

Minutes of a regularly scheduled meeting of the Town of Saltville Town Council held on Tuesday, July 8, 2008 at 7:00 P.M., at the Town Hall.

**PRESENT:** Steven W. Johnson, Town Manager  
Christen W. Burkholder, Town Attorney

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

**ABSENT:** Jeffrey L. Campbell, Mayor

Councilman Dye conducted the meeting in the absence of Mayor Campbell. Councilman Dye called the meeting to order giving the invocation and leading in the pledge of allegiance.

Councilman Young made a motion to approve the June 10<sup>th</sup> 2008 minutes. Councilman Johnson seconded. Motion passed unanimously.

Councilman Young made a motion to approve the June 30<sup>th</sup> 2008 Special Called meeting minutes. Councilman Maiden seconded. Motion passed unanimously.

There were four (4) citizens signed up for Citizen's Time.

Terry Hunt, 514 East Main Street, Saltville. Mr. Hunt said he was here on behalf of the Saltville Historical Foundation. Mr. Hunt stated he would like to thank Chief Surber and the Saltville Police Department. Mr. Hunt said several weeks ago they had a breaking and entering at the King Stuart House, some of his deputies found it and then contacted him. Mr. Hunt said this was caught in time before further damages happened. Mr. Hunt said he was approached by a few citizens of the town pertaining to the work that has been going on at the Little Museum. Mr. Hunt stated the recommendation from the Historical Foundation is to name it the Holston Salt & Plaster Company from its name during the 1863-1864 Civil War era. Mr. Hunt said he would like Council to think about this recommendation if the Historical Foundation wishes to use such name.

Charles Blevins, Old Mill Road, Glade Spring, Virginia. told Council he had heard that the Town of Saltville was going to develop Seven Springs, which he owns. Mr. Blevins said he wanted to tell Council, that they are mine. I've researched the deed, my deed runs with the base of the railroad track where the pins have been for the last fifty years. Mr. Blevins said he had a deed search done in the Washington County Court House back until 1850, saying there is no deed on record of the railroad from mile marker one (1) to mile marker three (3) so that's a part of property that I own. Mr. Blevins said I wanted Council to know this before I find some one on my property, and have to take action.

Councilman Johnson told Mr. Blevins he was not aware of this and never recalled that being discussed.

Mr. Blevins said he had heard they were going to be developed, and use this for a tourist attraction and before we have a problem.

Shirley Bailey, 8284 Fieldstream Drive, Meadowview. Ms. Bailey stated she noticed on the agenda that the Town is going to get into those wetlands. Also, Ms. Bailey said she would like to see the permits for this and where the drainage pond is going to be to hold this storm water that ya'll are going to be turning loose on these peoples properties. Ms. Bailey told Council that one of the wetlands feeds right in "to my property". Ms. Bailey said she has already got enough poison off that railroad to kill everybody on my property and I do have proof of it. Ms. Bailey said she would like to see all plans and permits before they start digging in it. Ms. Bailey said ya'll are destroying me whether you like it or not. Ms. Bailey said she has lost 14 head of horses to this poison, two (2) registered border collies, and probably I'm losing my own health. Ms. Bailey said she had extensive test done on her health with poison in her, that was caused by Olin Mathison. Ms. Bailey stated to Council, ya'll did not do the proper environmental studies before ya'll started digging in this stuff ya'll knew it was poison and it time ya'll start cleaning up ya'll's mess. Ms. Bailey said all the wells is poisoned in our area and all the streams and now what are ya'll going to do about it. Ms. Bailey told Council, don't be digging in those wetlands, because it takes 14 different permits, I understand, before you can touch a wetland this is according to State, Federal, and County Laws.

Jeff Crawford, Glade Spring, Virginia. Mr. Crawford told Council they are looking forward to seeing the trail coming to Glade Springs, saying he didn't know if anyone has been here to tell you that. Mr. Crawford said we really appreciate what you have done so far and hope it continues and certainly hopes the Town of Glade does the same. Mr. Crawford said as a citizen of Glade Spring I can't tell you how much I appreciate what has been done so far and hope our town does a little bit and meets you at 99% of what you have done and 1% of what you have done. Mr. Crawford said he was looking forward to getting on his bicycle and riding to your town to visit you and your businesses. Mr. Crawford said, you have a nice little town, and saying he was not from this area and thinks this a tremendous opportunity for you on what you have done so far, and it looks fantastic. Mr. Crawford said it has been hard, and a great effort of the town to deal with and I, being one fellow in Glade Spring, we appreciate it. Mr. Crawford said he hope you would come over and mention this to our Council at one of our meetings, that you would appreciate a little bit of effort on their part, would be nice and I thank you for your time.

