitting out.

**Mayor Jenkins** – Do you realize if this number is right that 60% of everything that is recyclable you will be picking up 120,000 pounds a month.

**Matt Kramer** – Yes, but needs to pick up a minimum of 30,000 pounds a month. If it goes under 30,000 pounds not worth going past the six months and discusses the availability of government money.

**Council Member, W. W. Ross, Jr.** – Does he need something in writing from us?

**Town Attorney, M. Brooks** – Would need authorization for the time period, you said six months?

**Matt Kramer** – The six month period would run it through the Christmas season.

**Vice Mayor, T. Herron** – How about we do it for three months and see where you are at. It would give us time to see if you are holding up your end.

**Matt Kramer** – Asks for time till the first of the year, explaining Christmas would be, but has to factor in holiday and money.

**Town Attorney, M. Brooks** – What he is saying is to come back in three months, not to see if your business is working, but if it is a nuisance to the town.

**Vice Mayor, T. Herron** – Evaluate you in three months.

**Town Attorney, M. Brooks** – You're a private business owner, you can do whatever you so choose, but I think what he is saying is you come back to make sure it is not a nuisance to the town.

**Matt Kramer** – Making sure I'm keeping it clean. That sounds perfect.

**Vice Mayor, T. Herron** – It will give us time to see what you are doing, but you may come to us in three months and we may be able to give you suggestions.

**Matt Kramer** – Open to suggestions. Does not take personal information, not a shredder and would like to possibly do pick up for tire disposal. Just needs access to curb and promises to keep it clean.

**Mayor Jenkins** – You will take care of vehicle with flashing lights if necessary and follow all laws.

**Chief Birchfield** – As long as his emergency flashing lights on bottom and sides, flashing yellow lights.

**Matt Kramer** – The trailer lights will be installed on bottom and half way up sides so cars can see, with flashing lights on during the stopping procedure.

**Mayor Jenkins** – Can't offer any franchise protection.

**Town Attorney, M. Brooks** – No.

**Mayor Jenkins** – If someone stops and get aluminum cans before you get them, doesn't think anything can be done.

**Matt Kramer** – It happens and doesn't know if you could stop it.

**Mayor Jenkins** – Sounds like a good idea.

**Council Member, R. Cassell** – Can we do what needs to be done now since it's on the agenda.

**Mayor Jenkins** – Can we take care of it under the unfinished business?

**Council Member, R. Cassell** – He has been before us already.

**Town Attorney, M. Brooks** – Twice, I don't see why you can't.

**Council Member, R. Cassell** – Thinks it's a great idea.

**Matt Kramer** – Discusses what items are acceptable for recycling.

**Mayor Jenkins** – Does someone want to make a motion to allow

**Council Member, R. Cassell** – Do you want it be reevaluated in three months?

**Town Attorney, M. Brooks** – Motion would be that he would, that Mr. Kramer would be allowed to put his recycling bins at curbside for his patrons and that status would be reevaluated in November. At the November or December Council Meeting, November would give him three months.

**Council Member, W. W. Ross, Jr.** – He mentioned the county, would there be some conflict with the County over this?

**Town Attorney, M. Brooks** – I can't see any cause they are not offering the service.

**Matt Kramer** – The County has the recycling stations, I'm not setting up recycling stations out of town or on county property and not asking to set up on city's property, just curbside access.

**Town Attorney, M. Brooks** – He's a private citizen doing private business. All we're authorizing him to do is use the curb for a very short period of time.

