

# TOWN COUNCIL MINUTES CONTINUED



Gate City Town Council Minutes Continued  
January 28, 2020  
156 E Jackson Street  
6:30 PM

**This portion of minutes is a continuation of the January 14, 2020 Council Meeting.**

**I. COUNCIL MEETING CALLED TO ORDER AT 6:35 P.M. BY: Mayor - Frances Perry**

**II. ROLL CALL – Town Clerk – Lydia Morales**

	PRESENT:	ABSENT:
Mayor, Frances Perry	X	
Vice Mayor, Robin Richards	X	
Council Member, Allan “Cotton” Roberts	X	
Council Member, Roger Cassell	X	
Council Member, Wallace W. Ross, Jr.	X	
Council Member, Ron Kindle	X	
Town Manager, Greg Jones	X	
Town Attorney, Michele Brooks	X	

Others present: Marley Brooks, Jessica Keith; Scott Program, Justin Venable; Scott Program, Matt Stewart; Town Officer

**III. CLOSED SESSION**

**Motion made for Council to enter into closed session to discuss 1.) legal matters  
2.) personnel matters**

Motion by: Allan “Cotton” Roberts

2<sup>nd</sup> by: Robin Richards

VOTE: Aye: 5

Nay:

Absent:

Abstain: **Motion Carried.**

Mayor Perry opened the closed session at 6:38 P.M.

**IV. RETURN FROM CLOSED SESSION**

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

Motion by: Allan “Cotton” Roberts

2<sup>nd</sup> by: Ron Kindle

VOTE: Aye: 5

Nay:

Absent:

Abstain: **Motion Carried.**

Council returned from closed session at 8:07 P.M.

**CERTIFICATION OF CLOSED MEETING – Read by: Town Attorney Michele Brooks**

**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.

ROLL CALL VOTE: Aye: Council Member Allan "Cotton" Roberts, Council Member Wallace W. Ross, Jr., Council Member Ron Kindle, Council Member Roger Cassell, Vice-Mayor Robin Richards, Mayor Frances Perry  
Nay:  
Absent:  
Abstain: **Motion Carried.**

**V. MOTIONS FROM CLOSED SESSION:**

- **Job Description - Chief of Police.**  
**Motion made to adopt the new job description for the Chief of Police.**  
Motion by: Allan "Cotton" Roberts  
2nd by: Robin Richards  
VOTE: Aye: 4  
Nay: 1  
Absent:  
Abstain: **Motion Carried.**

**VI. UNFINISHED BUSINESS**

- **Mr. Andrew Johnson, Commonwealth Attorney- Scott County Occupational Training and Treatment/Scott Service Proposal.**  
**Motion made to do a six-month trial basis concerning Commonwealth Attorney Andrew Johnson's Proposal starting February 1, 2020 and ending August 1, 2020 utilizing the existing ordinances without any changes.**  
Motion by: Allan "Cotton" Roberts  
2nd by: Robin Richards  
VOTE: Aye: 3  
Nay: 2  
Absent:  
Abstain: **Motion Carried.**

**Commonwealth Attorney Andrew Johnson:** I was under the impression, and let me apologize to all of you, about not being at the last meeting. My impression when I came the last time, I guess in December, was essentially that the council was requesting that I produce documentation related to the work program not necessarily in relation to the proposal that I had submitted. I had submitted that documentation, I had submitted the letter of correspondence that we had received from OSHA. I was under the impression that the council was going to review that and then reconsider the proposal as stated to the Council, that my office would prosecute all misdemeanors, traffic infractions, and felonies for a period of time until the next board or the next council members were elected in May or June and

we would do that at no cost to the town to kind of set a base line so the council members and the mayor could see what amount of money would be generated over that period of time. That was my understanding and apparently that was incorrect and I apologize for that. I would have been here had I known so I'm here tonight. I don't know if the Town is wanting to reconsider that proposal as adjusted in relation to performance by my office without any type of compensation for that period of time and the reconsider it at whatever date we choose that it would terminate.

**Council Member Allan "Cotton" Roberts:** I think we have a few questions for you Andy. The Scott County Occupational Training and Treatment is it separate from what we were proposing as far as the changes in the ordinances to misdemeanors or however we was going to try to do that or are they together?