Steven Johnson told Council with the approval by Council, he needed to add the reappointment of the Town Attorney to the agenda.

Councilman Young made a motion to add the reappointment of the Town Attorney to the agenda. Councilman Johnson seconded. Motion passed unanimously.

## NEW BUSINESS

Jeff Smith discussed the Appropriation Resolutions of additional monies for the year ending June 30, 2008, money returned to general fund and water department for the fiscal year ending June 30, 2008, and for monies for the year ending June 30, 2009.

Councilman Johnson made a motion to adopt the three Appropriation Resolutions discussed by Mr. Smith. Councilman Young seconded. Motion passed unanimously.

Councilman Young made a motion to reappoint Christen Burkholder, Town Attorney that was added to the agenda. Councilman Maiden seconded. Motion passed unanimously.

Councilman Johnson made a motion to reappoint Jeff Smith as Clerk-Treasurer and Zoning Administrator. Councilman Maiden seconded. Motion passed unanimously.

Councilman Cahill asked Councilman Dye who was conducting the meeting before we took a vote on the reappointment of the Chief-of-Police he would like to discuss this in closed session.

Councilman Young said he didn't know why this should be discussed in closed session, this was on the agenda under new business.

Councilman Cahill made a motion to discuss this in closed session. Councilman Holley seconded. Motion failed 2-3, Councilman Johnson, Councilman Young, and Councilman Maiden voting against.

Councilman Cahill stated in the past 10 years just about every month we have some type of complaint or conflict that Council has to address in closed session concerning our Police Department. Councilman Cahill said in this time in economic hardship our police budget has taken a major share of the Town's budget and look into some way to reduce that budget. Councilman Cahill stated I think we should look in a different direction. Councilman Cahill said its nothing against Steve, he has done a good job; he is ultimately responsible for his department and the conduct of his police officers.

Councilman Johnson made a motion to reappoint Steve Surber as Chief-of-Police. Councilman Maiden seconded. Motion carried 3-2, Councilman Cahill and Councilman Holley voting against.

Don Allen with the Virginia Association of the Chiefs-of-Police Law Enforcement Liaison and Monte Mills with the Virginia Highway Safety Office discussed Save by the Belt Award. Mr. Allen asked Chief Surber if he would come forward along Terri Mc Elraff. Mr. Allen stated the reason for being here tonight is to present one of your citizens with an award for doing the right thing and the smart thing by buckling up. Ms. Allen said, Terri was involved in a car crash in May, because she was buckled up her life was spared serious injury. Mr. Allen said the Save by the Belt Award is something throughout Virginia that we participate in Virginia Association of Chiefs-of Police and Virginia Highway Safety Office. Mr. Allen told Council, last year 43 awards were presented throughout Virginia for doing the right thing in buckling up and using this to get the word out for the importance of buckling up when operating a motor vehicle. Mr. Allen said the partners in this program are Virginia Association of Chiefs-of-Police, Virginia Sheriffs Association, Virginia State Police, Drive Smart Virginia, and the Department of Motor Vehicles. Mr. Allen said from the first of the year until May 31th, there were 327 deaths on our highways in Virginia, 262 of those deaths were drivers or occupants of those motor vehicles with 158 of those deaths were unrestrained. Mr. Mills presented Terri with the Save By the Belt Award. Mr. Allen said Officer Randall Smith will explain the particulars about the crash.

Officer Smith said on May 1<sup>st</sup>, 2008 Ms. Mc Elraff and her son where driving Northbound on Highway 107 when the crash occurred. Officer Smith stated by her smart driving and being alert, she kept them from being involved in a head-on collision. Officer Smith said the vehicle that sideswiped her drove approximately four (4) miles before being stopped by the Chilhowie Officer who was assisting on this crash.

Mr. Allen said each year the Virginia Association of Chiefs-of-Police has competition throughout Virginia with our Law Enforcement Agencies that compete in their own category that is based on the

sworn members in each agency. Mr. Allen said Saltville Police Department filed the law enforcement challenge for 2007 with the Virginia Association of Chiefs-of-Police in which they competed in category one. Mr. Allen said category one is having 1-10 police officers in their agencies which is in police training, education, service, speed, and alcohol enforcement for the entire year of 2007. Mr. Allen said he is pleased to announce that your Police department has won second place in their category. Mr. Allen said first place went to West Point Police Department and third place going to New Markets Police Department. Mr. Allen stated when you come in behind West Point Police Department that is a big accomplishment itself, since they were first in the nation three (3) years ago. Mr. Allen said he would like a photo of Terri excepting this award along Council.

