

Minutes of the regularly scheduled meeting of the Saltville Town Council held on August 9, 2016 at 7:00 p.m. in the Town Hall

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

Mayor: C. Todd Young

Staff: T. Michael Taylor, Town Manager
Trent Crewe, Town Attorney
Chris Wilcox, Police Chief
R. B. Henderson, Public Works Director
Steve Johnson, Clerk/Treasurer

Councilwoman Wyatt made a motion to approve the minutes of the July 12, 2016 regularly scheduled meeting, and Councilman Smith seconded. All were in favor.

Citizens' Time

Darrell Talbert said he was concerned about handicapped parking at the post office during Labor Day since he can't walk great distances. He said that in the past, booths were set up so that the handicapped parking spots were either taken by the vendors' vehicles or the vendors' booths. He asked that this be monitored more carefully since he has had this issue in past years and nothing was done.

Terry Hunt spoke about the upcoming Battle of Saltville Re-enactment and asked that the fields be mowed like they normally are. He also mentioned that the Stuart cabin has been vandalized. Additionally, due to the building's age, repair is needed. Some of the front chinking has been removed and there is a bulge about halfway up caused by settling. He would like to see it moved to the Salt Park. This could be accomplished by obtaining a so-called historical grant, so the Mayor suggested contacting that the Mount Rogers Planning District Commission to see if they had any ideas. Mr. Hunt also suggested for someone to contact the show *Barnwood Builders* to see if they had any ideas.

Steven Crusenberry was at the meeting to follow up on his comments from a prior Council meeting. He quoted an article in the paper where Veolia supervisor Bill Duty had said that Veolia has nothing to do with the town's billing of water and sewer accounts and has not delivered cutoff notices since the inception of the contract. However, Appendix C5 of the

contract states that Veolia employees will continue to deliver cutoff notices to the premises of delinquent accounts during normal work days. This means that one side or the other (town or Veolia) doesn't know what to do with the contract.

Mr. Duty also stated that Mr. Crusenberry had called in the leak at 115 Sycamore Road and a couple of days later it was repaired. Mr. Crusenberry said he never called in this problem, so someone needs to get their stories correct. Mr. Crusenberry handed out photos of the water leak that allegedly could not be found. When these leaks are repaired, nobody comes back to check the work and a mess is always left behind, though the contract states that Veolia must leave the premises in the shape in which it was found.

Randall Surber updated the Council on the Youth Splash that was held in July at the wave pool. He said that over 175 people were in attendance and that 200 hot dogs, drinks, and chips were given away during the event. Due to requests from those who were there, this will take place again next year too. He thanked the Council for their support of this endeavor and presented them with certificates of appreciation. To conclude his comments, he commended the police, fire department, and rescue squad members for their assistance as well.

Valerie Robinson spoke on her opposition to the suboxone clinic and inquired about any ground gained in the effort to stop it. Currently, the guidelines state one doctor can see 100 patients, but that number is looking to be increased to 275 patients per doctor due to changing federal rules.

A recent article in the paper mentioned that for suboxone to be effective, it may have to be taken every day for life. A Virginia Tech researcher made this statement. This shows that some doctors will not even consider tapering off the dosage they give to their patients. Moreover, the article stated that counseling will not even have to be done here. Virginia is looking into removing the barriers for Medicaid beneficiaries, including raising the reimbursement for addiction treatment. This proposal calls for raising the reimbursement rate by 400% for suboxone prescribers. Doctors don't normally get that much reimbursement for anything. This scenario would end up drawing in even more people to the clinic here.

George Owens, who works for the United Way, spoke on the following:

- 1) The playground was built in June of 2014 when a couple of hundred people showed up and did it. Since then, work has continued on other projects in that area.
- 2) The Virginia Foundation for Healthy Youth, in which Mr. Owens is involved, helped to fund the playground. Money from this organization is used to help prevent childhood obesity. Smyth County has one of the highest rates of childhood obesity in the state.

