

Minutes of a Special Called Council Meeting of the Saltville Town Council and a joint meeting with the Saltville Industrial Development Authority held on Wednesday, February 25, 2009 at 7:00 P.M., at the Town Hall.

PRESENT: Jeffrey L. Campbell, Mayor  
Steven W. Johnson, Town Manager  
Edward T. Asbury, Assistant Town Manager  
Christen W. Burkholder, Town Attorney

COUNCIL: Dickie Dye, Danny Maiden, Todd Young, Neil Johnson, Thomas Holley,  
Stanley Cahill

Mayor Campbell called the meeting to order and asked Ron Orr, S.I.D.A. Chairman to call the members of the S.I.D.A. to order

S.I.D.A MEMBERS PRESENT: Ronald S. Orr, Chairman  
Christen W. Burkholder, S.I.D.A, Attorney

Linda Stone, Roger Smith, Steven Spence, John Norris  
Mildred Surber

Ron Orr called the members of the S.I.D.A. to order.

Mayor said the first item on the agenda is to discuss getting some advance funds from the S.I.D.A.

Jeff Smith said this transfer will be used along with some Dotson Wheel funds to reimburse Industries for the over charging on the machine and tool tax levy. This levy has been .65 cents per one hundred dollars for numerous years. Mr. Smith said machine and tool tax cannot be higher than the personal property tax rate, this rate can be equal to or less. Mr. Smith said with his conversation with Joshua Silverman, a representative with the Department of Taxation, in accordance with Code Section, 58.1-3990 repayment will be for three years back. Mr. Smith said what he did for the 2008 taxes were, make adjustment from .65 cents per one hundred dollars down too .50 per one hundred dollars.

Mayor Campbell asked Mr. Smith the amount that he is requesting from the I.D.A.?

Mr. Smith said he is requesting \$50,000 and also use the Dotson Wheel money that had been transferred. The shortfall was also due to machine and tool tax adjustments on the 2008 tax and a machine and tool tax that was not levied on a business because of a petition to the State Corporation for a reassessment that was approved. The revenue that was not collected on the 2008 taxes will be corrected on the 2009 taxes with the assessed value.

Mayor asked if anyone had any questions with respect to this.

Councilman Dye asked Mr. Smith what is the total amount that is to be paid back and is this a one time thing?

Mr. Smith said this is a one time thing and does have to be paid back three years, costing around \$111,000.00.

Mayor said it could actually be far worst than that, meaning the Code has only a three-year reach

back.

Councilman Maiden said, can we go higher on the machine and tool tax?

Mr. Smith said you cannot go higher than the set levies on personal property.

Councilman Johnson asked how are we going get this money back?

Councilman Cahill said the money will come in December of this year.

Ron Orr said for everyone to realize, this transfer would have happened in July, but now the revenue transfer, will not be as much. This amount will be a reduced amount from what we will need to operate the next fiscal year.

John Norris asked who will the money be going to?

Mr. Smith said this will be paid back to the companies that were assessed this tax.

Councilman Johnson said we have this covered other than the requested transfer from S.I.D.A.

Roger Smith a member of the S.I.D.A. made a motion to transfer \$50,000.00 to the Town. Linda Stone seconded. Motion passed unanimously.

Jeff Smith discussed the loan from the Bank of Marion in the amount of \$500,000 that was used to fund the Henrytown water project. Mr. Smith said the project is now complete. Mr. Smith said the amount of \$212,142.66 is left in the account, and would like to have authorization to return these funds back to the place of financing. Mr. Smith said once this is done, we have 21 payments left.

Councilman Maiden asked how many more payments?

Mr. Smith said 21 more payments.

Councilman Maiden said that is not bad.

Councilman Young made a motion to authorize the Clerk-Treasurer to return the unused portion back to the bank. Councilman Johnson seconded. Motion passed unanimously.

Ron Orr spoke pursuant to the appointment at the last Council meeting to the Smyth County Tourism Association pertaining to the By-Laws that were recommended by the Smyth County Tourism Association. He said, to keep everybody out of trouble I think it is wise for the Council to approve those before the new appointment starts. Mr. Orr said he would like to have an amendment to the motion to include the approval of those By-Laws.

Councilman Johnson asked where is the fifth member coming from.

Mr. Orr said this member is elected by the Board. Also, he said the changes allow the elected officials to appoint someone.

Councilman Johnson asked Mr. Orr if he was comfortable with this.

Mr. Orr said, "YES," if this is approved.

Councilman Dyes said, "Mr. Mayor, what about the \$2.00 per capita, do we have to have a public hearing?"

Mayor said as he recollects this amount is an active amount.