**Motion made to allow Kramer Recycling access to our curb to up recycling bins for pick up and to reevaluate this in 90 days (three months) at the November Town Council Meeting with the understanding that it would be maintained. There would be no public nuisance by that.**

**Council Member, W. W. Ross, Jr.** – His request, will we have that in writing? Or is just by a motion?

**Town Attorney, M. Brooks** – I think a motion from Town Council.

**Council Member, W. W. Ross, Jr.** – So, we're not going to have anything in writing?

**Vice Mayor, T. Herron** – But it will be on record.

**Town Attorney, M. Brooks** – Right. We're not entering into a contract we're just allowing him the use of the curb.

Motion by: Council Member, R. Cassell 2<sup>nd</sup> by: Vice Mayor, T. Herron

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

### **XIII. NEW BUSINESS**

- **This item was struck from New Business.**

**Council to vote to approve ordinance requiring dogs to be kept on a leash and prohibiting dogs from running at large within the Town of Gate City.**



- **Council to appoint member from the Planning Commission to serve on the Board of Zoning and Appeals Committee (BZA)**

**Council Member, R. Cassell** – We had discussed that and came up with rotating this on a yearly basis. So we don't scare somebody off with being put on it indefinitely is to rotate amongst each member for a year at a time. Jo Ann had sent me email after that that said, when you make a motion to appoint a commission member to the BZA, will you also include that each one of your terms be appointed from January 1<sup>st</sup>. She's wanting to make hers retroactive back to January 1<sup>st</sup>.

**Town Attorney, M. Brooks** – I don't think we can do that. I responded to that and I don't think we can do a retroactive appointment even without her there.

**Council Member, R. Cassell** – I wonder if we, there's just four months let in the year if we should just start it January 1<sup>st</sup>. Jo Ann volunteered to do it. Or we can do it through December and come back in January. What's your recommendation?

**Town Attorney, M. Brooks** – I don't think it matters either way. I think you just need to have some continuity and a method of making sure you have that because it is required.

**Council Member, R. Cassell** – She didn't want to say appoint somebody now and in a year, say her term ends before next August if we appoint them for a year from August to August her term ends in June that's where she, everybody's term starts January 1<sup>st</sup>, that's where she come up with that. Jo Ann has volunteered initially to take the appointment however we see fit. That was her recommendation to do it a year at a time and rotate it from member to member instead of committing them indefinitely.

**Vice Mayor, T. Herron** – If you wait till January don't you need from now to January?

**Council Member, R. Cassell** – According to the by-laws, it states you are supposed to have a Planning Commission member on the BZA.

**Town Attorney, M. Brooks** – My thought is you get somebody that will start it, to make sure you have some sort of continuity and do it January 1<sup>st</sup>. But this one would be from today's date

**Council Member, R. Cassell** – No retroactive, but from today's date till

**Town Attorney, M. Brooks** – To and maybe do it for sixteen months for this first one. You can do it either way you want. But, I think it needs, I think it's well stated that coincides somehow with their term.

**Council Member, R. Cassell** – Surely, four more months wouldn't matter. I like that idea, sixteen months this time.

**Town Attorney, M. Brooks** – This time and then the next one would be 2012, January 1<sup>st</sup>. 2013 would be the new appointment.

**Council Member, R. Cassell** – 12, wouldn't it? No, no 13.

**Town Attorney, M. Brooks** – Obviously, that's not a legal issue. But just to maintain continuity, I don't know BZA will actually hear anything in between now and the end of the year. But, the requirement is that somebody is there whether they have hearings or not. We need to have somebody on there.

**Motion made to appoint Jo Ann Castle to be a Planning Commission member to the BZA for a term ending December 31, 2012.**

Motion by: Council Member, R. Cassell      2<sup>nd</sup> by: Vice Mayor, T. Herron

VOTE:    Yeas,            4  
              Nays,            0  
              Absent,        1 – F. Perry

- **Council to approve Rodefer Moss & Co., PLLC to perform audits for F/Y 2009/2010, F/Y 2010/2011 and 2011/2012 with a two year extension option.**

**Council Member, R. Cassell** – Is this the contract or is there additional what he sent is that his offering.

**Town Attorney, M. Brooks** – That's his, right. I don't know what you have, but this is his bid for Council. Just to let you know that these costs and we did have this clarified in writing from his is not just for it was broken down for Town and Sanitation as separate. Those figures that you have are for everything. It will be for the Town audit and the Sanitation Authority. We verified that in writing and I wanted to make sure of that and drafted into the contract. That is all inclusive, that is for everything, including Sanitation.