**Commonwealth Attorney Andrew Johnson:** You mean is agreeing to one conditioned upon agreeing to the other?

**Council Member Allan "Cotton" Roberts:** Yes.

**Commonwealth Attorney Andrew Johnson:** No, I mean, I would like, I think if you want to utilize the program that would be part in parcel to the town providing something to the program. I guess what I'm saying is if the Town chose not to pursue adoption of ordinances or even to pursue Commonwealth Attorney's office prosecuting misdemeanors, traffic infractions, and felonies this is a program that is primarily funded by the county and we would extend and quite frankly it might be beneficial to the town to take whatever criminal defendants are being charged by town officers and we could work out some type of arrangement where those individuals are assimilated or brought into the program, the SCOTT Service Program and monitored by our coordinators and our director in exchange for making those individuals available who are charged with charges here in Gate City then the Town could provide whatever arrangement with the work program that we could work out. I mean essentially, everything the individuals who are the coordinators, all of the transportation... You know the transportation that we have right now are based on seizures that the Sheriff's Office has conducted on vehicles and we use those to transport individuals. You know, so a lot of that is originating out of the county or the Sheriff's Department or what have you in order to fund the program. The individuals who are in the program are obligated to pay a fee on a monthly basis to be in that program. What the idea was with the program is for those fees that are being paid by the defendants, once it was originally funded we had that original fund in the budget, our hope was to generate enough revenue through the participants to ultimately come back and it be almost sustainable on its own without having to readjust the budget on a yearly basis and as it grew ask for more money. That's not what we wanted to do. We wanted to try to do whatever we could to make it self sustainable. At this point, I feel like based on what our yearly estimates were we are in a really, really good place at five months of full operation and that's not even at full capacity. Mr. Venable can speak more to that. I think at this point of time based on forty some participants we've saved our projected savings in jail costs, our projected savings on what we've saved the county as far as what they would pay someone to do the work that these individuals are doing. Then the money that we generated that's somewhere in that over 300,000 dollars. What I think the actual fees that we've collected at this point are close to \$40,000. That's for the full month of August, September, October, November and December. I don't know what the projection is right now for the February

Board of Supervisors Meeting but.. You know, that's our hope and I am certainly and totally on board with providing these individuals to serve the Town of Gate City. I mean obviously the court house is in the Town of Gate City but we want to set some parameters obviously and I know there has been some concern about liability and all of those things and we can sit down and talk about all of those things. I don't want to just extend the program and have to answer questions from the supervisors who are saying we're funding this but you're extending it. I want everybody to be okay. That's the whole idea of everybody working together. I don't have any problem going to them and talking about it and obviously we can talk more about it if that's kind of where the council is going about just using the program. I certainly don't have a problem with that but, I do want to say that there would have to be some give and take from the Town vis a vis what they're asking and who they're asking to be put in. Does that make sense?

**Council Member Allan "Cotton" Roberts:** Ya, I think the main thing is there is still some concern about occupational safety and OSHA and what our role would be in that as far as if there was a lawsuit or something of that nature. How is it going to impact the Town? That's why there is still concern about trying to utilize those people to do things for the Town. To my understanding, and maybe I'm wrong, that's two separate things or are those two things joined together?

**Commonwealth Attorney Andrew Johnson:** No, no they're separate and distinct. Originally, you know, when I came to discuss or propose to the Council that I wanted to prosecute misdemeanors, traffic infractions, felonies and to adjust the Town Code and adopt and additional 75 or 85 ordinances to prosecute under the Town Code that was plain and simple that was to generate revenue. In addition to that, we had started the program, The SCOTT Service Program and I mean there is a lot of things in the Town, you know people come to me and they say hey can you get your participants to do this? I say it's a county program but if the Town wants my participants or wants the SCOTT Service, the county participants not my participants, wants the SCOTT Service participants to paint the lines in the municipal parking lot behind my old office building we'll certainly have them do that but that's not conditioned on if you choose one and not the other.

**Council Member Allan "Cotton" Roberts:** I just don't think that we're... we don't feel comfortable with that right now. I'm speaking for myself. I'm not speaking for the rest of them. Everybody's got their own voice. But we don't feel comfortable with that as far as the liability of that particular individual, but in the past we've went and got inmates from jail and it was never a problem. However, it got to a point where we couldn't get none that could pass a drug test. So, we couldn't even get them out type thing. Which that creates a safety factor you know you got people coming through...