Christen Burkholder said when you have a public hearing on the budget, you are giving notice to everything that is proposed within such budget; in which this is an appropriation.

Councilman Johnson said this is just a continuation of what we have done.

Ron Orr said at one time it was \$4.00 to the Chamber and now it is \$2.00 to the Chamber and \$2.00 to the Association.

Councilman Dye made a motion to approve these By-Laws as presented. Councilman Maiden seconded. Motion passed unanimously.

Councilman Dye told the Mayor he would like to add to the agenda a discussion on the Inmates and this is in a form of a motion. Councilman Cahill seconded. Motion passed unanimously.

Councilman Dye said he asked sometime ago, but never received the informational sheet titled Rules for Inmate Program. The first thing Councilman Dye discussed was the fifth item on the rules sheet stating, inmates are not to receive "any" money. Councilman Dye said we are currently paying the inmates \$7.00 a day and it plainly states they are not to receive any money.

Councilman Maiden said we voted to give the money.

Councilman Dye stated we are not to give them money.

Councilman Maiden asked Councilman Dye where did you get the rules, we have never seen them.

Councilman Dye said. "I got them from the jail."

Councilman Maiden said if this is the rules for such programs we should follow them.

Councilman Dye asked Chief Surber if he was aware of the rules?

Chief Surber replied by saying, "YES." Mr. Surber said the jail was aware they receive money from the Town, they just can't take it back with them; it has to be kept here. Mr. Surber said if you remember not long ago, some of the money from an inmate was taken.

Councilman Maiden said he was in favor of paying the Inmates, but several things have happened since then, now I am not in favor of giving them anything anymore.

Councilman Dye said, there was money taken out of a locker at the town shop, Mr. Surber was an investigation done on this occurrence? If they are not to take money to the jail, it is kept at the shop and is taken, this is not secured either. Councilman Dye said he didn't know when the money started being paid out.

Chief Surber said, we have always been up front, every time this discussion has come up we have said you do not have to give them anything, Mr. Surber said the payment to the inmates goes all the way back to when we had the County Jail. Mr. Surber said it doesn't matter to him if you pay them or not, and when they leave the jail a lunch is packed for each of them. He said Chilhowie allows them to charge a meal and go get cigarettes, that's how they compensate. We don't have to do this, we have chosen to do so.

Mayor Campbell said, "Correct me if I'm wrong, Chief, we have been doing this for at least 15 years."

Mr. Surber said at one time they were charging meals and cigarettes, since a liability over the suits with the tobacco companies, this was stopped. Reason being, liability issues. I think Pat Arnold was on Council when this transpired. Mr. Surber said we have always been up front, these rules have been around for a long time and I still say you don't have to give them anything. You have to give them a ride up here and watch them while they are here and some medical care if needed.

Mayor said when the Inmates were operating out of the Smyth County Jail, there were no prohibitions against paying them.

Mr. Surber said at that time, they could take the money back with them and it would be kept by the jail. Mr. Surber said they are aware at the Regional Jail about them receiving money from the Town. This isn't something that the jail doesn't know, and they are aware of such; they just can't take it back to the jail.

Councilman Dye said, the fourth on the sheet states, No inmates are allowed to bring anything to the jail. Councilman Dye said, but yet when they were working out of the Food Bank, they carried things back to the jail. Do we still search them before they are taken back to the Regional Jail?

Mr. Surber said we do search before they are taken back; there was an incident, but since this nothing else has happened. Also, he said this doesn't only happen with our group it happens with all groups.

Councilman Dye asked do we allow them to have visitor contact with any other people. Monday, when a truck was being unloaded at the Food Panty, one inmate had his head stuck in a window of a car. Also, he said by looking at the rules, are we going to allow things like this to happen and how do they know they will be there that day.

Councilman Johnson said that will be a problem with the Inmate Supervisor not the Inmate.

Councilman Dye said that is why I am asking these questions tonight.

Mr. Surber said all he knew was a conversation with Erik Puckett about a phone call that he had received from Mr. Holley. Mr. Surber said the mother-in-law picks up a box from the Food Pantry and just so happened this was the day.

Councilman Holley said this was what he was told.

Councilman Young asked Mr. Surber who does the Inmate Supervisors work for, and do they fall under the Town Manager?

Mr. Surber said you go down to the jail and ask them who supervises the Inmates they will tell you the Police Department because we pick them up and return them. Mr. Surber said they answer to me and Steven Johnson along with several other people.

Councilman Young said he thought we had turned them over to the Town Manager isn't that right Mr. Surber.

Councilman Johnson said Steve Surber is the one ultimately responsible right Steve?

Mr. Surber said if you check with Chilhowie they would tell you the same also.

Councilman Johnson asked would this not fall under Mr. Asbury jurisdiction?

