

Minutes of the regularly scheduled meeting of the Saltville Town Council held on April 10, 2018 at 7:00 p.m. in the Town Hall

Council: Tom Holley, Sandra Wyatt, Eugene Call, Steve Surber, and Ron Orr
David Smith was absent

Mayor: C. Todd Young

Staff: Brian Martin, Town Manager
Trent Crewe, Town Attorney
Chris Wilcox, Police Chief
R.B. Henderson, Public Works Director
Tammy Carter, Front Office Clerk
Steve Johnson, Clerk/Treasurer

Councilman Call made a motion to approve the minutes of the March 13, 2018 regularly scheduled meeting, and Councilman Holley seconded. All were in favor.

Councilman Holley made a motion to approve the minutes of the March 29, 2018 special-called meeting, and Councilman Call seconded. The motion carried 4-0-1 with Councilman Surber abstaining.

Citizens' Time

Michael Carter and Michelle Hartzog represented the Smyth County Multidisciplinary Team, which is made up of health care companies, health providers, and others who help senior citizens in the county. The month of May is Older Adult Month, and on May 24th an event will be held at the River Park in Chilhowie from 9:00 a.m. – 2:00 p.m. for all seniors. There will be seven vendors there giving out information about their groups and giving away door prizes.

The Town of Saltville is a long-time sponsor of this annual event and always provides the chili for the hot dogs. Normally, there are around 1100 senior citizens who show up for the event.

Monica Johnson told that Council that April 22nd was Earth Day, and the Chamber was celebrating this on April 25th with a Spring Clean-up on the Salt Trail and at the new playground from 3:30 p.m. – 6:00 p.m. There are also cleanups scheduled at the Riverbend Park in Marion and the recreation park in Chilhowie. Gloves, trash bags, water, and snacks will be provided.

Approval of the Agenda

Councilman Call made a motion to approve the agenda, and Councilman Orr seconded. All were in favor.

Old Business

1. Clearing of properties

Town Manager Brian Martin reminded the Council that they received several bids last month to clear the properties on Battleground Avenue, West Main Street at the old Moss Trucking site, and on Lake Drive at the old town shop site. He said he considered the Battleground Avenue site the most pressing since that is where the new salt storage facility will be in addition to the proposed town shop.

Per the Council's instructions, he reached out to Asplundh, the company who left the logs and brush at the Moss Trucking site to have those items removed, but as of today, their representatives have yet to get back in touch with him. The Mayor suggested contacting VDOT to try and reach Asplundh since Asplundh does a lot of work with them.

2. Cell tower

Town Attorney Trent Crewe stated he had heard back from SBA regarding the changes the Council wanted made to the proposal to purchase the cell tower outright. SBA agreed to change the access provision to eliminate pedestrian traffic and restrict it to off-road vehicles and trucks. They agreed to maintain the insurance and not have the town do it. Lastly, they agreed to amend the land description to include only 0.674 acres, but they will have an easement across the 100-acre tract to get to the tower. There is also a non-exclusive easement across .0172 acres.

Councilman Orr made a motion, based on the legal opinion, to accept the new agreement with the Mayor or Town Manager signing it. Councilman Surber seconded, and all were in favor.

New Business

1. Northwood High School basketball recognition

The Mayor stated that this school year's edition of the Northwood basketball team finished as regular season champions of the Hogoheegee District for the first time since 1989 and played strongly at tournaments at Twin Valley and Wise. He read a proclamation honoring the team's accomplishments. Coach Randy Vaughn thanked the Mayor and the Council for the acknowledgement.

A member of the team, Luke Carter, received special recognition for being the Hogoheegee District Player-of-the-Year.

2. Municode

Mr. Martin explained that the update to the Town Code would be handled by the company known as Municode. This update will modernize the Town Code and make sure it does not conflict with the Code of Virginia. Councilman Holley is currently wanting to have an Ordinance Committee meeting, so any changes resulting from that meeting would be put in the updated Code. At any time, the Council can pass an ordinance to change the Code, and it changes immediately. The Mayor asked a time frame for the update, and Mr. Martin said it normally takes about a year.