**Commonwealth Attorney Andrew Johnson:** Well, we drug screen them when they get there. We drug screen them when they leave so I mean they're constantly screened. I can have Justin speak more about that if you want to hear that. What I can tell you is that I was just contacted by the department of labor in relation to a specific OSHA case that is down here the code requires and I was talking to Jess about this earlier, the code requires the Commonwealth Attorney's offices to prosecute specific types of OSHA violations. What essentially happens is the AG's office will appoint someone and that individual to handle that case and that individual will contact the local Commonwealth Attorney's office because they have to be pursued in the locality. This particular attorney in Richmond has contacted our office and what essentially happens is that AG gets specially appointed as Commonwealth Attorney in that locality and they handle those cases. So, I expect to be dealing with an AG with the department of labor on this specific OSHA case. I'll be working with him because it's

a special appointment. We have to sign the documentation. However, he'll participate and probably handle the case if it goes to trial. I expect him to be here, so I have no problem directing him...

**Council Member Allan "Cotton" Roberts:** More clarity I think is what we're looking for more than anything else is just more clarity. Ok let me go back I got one more question. Let me go back to what we talked about in the past was the six month trial basis. Does that mean after we convert the laws we have in place now to misdemeanors or is that the total time?

**Commonwealth Attorney Andrew Johnson:** Well, that is totally up to you. What we can do and the reason I said six months was because that typically in relation to these individuals is all they have the ability to ask for a period of time to pay but when we do agreements I limit that period of time to six months because I want to keep track. Sometimes defendants will ask for twelve months but what we've found is that six month period is sufficient and helps us to be able to keep a track. So, we know that we're coming back every month on a six month basis to check these individuals and if they've not paid to pursue them accordingly whether we're filing a show cause or whether we're indicting someone for a misdemeanor contempt or we're pursuing it civilly. So, I can't what I would like to do in a perfect situation over the next six months if you said we're agreeable to this. What I would try to do is take what you have right now and just go with what we've got. Try to show you without adopting any other ordinances because I know that adopting additional ordinances is additional work and...

**Council Member Allan "Cotton" Roberts:** It's a time thing because we've got to...

**Commonwealth Attorney Andrew Johnson:** Right you've got to publish notice and then you've got to do all those things. What I was thinking is that we would just go straight with the motor vehicle code 46 2 which you've already adopted and 18 2 266 which is the DUI statute and the following statutes 18 2 272. We would just pursue it on those charges that you already have and try to establish a baseline for you to see how much we're generating, how much we're assessing and how much we're collecting over that six month period of time. Now that's not going to take into account because we're not going to get to that six month period, we might just barely get there for me to file show causes or do indictments for contempt of court or pursue it civilly as a judgement and document it on the civil side and handle it that way. It may be that we have to I have to continue to do it and I'll come back at six months if we're not there to see that six month period of collection I'll say I'll continue to collect it over the next couple of months and I'll come back to the Town Council meeting and explain all that but I'll continue to collect it so you'll know over that six to eight month period what was collected just on the...

**Council Member Allan "Cotton" Roberts:** Can you break it down like a monthly report?

**Commonwealth Attorney Andrew Johnson:** Yeah, what I will try to do is what we've been doing. How we've handled it and it's not all that complex. We take a docket and we simply have multiple whatever Commonwealth Attorneys are in the court that day, we take each has a docket and we have a master docket so we'll go through and each individual case that we handle we'll notate that we amended it to Town Code, what the fine was, and then we bring that docket with us back to the office and we set down and we transfer all of that to a master docket and then we know next to each one of those how long each one of those individuals have to pay. Sometimes we do 90 days if the person can pay within 90 days and they say they can. We'll set that at 90 days for that \$500 fine. We make separate files for separate dates that we know we're coming back in 90 days for this person so on that day we pull that file out and we simply contact the clerk. Has this person paid? this person paid? this person paid? this person paid? Those that have paid are out. We mark them off. Those that haven't

we pursue it that way. There will be a way, I may have to put it in a spreadsheet but I can show you what is assessed on every court day and what we've collected or what is paid.

**Town Attorney Michele Brooks:** Are those broken down by case?

**Commonwealth Attorney Andrew Johnson:** Yeah.

**Town Attorney Michele Brooks:** But that's not something that exists...that Excel spreadsheet that you're talking about, that's not something... You would have to create that?