3) The playground itself is more than the swings and slides, etc. It's a learning center for activity. Eight outdoor classrooms are currently under construction. Since the playground always needs maintenance, Mr. Owens suggested having the Council members set up a work session to paint the posts on the playground trail. A date of August 18th at 6:00 p.m. was set.

4) There's an idea to repurpose the fitness trail. A member of the playground committee, Scott Venable, suggested having the old fitness trail turned into a bicycle park. This would be an extension of the playground. The town will not need to supply any funds for this since grants will be obtained for this project. However, the town could supply in-kind labor.

5) He said he was a Vietnam Veteran and is still connected to the military. He has been a fly fisherman for several years, and through this he heard about something called Project Healing Waters. This helps with the physical and emotional rehabilitation of disabled active military personnel and disabled veterans through fly fishing and associated activities including educational outlets. Its main purpose is to heal those who have served the country.

Mr. Owens asked the town to consider allowing this group to hold an event at the ponds in the Wellfields. This will carry no cost to the town, but he asked that the particular pond being used for this event be blocked off while the veterans are using it. When the veterans leave, anyone could catch the fish.

6) The Mayor asked Town Manager Mike Taylor to contact the Saltville Health Center Commission about converting the old fitness trail into a biking area. That property is owned by the Commission.

7) Councilman Smith made a motion to let the Project Healing Waters organization hold their fishing day at a date to be determined. Councilman Call seconded, and all were in favor.

Approval of the Agenda

Councilwoman Wyatt made a motion to approve the agenda, and Councilman Smith seconded. All were in favor.

Old Business

1. Food Pantry

Clerk/Treasurer Steve Johnson said the issue with the cost of the taxes for the Food Pantry vehicle has been settled. The gentleman last month said the county gave them a break on their tax bill and asked the town to do the same. The county actually just reassessed the value of their vehicle, thereby lowering the tax bill. Since the town uses the same value that the county does, the Food Pantry's tax bill for the town went down too.

The Food Pantry was also given the \$2000 that the town allotted for in its budget.

2. Community Service Workers

Mr. Taylor stated that it was discussed at last month's meeting to possibly discontinue using community service workers at the Town Hall. The Mayor asked for clarification that this meant that if a person in Saltville needed hours and wanted to do them for the town, they would not be allowed to do them. Chief Wilcox said yes, but the issue that he and Mr. Taylor were addressing was the agreement that the town had with Tazewell wherein Tazewell sent community service workers to the town.

Councilwoman Wyatt made the motion to discontinue the agreement with Tazewell County, and Councilman Call seconded. All were in favor.

3. Barbrow Trail bids

Mr. Johnson said that no bids were turned in for this project. Last month an estimate was turned in for \$3500, and that contractor could be contacted to see if that rate would still apply. Councilman Orr made the motion to get in touch with that contractor, and Councilman Smith seconded. All were in favor.

4. Utility audit

The packets contained information from Troy & Banks, the company that will perform the utility audit to try and save the town some money. Councilman Call made the motion to accept the contract provided, and Councilman Surber seconded. All were in favor.

5. Police Department / Police Academy

Mr. Taylor said that the packets contained a report put together by himself and Chief Wilcox. Councilman Orr said he would like to see a contract signed by the candidate that states this person will have to reimburse the town for expenses incurred, including salary and benefits, if the candidate the town sends to the Academy doesn't stay with the town for a set period of time. Councilman Surber said that there had been two year contracts in the past when he was Chief, and when one officer left before the time was up, the town was able to collect.

Town Attorney Trent Crewe stated that the state police have a contract that says if an employee leaves within the first twelve months, the employee pays back 100% of the costs specified in the contract. If the employee leaves after one year but before two years, they have to pay back 80%. The third year requires a 60% reimbursement, and so on for five years. Councilman Orr suggested doing the contract like a forgivable loan where a two year limit is applied. If the officer is here for three months, then 3/24 of the costs are forgiven. The costs would include all training expenses, all gear, and equipment. Mr. Crewe said he did not think that wages could be taken back since that would mean that the employee had essentially worked for free (forced labor).