Mr. Crewe said that if an ordinance is adopted while Municode is doing their review, the town will be notified if that particular ordinance is in conflict with state law. If a new ordinance is passed after the update is completed, the same thing applies. Police Chief Chris Wilcox said it would help his department if the Town Code is updated automatically by Municode if state law changes, and the town is notified of these changes. Clerk/Treasurer Steve Johnson replied that was part of the contract.

3. EMS, Inc. report

Gary Johnson spoke on the following:

- 1) Much progress has been made on the maintenance list that was put together. The town staff has been very helpful.
- 2) The overall transition from Veolia to EMS, Inc. has gone well so far. The former Veolia staff downloaded all of their data from the past five years on a couple of drives and gave them to EMS.

3) He has put together a work order system to provide a paper trail of work done and work that needs to be done with special attention given to tasks that are top priority.

4. Hay fields mowing

Mr. Martin asked the Council to make a motion to put the town's fields out for bid as is done each year. Councilman Holley made that motion, and Councilman Call seconded. All were in favor.

Town Manager's Report

Mr. Martin spoke on the following:

1) The sewer project is basically 80% complete. Some home owners have expressed concern over the condition of their yards, and it is the contractor's responsibility to restore these yards. Overall, this work should greatly curtail the Inflow & Infiltration issue the town has had for years. The technology used by Reline America enabled the town to not have to cut into the various roads. The work was able to get finished by going under those roads.

2) He is going to meet with the Smyth County Administrator, Michael Carter, this week to discuss the water contracts the town has with the county and the town's agreement with the county building official.

Regarding the building and permitting issue that Councilman Surber brought up at a couple of meetings, Mr. Martin spoke with the county's attorney, Jeff Campbell. While the Town Code states that the town goes by the Uniformed Statewide Building Code (USBC), the town has not adopted the most recent update from 2015. He asked the Council to adopt the 2015 version and designate the Smyth County Building and Zoning Department as the town's official enforcement agent.

Councilman Call made a motion to adopt the 2015 version of the USBC and make the Smyth County Building and Zoning Department the town's USBC enforcement agent. Councilwoman Wyatt seconded, and the motion carried unanimously.

3) Due to security issues, Principal Ward at Northwood High School has changed the drop off procedure for kids entering the building. The Police Department and maintenance staff helped with this.

- 4) He attended the Quarterly Smyth County Emergency Management meeting, and the main topic was the replacement of the CHE equipment which is the main cog in Dispatch's radio equipment. This will cost about \$300,000 total, and the town's share would be around \$7000.
- 5) Last month, the Council authorized the hiring of three people for positions on the maintenance staff. Two of those positions are still vacant, so Mr. Martin asked the Council to hire Harry Blevins and Jim Wyatt. Councilman Call made the motion to hire Mr. Blevins and Mr. Wyatt. Councilman Surber seconded, and all were in favor.
- 6) He will be at the Brownfields Conference in Pulaski on April 11th. Saltville is one of only two towns east of the Mississippi River that is being showcased at the conference.
- 7) With the Council's approval, the town will apply for a \$30,000 planning grant from DHCD related to the Brownsfield site. Councilwoman Wyatt made the motion to apply for this grant, and Councilman Orr seconded. All were in favor.
- 8) Councilman Holley commended the sewer project contractors for the work they've done in Henrytown, including installing a manhole.

Police Chief's Report

Chief Wilcox spoke on the following:

- 1) The overtime hours are up a little due to Auxiliary training and the concealed weapon class.
- 2) Officer Frye will attend a school resource officer training course in Northern Virginia and will enroll in a D.A.R.E. training class too.
- 3) The Fish-a-Ree was a success despite the bad weather.
- 4) The Little League parade in this Saturday, April 14th at 11:00 a.m.
- 5) Councilman Surber mentioned that the big trucks were starting to go around the signs on Sycamore again.