**Commonwealth Attorney Andrew Johnson:** Sure, yeah.

**Town Attorney Michele Brooks:** That's not something that you are currently doing? By defendant for example.

**Commonwealth Attorney Andrew Johnson:** We would just transfer it from the dockets that we're keeping. We've got a filing cabinet that we're keeping all this information in. We pull it out as we go. So, we'll take that and we'll transfer that into an Excel spreadsheet and we'll just put it in we'll put what we've assessed and what we've collected or paid. If it's paid in full, we'll put paid in full so you will be able to see that.

**Mayor Frances Perry:** Andy, do you have any idea of what percentage or the ratio of the fine that was levied as to what percent is being paid, actually being paid on time?

**Commonwealth Attorney Andrew Johnson:** In relation, currently?

**Mayor Frances Perry:** Yes.

**Commonwealth Attorney Andrew Johnson:** Well, for this fiscal year, I don't because the comp board hasn't set out I guess the full scheme of what has been paid...

**Mayor Frances Perry:** Are people paying their fines pretty regularly?

**Commonwealth Attorney Andrew Johnson:** Yes.

**Mayor Frances Perry:** That's what I'm asking.

**Commonwealth Attorney Andrew Johnson:** I'll be honest with you the best person to bring in here or to ask questions to is Bo Taylor because Bo is a direct recipient of what we've been doing in the courts in terms of indicting individuals in front of the grand jury for contempt for violating a court order. You know, every order and defendant is required to pay a fine or be on supervised probation, if they violate that that's indirect contempt, it's contempt of court, they've violated a court order. So, rather than pursuing a lot of these individuals on probation violations, we pursue them on a new indictment for contempt of court. That's ruffled some feathers because it is different and it's change and you know there's concepts of statutory law and common law in relation to this. Ultimately what's different about contempt is that the court has inherent power and under common law the punishment is limitless in terms of common law contempt. An individual in theory if they're tried in front of a jury, a jury could give an individual who say didn't pay \$25,000 in restitution to you, they could give them life in prison if they didn't pay the restitution. They could also set it and give them 6 months in jail, they could give them 12 months in jail, they could give them no jail. What I think has really made the

difference is these individuals they see that I'm getting a new charge it's not just a probation violation. They hear if I go to a jury trial on this a jury is going to hear that I've not paid restitution for 15 years or that I've not paid any fines for the last 10 years and that I've done nothing and I've been lazy and they're going to hammer me. By hammer they're going to give me a lot of time. What's been happening is they've been coming in and they've been paying their fines in full. They've been paying restitution in full. I had a gentleman the other day, well it was about two weeks ago that came in and paid almost \$7,000. What his defense attorney explained to him is that this debt obligation can put you in prison. If you go get a loan or a credit card and you pay this off, that's not going to put you in prison, this will put you in prison. We've had real success with people coming in and paying their fines. And if not paying in full, they pay a substantial amount. There was a, the last probation violation, there was a lady that hadn't paid in about twelve years hadn't paid a single dime on restitution and that's really what was remaining was restitution. She didn't have a whole lot of fines because we were concerned and I think Marcus was concerned at the time because Marcus prosecuted the case. Marcus was concerned more about the restitution making the victim whole again than giving the stated fines on the state charges. She hadn't paid anything, she came in, when she found out that she was going to be served with an indictment because she hadn't been making payments, her probation officer had informed her hey the Commonwealth Attorney's office is informing you they're indicting you in front of the grand jury for contempt because you've not paid. She came in four days before our indictment went to the grand jury. It was November the first and the grand jury met November 4<sup>th</sup> and 5<sup>th</sup> I believe and came in and paid \$500 on maybe a \$5,000 or \$7,000 restitution. Had paid \$500 and since then has paid \$250, \$100. She was required to pay \$100 per month. She's made every payment since. What we've done instead of dismissing the case or removing it from the docket, we simply continue it for a matter of six months, eight months whatever for this individual to continue to make regular payments or to pay it off. If they make regular payments we'll dismiss the contempt charge or have them plead guilty to it. We'll not impose any kind of additional fine or sentence and then we just monitor it. Jessica does a really good job of monitoring the fines and costs and restitution. Beth is taking that now. Beth we just hired and she was in the general district court clerk's office. We're getting there and we're making some real progress having these individuals pay their fines, costs and restitutions.