Councilman Cahill discussed putting paddle boats in the Well Fields to rent and the Town operate it. Councilman Cahill said the funding could come from the Trail and the Dotson Wheel account. Councilman Cahill discussed building a dock to give citizens some more things to do with outdoor recreation.

Councilman Maiden said we would need to buy a boat with a motor for safety measures. Also, life jackets will have to be purchased for each individual that are in the boats. Councilman Maiden said the outdoor grant that the Town received back in the 1970's included this but, never put in place.

Councilman Young asked who was going to take up the money and who will rent them?

Councilman Maiden said the Town would hire somebody.

Councilman Cahill made a motion to purchase four (4) paddle boats and life jackets with the construction of dock and a john boat with motor, with the funding coming from the mentioned accounts Councilman Johnson seconded, with the addition to the motion to put Councilman Cahill over the project. Motion passed unanimously.

Councilman Dye opened the sealed bids pertaining to the wet area on the Salt Trail. Councilman Dye stated there were six (6) bids submitted on the project. These bids were submitted in two (2) parts which are Pasture Lane and Red Fox. Listed below are the bids that add up to a total amount without silt fencing.

1. Call Brothers .....\$108,471.00
2. Saltville Machine.....\$36,797.76 (silt fencing included)
3. Bordwine Excavating, Inc.....\$25,432.50
4. Midway Construction.....\$49,983.60
5. Kevin Washburn.....\$51,135.00
6. L&K Construction, Inc.....\$30,803.41

Steven Johnson stated this would require the disposal of a trail CD to pay for such.

Councilman Maiden made a motion to accept the lowest bid along with a copy of their Contractors license and a certificate of insurance and with the funding coming from the CD disposal. Councilman Young seconded. Motion passed unanimously.

Councilman Dye discussed the vacant S.I.D.A. position due to a resignation of a member.

Councilman Young made a motion to advertise for the vacant S.I.D.A. position. Councilman Cahill seconded. Motion passed unanimously.

Councilman Dye discussed the discharging of a firearm in residential areas.

Councilman Cahill said the Town has an ordinance that prohibits the discharging of a firearm a certain distance from a road.

Councilman Maiden asked does the Town ordinance state you cannot discharge a firearm in the corporate limits?

Councilman Cahill said you can, but it depends on the distance from a public road.

Councilman Johnson stated you can on Town controlled land like behind Perryville and the Clark boundary.

Councilman Dye said he would like to see something in the ordinance that states residential areas.

Terry Hunt asked what effect is this going to have on the reenactment especially at the salt park?

Councilman Dye said he would think anything involved with Historical events would be exempt.

Councilman Cahill asked the Town Attorney if the Town only needs to enforce it because the ordinance was already in place?

Chip Burkholder stated in Section 15-19 states any person discharges a firearm, bb gun , or air rifle in or along any road or street of the Town within 100 yards thereof shall be guilty of a Class IV misdemeanor. Chip said that does apply to firing ranges and shooting matches maintained or supervised or approved by law enforcement officers or military personnel. Also, if you are going to amend the Zoning Ordinance it requires a public hearing process for any proposed amendments as the same for the rezoning of a piece of property.

Councilman Cahill made a motion to let the Chief-of-Police look into this issue and return with a recommendation. Councilman Holley seconded. Motion passed unanimously.

Jeff Smith discussed the procedures of Council members picking the committees that they will be chairing. Mr. Smith stated in the past Council had picked from a hat pertaining to the committees.

Councilman Young said why break tradition.

Councilman Johnson said he thinks the Town will be better off if they had people (council members) chairing committees that they are familiar with. Councilman Johnson asked if it would be possible for someone to volunteer to take the budget committee.

Councilman Young said he believes every Council member should be on the budget committee.

Councilman Young made a motion to let all members of Council set on the budget committee.

Councilman Dye asked if this is what the Council wants to do?

Jeff Smith told Council if you still want to have 12 committees you may want to serve on the budget and also the grievance/personnel committee. Also, add a wave pool and a trail committee if it is ok with the Town Attorney.

Chip Burkholder stated Council can create whatever committee the Council wants, also if it has three or more Council members it will have to comply with FOIA notice.

Councilman Young stated with his previous motion to let the Council be on the budget and grievance/personnel committees and to add a wave pool and trail committee. Councilman Maiden seconded. Motion passed unanimously.