**Council Member, R. Cassell** – Is this the contract? Because we had talked about the stipulation if they didn't there'd be penalties. Is that a separate contract?

**Town Attorney, M. Brooks** – It is a separate thing.

**Council Member, R. Cassell** – This is just a proposal?

**Town Attorney, M. Brooks** – Correct. I have drafted and made sent it out and I guess it's in the process of being approved.

**Mayor Jenkins** – That went to Virginia Department of Health for their blessing, really approval.

**Town Attorney, M. Brooks** – Apparently, there it was okay.

**Mayor Jenkins** – They were good with any stipulations/guidelines that they would have it performed in a timely manner.

**Town Attorney, M. Brooks** – It's a \$100 per day after such time and there's actually an incentive to get it down earlier. It was Mark's suggestion to put in a 5% to do it early.

**Mayor Jenkins** – That is for this first audit. The one that is critical.

**Council Member, R. Cassell** – What if we accept his proposal what if he rejects the contract can we just re-bid.

**Mayor Jenkins** – He won't. He has already seen it and he's good with it.

**Council Member, W. W. Ross, Jr.** – Alright, I have a few questions. It was submitted on July the 15<sup>th</sup>, correct? Is this when did the bid, the proposal?

**Mayor Jenkins** – It was bid opening.

**Council Member, W. W. Ross, Jr.** – So, did we advertise for the

**Mayor Jenkins** – All legal obligations with advertising were met. We didn't get any bids, we had three or four people pick it up and this is the only one that submitted a bid.

**Council Member, W. W. Ross, Jr.** – So you already had some communication with this company to verify that they would be the one? Be more feasible to adapt to our situation is what you are saying? For instance 2009 that we submitted so we are going to have to throw this one out and re

**Town Attorney, M. Brooks and Mayor Jenkins** – No

**Council Member, W. W. Ross, Jr.** – No, okay.

**Mayor Jenkins** – No, this is

**Town Attorney, M. Brooks** – 09 and 10

**Mayor Jenkins** – Yes

**Council Member, W. W. Ross, Jr.** – Well, it go

**Mayor Jenkins** – The year ending 2010.

**Council Member, W. W. Ross, Jr.** – Okay, 2-10 and 10-11 right here

**Town Attorney, M. Brooks** – Do you have a copy of the contract?

**Town Clerk, K. Riley** – I don't. There were so many on the computer I did not know which one was the last one.

**Town Attorney, M. Brooks** – Okay, I can send that to the Council Members that are interested in Attachment A that will be entered into if you approve that. But, it specifies very clearly what the audit years are for each year, what the deadlines are for each one of those and as I said there is a penalty clause for every day they go over that. I think, I don't want to speak over you, Mr. Ross, but I think your issues that you have are very, very explicitly dealt with in the contract.

**Council Member, W. W. Ross, Jr.** – Okay. So, what is the cost to this where are they charging us for us to do all this?

**Council Member, R. Lane** – He shows Mr. Ross, the proposal page.

**Council Member, W. W. Ross, Jr.** – Oh, this on the first page?

**Mayor Jenkins** – The three years.

**Council Member, W. W. Ross, Jr.** – \$22,400

**Mayor Jenkins** – That would be for the increase for the 24 10

**Council Member, W. W. Ross, Jr.** – Oh, I'm sorry

**Mayor Jenkins** – That is if we give them a two year extension.

**Council Member, W. W. Ross, Jr.** – Oh, I see it, I see it June the 20 eleventh it would be \$20,500 and then it goes up in 2012.

**Town Attorney, M. Brooks** – We're only obligating for the first three years and we can

**Council Member, W. W. Ross, Jr.** – Okay, I see what you are saying. You're just yeah. Okay.

**Council Member, R. Lane** – Our obligation would be at those rates right there. Kind of locks those rates right in.

**Council Member, W. W. Ross, Jr.** – And then two years extension and they go up to \$22,000. Okay, \$1,900 more.

**Mayor Jenkins** – If we are satisfied with them we can get an extension.

**Council Member, R. Cassell** – That's what I was looking at a while ago, the budget, Chris, we put \$34,000 in so we're well covered in the budget.