**Mayor Frances Perry:** I know you said at one time that these individuals that you were trying to get them counseling and trying to get them back on the right track. How is that going?

**Commonwealth Attorney Andrew Johnson:** In the program, well I'll let them speak to that. They have the behavioral health side. They help get them with Frontier Health. We just had somebody graduate so if you all want to... They handle it more on that end. I just give them to them and let them handle them.

**Justin Venable:** We're working closely with Frontier Health

**Mayor Frances Perry:** Rehabilitation is going?

**Justin Venable:** Yes. We require them to go through a behavioral health assessment and then Frontier Health will assign them based on their needs...

**Jessica Keith:** different therapies or different types of substance abuse counseling.

**Justin Venable:** We're closely monitoring that. We're actually doing in house assessments as well and trying to base that on their needs.

**Jessica Keith:** They're required to take the classes that GED Race 1 has provided to us. They provide a very stringent, very similar type of class at the regional jail. This is a little bit different but we require participants to take a six week course career essentials, money essentials, budget essentials. Three of them just became OSHA certified through Mr. Gardner who provided the training to them just last week. Race 1 has been absolutely fantastic in offering all of these types of services. They learn how to, they have some mock interviews, resume building. They have been just absolutely essential to...

**Mayor Frances Perry:** So you think the rehabilitation part is going well?

**Justin Venable:** Through drug screens alone we have seen people come in on Meth...

**Jessica Keith:** Almost every drug available.

**Justin Venable:** We're seeing people those are becoming clean screens. THC going away I mean these people are taking it very seriously and they are trying to get their life back on track. Again its not a 100% success rate but we're over 75% success so far.

**Mayor Frances Perry:** To me that rehabilitation is more important. To me that money that...

**Justin Venable:** A lot of people they just need that Hey you're doing well. Hey you did a great job on this project or if they have a full panel drug screen we say hey we saw one thing come off there let's get to the next step and let's get it all off of there. They just need that pat on the back and a little bit of encouragement. We're a lot of the constant in some of these peoples lives. We're the one thing...

**Jessica Keith:** And they have a desire because they get to go home to their families in the evenings and we encourage them to go out into the community and work so they are still able to do that.

**Mayor Frances Perry:** Do any of you all have any questions for them?

**Council Member Allan "Cotton" Roberts:** Appreciate what you do.

**Council Member Roger Cassell:** Is this clear that in order for you to let us do this with an adjustment you want us to use these folks or we can do just the prosecution and not...

**Jessica Keith:** I know there are still some questions about liability so if you're not comfortable...

**Council Member Allan "Cotton" Roberts:** It's just a liability issue that we've not resolved more than anything else right now. It's not that we don't want to in the future or we don't want to now it's just that...

**Jessica Keith:** One is not contingent upon the other.

**Mayor Frances Perry:** That's our drawback right now. We follow a different insurance program than what the county does and right now our people are telling us that we would have liability.

**Town Manager Greg Jones:** Folks, I'm not trying to be critical here but ideally on the front line of this, I deal with an injury usually about once a year we have a very well defined litigation plan for risk, for our safety. We even have a safety coordinator for it. We care very deeply about the well being of our employees and we want to make sure...

**Jessica Keith:** I assume the county does as well, correct?

**Town Manager Greg Jones:** Well see that's the thing I don't need to be asking these questions when an injury happens. I need to know what our directions are, what our plan is, who's filling out the forms, who's doing all of these things.

**Commonwealth Attorney Andrew Johnson:** The only one being critical is you. I mean we're just telling you we're being told by the people you're concerned about that these aren't employees.

**Town Attorney Michele Brooks:** But our insurance carrier is telling us something different and...

**Commonwealth Attorney Andrew Johnson:** I understand but that's a private entity. It has the obligation to protect itself.

**Jessica Keith:** Does the county carry the same type of insurance?

**Town Attorney Michele Brooks:** They do not.

**Jessica Keith:** They're not required to do so?

**Town Attorney Michele Brooks:** They have a different insurance carrier than we do.

**Town Manager Greg Jones:** They go through VACO I believe and we go through VML and it's public it's not private.

**Council Member Allan "Cotton" Roberts:** Hopefully, we can get that resolved.

**Mayor Frances Perry:** Being a Town and having our own ordinances, you can't work with us as part of the county because our ordinances that are in place is different from what covers the county right? That's the drawback that we can't be covered under the county right?