Listed below are the committees that Council will be chairing:

Councilman Maiden - Wave Pool & Trail Committee

Councilman Young - Library & Streets, Roads & Equipment

Councilman Dye - Health(Town Cleanliness & Beautification) & Police, Fire, Rescue

Councilman Johnson - Historical, Cultural & Ordinance  
Councilman Holley - Parks, Recreation & Well Fields Oversight  
Councilman Cahill - Land Management & Water, Sewer, Refuse

Steven Johnson gave the Town Manager's Report and discussed the Downtown Project saying when the project went out the bid came in over budget. Mr Johnson said it was approved to work the numbers so this project would come in at the budgeted amount. Mr. Johnson said when that occurred the lighting in the common areas was eliminated. Mr. Johnson told Council that the light had been put back in with the money coming one-half from the UDAG and one-half coming from the CDBG accounts and total cost being between 15-20 thousand dollars. Mr. Johnson said it will take between 4-6 weeks before the light will be here.

Councilman Johnson told Mr. Johnson he wanted to go on record by saying I am very disappointed over those lights being taken out with none of us knowing anything about it.

Councilman Young said it is every time we do a project something is taken out.

Councilman Dye said we are paying some one seventy eight thousand dollars for somebody to watch things like this and letting us know.

Councilman Young said from now on if we have a project manager they will be held liable for it and will be responsible for the mess-up.

Councilman Cahill said while we are discussing this issue he had included projects that were carried out under the enterprise zone and has nothing to do with the Downtown Project. Councilman Cahill stated he had talked to him about it and he replied back with some type of double talk.

Councilman Cahill said if we get in trouble with a State agency, he will be responsible.

Steven Johnson told Council the Train Museum and Restoration Project will be going out to bid shortly. Mr. Johnson gave an update on the construction of the restrooms being built at the ballfields.

Steven Johnson discussed a storm water problem on Palmer Avenue. Mr Johnson told Council, Eddie Frye is here tonight on behalf of his parents to discuss the storm water problems at their residence. Mr. Frye said the water comes down Palmer Avenue, runs off the road and floods their basement and also their yard.

Council directed the Town Manager to contact Anderson & Associates to find a solution and a cost estimate to take care of this problem.

Mr. Johnson discussed the floor at the Fire Hall, saying the concrete has a sway in it.

Councilman Young made a motion for the engineers to look and make a recommendation for the storm water problem on Palmer Avenue and the floor at the Fire Hall. Councilman Holley seconded. Motion passed unanimously.

Steven Johnson told Council, the chlorine issue is under control at the pool. Mr. Johnson said he needed authority to issue the final payment to the pool contractor.

Councilman Maiden stated we have had problems here and there, but I believe we have everything taken care of.

Councilman Johnson made a motion to release the final payment to the contractor with the deduction of the \$2,170. Councilman Maiden seconded. Motion passed unanimously.

Councilman Maiden told all in attendance if you haven't been by the wave pool you need to go, everything looks great with good comments.

#### OLD BUSINESS

Steve Surber discussed changing cell carrier from Nextel to Alltel. Mr. Surber went over the service contract including the cost of \$387.77 for 11 phones and \$99.99 for the investigators phone per-month. Mr. Surber said this would be a good savings for the Town pertaining to cell phones. Mr. Surber asked for Council's permission to make the switch.

Councilman Young made a motion to authorize Mr. Surber to switch cell phone carrier. Councilman Maiden seconded with the addition of a cell phone for the Trail supervisor. Motion passed unanimously.

Councilman Maiden made a motion, to go into Closed Session, Code of Virginia, Section 2.2-3711(A)(7) to discuss actual and probable litigations regarding the rails-to-trail issues and the Code of Virginia, Section 2.2-3711(A)(1) to discuss personnel issues regarding Department Heads and Town Manager. Councilman Johnson seconded. Motion passed unanimously.

Upon returning to open session, Councilman Dye took a role called vote to certify that matters identified in the motion to go into closed session were discussed during the closed session. Accordingly, each member certified by responding "YES".

Councilman Johnson made a motion if the Mayor is not present we do not have the Council meeting. Councilman Young seconded. Motion passed unanimously.

Councilman Cahill made a motion to amend the motion that was passed earlier for procurement for small purchase of the paddle boats and follow the Town Code, Section 2-216 pertaining to procurement on all purchases. Councilman Holley seconded. Motion passed unanimously.

Councilman Cahill made a motion to reappoint Steven Johnson as Town Manager. Councilman Maiden seconded. Motion carried 4-0-1, Councilman Johnson abstained.

After a motion , duly seconded, the meeting adjourned.