**Mayor Jenkins** – I was surprised that this was for the Town and the sewer of it.

**Town Attorney, M. Brooks** – Me too. I wanted to clarify that when I saw this, I wanted to make sure and it is safe, we have Kathy we did an email scanned it to me and did a document that said it was for everything. So there is no

**Vice Mayor, T. Herron** – The sanitation part is out of our budget, so we're not actually paying 25?

**Council Member, R. Cassell** – Yeah, he budgeted, he divides everything. He does, Chris does true accounting. Everything is, their time is divided between each entity and everything. He's got all that covered in the budget.

**Council Member, W. W. Ross, Jr.** – I know you have been discussing with them, it says 45 days that we have to have an audit done would he be able to meet that criteria?

**Mayor Jenkins** – He thinks he can. One big piece of it is how much interaction Bostic Tucker is willing to give him.

**Council Member, R. Lane** – How much cooperation.

**Mayor Jenkins** – Yes.

**Vice Mayor, T. Herron** – Legally, shouldn't they be forced to do, cooperate with him?

**Mayor Jenkins** – They should, yes. But I don't know how to address them. I really don't, other than a lawsuit. I just don't know how.

**Town Attorney, M. Brooks** – Those are things we probably should discuss in closed session.

**Council Member, W. W. Ross** – Okay, so okay, you have early prior to this 45 days you know I mean then you had early warning that the audit is discuss this in 45 days early so then I just found out about it today.

**Mayor Jenkins** – Yeah, I just got the letter yesterday.

**Council Member, W. W. Ross, Jr.** – Okay, so you all have already talked to them?

**Mayor Jenkins** – We talked to him to see if he thought it was even feasible to try to try to do it and he indicates yes. If they don't get it done there will be no extra bonus. If they don't get it done, I don't know what we're going to do about it except to lose the money.

**Council Member, W. W. Ross, Jr.** – Lose the money and pay the, we'd be paying higher fees on everything which we don't have.

**Mayor Jenkins** – Kingsport is very satisfied with them and surely if they can audit Kingsport they can audit us. I mean its

**Council Member, R. Lane** – I guess a question about the separation of the Town audit and the Sanitation Authority audit, Roger made mention that Chris would be able to easily separate that. Will this firm, maybe too much to ask on the first one, I don't know about that but afterwards would they be able to have that separation of billing to be able to make it a fairer?

**Mayor Jenkins** – Yes, based on realistic time that is spent and effort.

**Council Member, R. Cassell** – It'll probably still be the same amount. They'll just break it down. Is that what you are saying?

**Council Member, R. Lane** – Yes, are they going to know it's a 60/40 split or be able to bill back

**Council Member, R. Cassell** – Probably take them the first year like you said to see how much

**Council Member, R. Lane** – I would think so, I believe it is too much to ask for them on the first one.

**Town Attorney, M. Brooks** – I did not inquire about that. I was just trying to get the total.

**Council Member, R. Lane** – I definitely understand.

**Town Attorney, M. Brooks** – The good thing about him, he was very quick in responding. I left a message for him and he was back with me in fifteen minutes. I think we got that together, in writing, within an hour after that.

**Mayor Jenkins** – If we sign a contract and they won't call us back, we'll start worrying.

**Town Attorney, M. Brooks** – This contract is a different ball game.

**Council Member, R. Cassell** – I don't think we had many past history, did we? Hasn't been a tremendous amount has it?

**Mayor Jenkins** – Three to four max.

**Vice Mayor, T. Herron** – Three last time.

**Mayor Jenkins** – And they was more than double the one we went with. We probably should have paid double.

**Council Member, R. Lane** – I assume this Jeff Little is the primary auditor? Where is his office?

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

**Mayor Jenkins** – It is in Kingsport, I don't know where.

**Council Member, R. Lane** – I just didn't want to hear Knoxville.

**Town Attorney, M. Brooks** – No.

**Council Member, R. Cassell** – It shows their address is East Center.

**Town Attorney, M. Brooks** – East Center Street.

**Council Member, W. W. Ross, Jr.** – So now you're trying, okay so if we go with these, Mr. Moss, so that means that we able to cancel the contract with that we couldn't cancel six month or seven months ago with the other auditor?