**Jessica Keith:** I just assumed that the county had probably even more requirements and stringent protocol to meet than a town just because of the size.

**Mayor Frances Perry:** No, it's the other way around.

**Town Attorney Michele Brooks:** I'm not privy to everything that the county does and they have an excellent attorney and I'm sure that she is advising them well. Gate City is in the Town, in the county...

**Mayor Frances Perry:** Are you all the ones that cleaned up the highway?

**Jessica Keith:** Yes ma'am.

**Mayor Frances Perry:** I thought so because we addressed that at the last council meeting and the next day I went through town and there was bags lined up and I thought wow Greg really got on that and I asked and they said nope that's not us.

**Council Member Wallace W. Ross, Jr.:** My question is once a person is in drug rehab, how long does it take before, that person goes through the program before you all let that person go out to work?

**Jessica Keith:** Depending on... its all conditional. It's a case by case basis. If an issue arises then that individual would be pulled from whatever site.. onsite or offsite.

**Council Member Wallace W. Ross, Jr.:** How does a person get transportation back and forth? Do you all provide transportation?

**Jessica Keith:** On occasion we do have individuals that don't have a drivers license. We have some participants that do have drivers licenses. Some ride together depending on where they live.

**Justin Venable:** Some work sites will provide that transportation.

**Jessica Keith:** We have two individuals that are slated with county maintenance everyday so they ride, once they arrive at the program, they ride with whoever they're working with that day. The one's that do not have drivers license if there is a work site, like the animal shelter for example, we do transport to the animal shelter. At least half of our participants have transportation and drivers license.

**Commonwealth Attorney Andrew Johnson:** A lot of these individuals they have, some of you know the license suspension statute was modified, A lot of these individuals are suspended because of fines and costs. The statutory structure to my understanding is adoptions would by vote on January first all of these individuals are eligible for reinstatement without a reinstatement fee. The Commissioner to the DMV just has to ship out licenses essentially if they come and fill out the paperwork they get their license back. There are some people who are suspended based on a charge and what we do is we help them get a restricted or we do what we can and through the program, and help assist them with whatever fees or fines they've got to pay in relation to their license and to get that license back.

**Jessica Keith:** Our judges have been very willing in terms of restricted license to work with them to be able to provide that while they're in the program so once they get out of the program then they can obtain their license back at little to no charge.

**Mayor Frances Perry:** The way I look at this, you've got two main goals one is to bring money back to your localities that participate and two is to rehabilitate people.

**Jessica Keith:** Yes they live in this community anyway so... Those that may not have a job skill, we hope to provide those skills so then they do feel comfortable enough and they do have a skill they can go out and obtain full time employment.

**Mayor Frances Perry:** I would include that in rehabilitation.

**Jessica Keith:** Yes ma'am.

**Justin Venable:** Any more questions?

**Council Member Wallace W. Ross, Jr.:** One more question, Once they get rehabilitated does that clean their record? Does that completely... their record is washed?

**Commonwealth Attorney Andrew Johnson:** It all depends on the type of charge that the individual has, it depends on how their history is. Some of these individuals with violent histories, they're not even in this program. But a lot of times the way the plea agreement works is if they complete the program if they've got a felony possession charge, our agreement is that it be amended to a

misdemeanor. They don't have that felony on their record, they're not harmed if they go for a job interview and somebody does a background check. We might give them a misdemeanor of a schedule 3 or we might give them a paraphernalia conviction. These are all the statutes or the county ordinances that we've sought to adopt or these misdemeanors who are outliers that aren't part of this town code or this county code or county ordinance and utilize those as finable offenses and not jail able offenses. What I mean by that is a lot of the hesitation with localities is they get a court appointed attorney it's a class 1 misdemeanor a person can go to jail and they're going to get a court appointed attorney and we're going to have to pay for it \$120. By statute that person has to pay that fee back to the locality. They have to pay you that \$120 back. Whatever fine they get is going to be in addition to the \$120 they have to pay The Town of Gate City or Scott County back for that a court appointed attorney fee. Total they got a \$500 fine they would be paying \$620 to the locality. Our obligation is to go collect it and make sure that they get it paid. That's really the circle, they get a fine, they pay it or we come get it. That's how we process it in collections. That's what we're hoping to do to generate that amount of money is to take those felonies and have these individuals end up with misdemeanors and pay that fine prior to the sentencing date. A lot of times these individuals I'll condition if they've got misdemeanors and felonies, I'll condition entry into the program with payment of the fine upfront. Let's say they've got two misdemeanors, two distributions, felony of distributions, possession with intent, they've got a misdemeanor syringe I'll put all of their fine on that misdemeanor upfront and ask that that they pay it there. Then I'll put them in the program on the felonies well when they get done, they have no fines on the felonies, I'll amend those to misdemeanors. They've paid the fine for the county upfront, they've got no fines on their misdemeanors, they have no supervised probation because we've already supervised them, and they're done. The only thing that they've got left is any costs that they want to work off if they want to work them off. It's been successful so far.