Councilman Maiden said we need to make a decision of who is going to be over them, at one time it was Mr. Puckett and now we don't know who it is.

Councilman Johnson said it starts at the top, I thought Officer Puckett was over the Inmate Supervisors.

Mr. Surber said we have changed to twelve hour shifts, and when the shifts are different J.C. Robinson would be giving orders too.

Mr. Asbury stated in questionable weather Valley Chestnut would call me to let me know because it was early in the morning.

Councilman Dye said also, cell phones are being used by the inmates. Also, he said we need to let the Supervisors know they are not allowed to use the phone to call anyone. Councilman Dye said we don't know whom they are calling and what they are calling about. This is an important check list, but this is why I am asking these questions here tonight. Councilman Dye said getting back to the bad weather, he tried at different times to locate the Inmates, I passed them going different ways on different roads going different directions. Councilman Dye said he called the Assistant Town Manager and asked him to check on them to see what is going on. Councilman Dye said Mr. Holley got several phones calls on the same issue and we need to find out what was going on. Also, why are the Inmates working on Saturdays?

Mr. Asbury said they had been cleaning up the Fire Hall on Saturdays two weeks ago and would be here during Special Events.

Councilman Johnson said he didn't see anything wrong on this list that the inmates had done, this was done by the Inmate Supervisors.

Councilman Dye said the Inmate Supervisor's is supposed to sign the sheet each day.

Councilman Maiden said what about the Inmates operating motorized vehicles, I would say we are in violation on this as well.

Councilman Cahill said this goes for the saws as well, they used these on clearing the trail and roadways.

Councilman Young said if we can't use the Inmates to clear the trail would we have to go out and clear the trail?

Councilman Cahill said you could hire three people that you don't need supervisors for. Also, he said we are paying the two supervisors now. Councilman Cahill said for example if an Inmate goes into a store and steals a candy bar, when this happens what will we do then.

Councilman Johnson said I thought we had this resolved, I didn't think they were going in stores anymore.

Councilman Young said I have a solution to this, lets put Mr. Asbury over the Inmate Supervisors. Councilman Young said I put a lot of confidence in Mr. Asbury, I think he is doing a great job.

Councilman Maiden said what about placing the work?

Councilman Young said I think it should go through Mr. Asbury. Councilman Young asked Mr. Asbury if he had a problem with this?

Mr. Asbury replied by saying, "NO."

Councilman Young said he would put this in form of a motion. Councilman Maiden seconded.

Councilman Holley said I have one question, how much more work can Mr. Asbury handle since he is doing work at the treatment plant also?

Mayor Campbell said, "Correct me if I'm wrong," are we not advertising for an operator at the treatment plant.

Councilman Cahill said we have a problem at the plant now, one of our operators is going to be out for medical reasons. Because of this, it will leave Mr. Asbury with only part-time help.

Mr. Asbury said he does not look to see Robert back until April.

Councilman Cahill said this was going leave Mr. Asbury pretty tied up down there, Mr. Haynes is only part-time.

Councilman Dye said, "Steve," what can we do, give us a suggestion. Councilman Dye said he didn't know about the rest of the Council, he gets calls on stuff like this.

Mayor said he has gotten it both ways, saying inmates are cleaning the Town and that there is trash all over Town. Mayor said he doesn't know how to resolve this, you have to take the good with the bad.

Mayor said he has a motion on the floor and a second, that the Inmate Supervisors answer to Mr. Asbury and to schedule work details for the inmates. Motion carried 5-1-0, Councilman Dye voted against.

Councilman Johnson made a motion to go into Closed Session at 8:25 P.M., Code of Virginia, Section 2.2-3711(A)(1) to discuss personnel issues involving the Public Works Department. The Code

of Virginia, Section 2.2-3711(A)(5) for discussion regarding business prospects. The Code of Virginia, Section 2.2-3711(A)(7) to consult with legal Council regarding property rights associated with the trail. Councilman Young seconded. Motion passed unanimously.

Upon returning to open sessions at 9:40 P.M., Mayor Campbell took a roll called vote to certify that only matters identified in the motion to go into a closed session were discussed during a closed session. Accordingly, each member present certified by responding "YES."

Councilman Cahill made a motion to transfer \$50,000.00 from the CDBG account to the S.I.D.A. for Engineer Products of Virginia at 6.25 percent interests as a short period upfit loan.

Councilman Holley made a motion to advertise for material for the trestle, land bridge, and paving along the new road cuts on the Salt Trail. Councilman Cahill seconded, with the amendment of the disposal of a CD from the Trial money to pay for such. Motion passed unanimously.

After a motion, duly seconded, the meeting adjourned at 9:50P.M.