**Mayor Jenkins** – They're done.

**Vice Mayor, T. Herron** – Their time is over.

**Council Member, W. W. Ross, Jr.** – Oh, their time is up?

**Mayor Jenkins** – Yes, their contract ran out.

**Town Attorney, M. Brooks** – We are over.

**Mayor Jenkins** – That is why we are able to do this.

**Town Attorney, M. Brooks** – We have a new contract pending if you all so choose to choose them there is a different contract.

**Council Member, W. W. Ross, Jr.** – New contract that will validate this.

**Town Attorney, M. Brooks** – Just so you know, the contract there are remedies spelled out if people are not performing on the contract. Anything like that, we have remedies that are spelled out in the contract. I am happy to send all those out by email. I'll send it to Kathy and can you forward it, proposed contract?

**Town Clerk, K. Riley** – Yes. I didn't know which one was the last one.

**Council Member, W. W. Ross, Jr.** – I'm going to have to get it at the office cause

**Council Member, R. Cassell** – Are you ready to entertain a motion?

**Mayor Jenkins** – Yes, if you would like to make a motion.

**Council Member, R. Cassell** – I'm impressed with what I've read.

**Motion made to approve Rodefer Moss & Co., PLLC to perform our audits for F/Y 2009-2010, F/Y 2010-2011 and F/Y 2011-2012 with a two year extension.**

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

**Mayor Jenkins** – Is there any other discussion?

**Council Member, R. Lane** – I do have one question about the two year extension, option.

**Vice Mayor, T. Herron** – It should have option on there.

**Council Member, R. Lane** – Maybe have the word option on the motion? Of the two year extension option.

**Council Member, R. Cassell** – Just add the word option, two year extension option. I will amend that motion to add with the two year extension option.

**Mayor Jenkins** – Does he have to withdraw his first motion?

**Town Attorney, M. Brooks** – He can amend his.

**Mayor Jenkins** – We have an amended motion

**Motion made to approve Rodefer Moss & Co., PLLC to perform our audits for F/Y 2009-2010, F/Y 2010-2011 and F/Y 2011-2012 with a two year extension option.**

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

VOTE: Yeas, 4  
Nays, 0  
Absent, 1 – F. Perry

#### **XIV. PUBLIC COMMENT – NEW BUSINESS**

Mayor Jenkins closed the public comment session for new business at 8:36 P.M. and opened the consent agenda session.

#### **XV. CLOSED SESSION**

Mayor Jenkins opened the closed session at 8:36 P.M.

**Motion made for Council to enter into closed session to discuss legal issues and human resources issues.**

Motion by: Vice Mayor, T. Herron 2<sup>nd</sup> by: Council Member, R. Cassell.

VOTE: Yeas, 4  
Nays, 0  
Absent – 1 – Council Member, F. Perry

## **XVI. RETURN FROM CLOSED SESSION**

Council returned from closed session at 9:16 P.M.

### **Motion made for Council to return from closed session.**

Motion by: Vice Mayor, T. Herron      2<sup>nd</sup> by: Council Member, W. W. Ross, Jr.

VOTE:    Yeas,     4  
             Nays,     0  
             Absent – 1 -Council Member, F. Perry

## **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 -Council Member, F. Perry

## **XVII. MOTIONS FROM CLOSED SESSION:**

**No motions made from closed session.**

## **XVIII. ADJOURN**

### **Motion made to adjourn the meeting until the next regularly scheduled Council Meeting, September 13, 2011, at 6:00 P.M.**

Motion by: Vice Mayor, T. Herron      2<sup>nd</sup> by: Council Member, R. Cassell

VOTE:    Yeas,     4  
             Nays,     0  
             Absent – 1 - Council Member, F. Perry

\*Mayor Jenkins adjourned the meeting at 9:19 P.M.

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Mark Jenkins – Mayor

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Kathy Riley – Town Clerk