**Justin Venable:** Any more questions for us? Thank you all.

**Mayor Frances Perry:** Do I hear any motions coming from this discussion tonight?

**Council Member Allan "Cotton" Roberts:** I want to make a motion that we do a six month trial basis with Commonwealth Attorney Andrew Johnson on the court cases.

**Town Attorney Michele Brooks:** Mr. Roberts may I ask as far as six months from today or six months from the?

**Council Member Allan "Cotton" Roberts:** Well his proposal was to do what we've already got in place.

**Town Attorney Michele Brooks:** So from February 1<sup>st</sup>?

**Council Member Allan "Cotton" Roberts:** February first through July because we've got a new Town Council.

**Town Attorney Michele Brooks:** The election is in May the new Town Council will take effect July 1.

**Council Member Allan "Cotton" Roberts:** So whoever is on Town Council can deal with that in that time frame.

**Commonwealth Attorney Andrew Johnson:** Why don't we say February 1<sup>st</sup> to August 1<sup>st</sup>. The month of July for collection have one month in there to get out notices and handle collection however we chose to handle collection. That way we could show that in August at the council meeting.

**Mayor Frances Perry:** Six months from when?

**Council Member Allan "Cotton" Roberts:** February 1<sup>st</sup> through August 1<sup>st</sup>

**Vice Mayor Robin Richards:** utilizing the existing ordinances without change

**Council Member Allan "Cotton" Roberts:** ...you can use to prosecute instead of changing anything

**Mayor Frances Perry:** Does that complete your motion?

**Council Member Allan "Cotton" Roberts:** Yeah.

**Mayor Frances Perry:** I have a motion on the floor I would entertain a second.

**Vice Mayor Robin Richards:** I second.

**Mayor Frances Perry:** Any further discussion? All those in favor aye

**Council Member Allan "Cotton" Roberts:** Aye

**Vice Mayor Robin Richards:** Aye

**Council Member Wallace W. Ross, Jr.:** Aye

**Council Member Ron Kindle:** Nay

**Council Member Roger Cassell:** Opposed

**Council Member Allan "Cotton" Roberts:** So it's 3 to 2 Aye

**Mayor Frances Perry:** 3 to 2 Aye Motion Carries. Assuming we can get a definite answer on our liability, come back again

**Council Member Allan "Cotton" Roberts:** One last question if the county is ok with it can we call you and say you can do it through the county? Instead of saying do it through the town? You're saying stripe the parking lot. Instead of coming to the town and saying we want to stripe the parking lot...

**Town Attorney Michele Brooks:** Mr. Roberts I would caution you against doing that at this point until we clarify things with...

**Council Member Allan "Cotton" Roberts:** I mean they're doing it now through the county without any problem

**Town Attorney Michele Brooks:** Ok

**Mayor Frances Perry:** The county parking lots or the town parking lots?

**Town Attorney Michele Brooks:** For example the courthouse is the county responsibility

**Council Member Allan “Cotton” Roberts:** Forget what I said, strike that from the record, I didn’t even say anything.

**Town Attorney Michele Brooks:** Well you did and we have to put it in the minutes so its ok

**Mayor Frances Perry:** Rescind his remarks. Any other motions to come before the board at this time? I would declare this adjourned.

**XVIII. ADJOURN**

**Motion made to adjourn.**

Motion by: Allan “Cotton” Roberts

2<sup>nd</sup> by: Ron Kindle

VOTE: Aye: 5

Nay:

Absent:

Abstain:

**Motion Carried.**

\*Mayor Perry adjourned the meeting at 8:50 P.M., until the next scheduled Council Meeting on February 11, 2020.

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Frances Perry – Mayor

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Lydia Morales - Town Clerk