Maintenance Report

Public Works Director R.B. Henderson spoke on the following:

- 1) The crew fixed three leaks today.
- 2) Employees Jacky Colston and Tony Stevenson, with the help of contractor C.L. Boggs, have done work on several pressure reducers and have replaced some control valves.
- 3) The pressure at the Cardwell Town Well is back to where it should be.
- 4) Several lights were out at the wastewater plant, and an electrician is currently there fixing that issue.
- 5) The fluoride celluloid was replaced at the #10 Well.
- 6) Boggs will calibrate the flow charts at the wastewater plant.
- 7) The sludge pump was rebuilt today, but a new pulley will have to be procured.
- 8) The blower on digester #4 needs to be replaced.
- 9) Service work is needed on the pickup truck.
- 10) Boggs gave the town a price of \$10,750 for a replacement pump at the #10 Well. This price includes the installation and wiring. The Mayor asked if this is something that Crossroads was working on in terms of getting grant funding. Mr. Martin replied that that town applied for grant funding, but if anything is replaced prior to receiving the grant, the funding will go for spare and replacement parts. Councilman Orr made a motion to acquire the pump for \$10,750, and Councilman Surber seconded. All were in favor.
- 11) The inventory for the wastewater plant has been done.

Councilman Surber commended Mr. Henderson and the rest of the maintenance staff for their work and thanked Mr. Colston for coming back to work for the town. Everything seems to be going in the right direction.

An audience member, Vicki Smith, asked if something could be done regarding a pit bull that is running loose near her house since she is afraid of being knocked down and attacked. She has called the police and Animal Control, and they tell her that she needs to take out a warrant, but she doesn't want to be a bad neighbor and do that.

Other audience members, Jeff and Barbara Johnson, said the same problem with dogs is occurring where they live on Easy Street. They said they have talked to the town several times about this, but nothing has been done. Mr. Johnson said it was in the Town Code that dogs cannot molest passersby or run at large, but they do, and he has photographic evidence.

Chief Wilcox stated that the Johnsons have been given the option to fill out complaints but have repeatedly opted not to do this which ties the hands of the police. The department has offered to testify on their behalf in court, but that isn't good enough. The Chief then said that the county's code cites the same portion of the Code of Virginia that was repealed in 2006, so until this is straightened out, the department can't do anything. The Mayor said the most reasonable thing for citizens to do was to put their dogs on leashes when the dogs are outside, but unfortunately, that isn't happening.

Concerning leash laws, Mr. Crewe said that many judges take the position that "every dog gets one bite" which means the dog is not considered dangerous until it does harm. He recommended adopting the county's ordinance or one that is similar so the county could enforce it. Councilman Call asked what would happen if a person being chased by a dog retaliates, and Mr. Crewe replied that a person has a right to defend himself or herself with reasonable force. That's why the proper remedy is to take a warrant and let the court decide. Most judges frown on shooting or killing a dog since they think an attack could be stopped without killing. If a dog chases someone and jumps on their cars, etc. and causes damage, then the person whose property was damaged can go to court to collect and part of what could happen would be that the court might order the dog confined.

Chief Wilcox said that Mr. Crewe may disagree, but the best option in his eyes would be to adopt the portions of the county's ordinance that are valid. The county's animal control staff is still enforcing that ordinance, even though his research indicates that it conflicts with the Code of Virginia. The town itself does not have the resources to take on control of animals. Specialized equipment, training, and officers are needed in addition to a truck in which to haul the animals. Moreover, the county will not enforce any of Saltville's codes, but if the town adopts what the county has, then they will. That's why town residents pay county taxes so they can receive services like this. He encouraged the Council to adopt the animal control ordinances from both Smyth and Washington counties. This will put both counties on the hook to come to Saltville to help. Councilman Orr said they should be obligated to help without the ordinances due to the fact that residents pay county taxes, too, but expressed concern that adopting both ordinances now may be for naught since parts may conflict with the Code of Virginia. The Chief replied that the Council could just go for the leash law and running-at-large options, and he will have the other options available at the May meeting.

Mr. Johnson then stated that he had told the Chief that he could not press charges since he had been burned before and things did not go like they should have. Councilman Surber asked if the town could summon someone to court due to the complaint of a citizen. Chief Wilcox replied that a lot of issues like this mean that the town itself cannot make the charge unless the act has been observed by a member of the department. Mr. Crewe said that's why a private citizen can take a warrant. If the town were to charge someone under the existing code of the town, a defense attorney could prevail due to the fact that is not a valid law.

Councilman Surber made a motion to adopt the counties' ordinances with respect to dogs, and Councilman Call seconded. All were in favor.

Lastly, Councilman Call made the motion to adjourn, and Councilman Orr seconded. All were in favor.