Councilman Surber said that according to the documents he was looking at, that when an employee is hired and sent to the Academy, whether full-time or part-time, they have to be paid. He referenced Mr. Frye and the discussion about this topic at the July meeting. According to these documents, Mr. Frye had to be paid his salary while attending the Academy. Councilman Surber then mentioned that the town would have paid for the equipment used and the vehicle used by Mr. Frye in association with his Academy training. It's his opinion that the town owes Mr. Frye a salary.

Councilman Orr said there were two issues....the situation with Mr. Frye and the situation with Mr. Chapman. Does the town need for them both to sign a contract saying they will work for the town for a specified amount of time? The Mayor said that there will be a discussion of the contract first and then the part-time / full-time issue.

Regarding the contract, Councilman Orr believes there should be a work guarantee to be able to recoup the specified costs of the Academy, the uniforms, the ammunition, the vehicle, and the gas. This two-year contract should probably start after the completion of the Academy since that is the first time the town would have real money tied up into the officer. If they don't even finish the Academy, then that cost will be recouped too. Councilman Surber then reminded the others that if the candidate is injured while at the Academy, the town would be responsible for this, and the candidate should not be penalized in this case. Mr. Crewe suggested wording the contract to state that if the officer voluntarily ceases employment within two years of either the date of hire or the date of graduation from the Academy, whichever is later, the aforementioned expenses could be recouped. This way, if they finish the Academy, the two-year clock starts then. If they don't finish the Academy, the two-year clock starts on the hire date. Councilman Orr agreed with Councilman Surber about not penalizing a candidate who was injured while

attending the Academy. Councilman Orr then made the motion to have a working agreement the way Mr. Crewe explained with either the Academy finish date or the date of hire, run for two years, and have a payback of 1/24 per month of service. Councilman Surber seconded the motion, and it carried unanimously.

Regarding full-time and part-time, the Mayor stated that Mr. Frye was hired part-time and went to the Academy. He was made full-time after completion of his training. A couple of months ago, Mr. Chapman was hired to be an officer. He was hired as a full-time employee while he is undergoing his training at the Academy. The Council needs to decide how to proceed now after those facts were stated. Chief Wilcox said the current state policy says that while a person attends the Academy, he or she can be full-time or part-time.

To be fair to Mr. Frye, who worked part-time while attending the Academy, Councilman Orr was of the opinion that he needed to be paid for the hours that he actually attended the Academy as hours worked. Councilman Call seconded, and all were in favor.

6. Coon Club

Mr. Taylor said that per Council instructions at the July meeting, a representative from the Coon Club was contacted asking for him to come to a meeting at the Town Hall to discuss use of the building. This gentleman did not show up for the meeting. Councilwoman Wyatt said she would try herself to contact him or would show up at the building next Tuesday when the members of the Coon Club have their weekly music night.

7. Cell tower

Mr. Taylor said the contracts were in the packets for the Council to peruse for the cell tower to be purchased. Councilman Orr asked if the contract covered maintenance of the road. Mr. Taylor said he had spoken with the SBA's representatives about this and that he would get back with them after tonight's meeting. They told Mr. Taylor that they would upkeep the road, but that language would have to be added to the contract.

Councilman Surber expressed concern over the tower's signal since the service has been spotty lately. Mr. Taylor said they were aware of this and are working on it. Councilman Orr made a motion to accept the contract as long as Mr. Taylor contacted SBA to ensure that language was added saying that SBA was responsible for maintenance of the road that leads to the tower. Councilman Smith seconded, and all were in favor.

New Business

1. Veolia report and Crossroads Engineering report

Bill Duty of Veolia spoke on the following:

- 1) Seventy-five feet of sewer line was repaired in McCready near Clear's store.
- 2) A force main blew out on Allison Gap Road, and the entire road had to be dug up to fix it.
- 3) After speaking with fire department member Bryan Lynch, it was determined that a member of the department would go out with Veolia when the hydrants were flushed near the fifteenth of each month.
- 4) He showed the Council photos of some of the tasks that Veolia had done the last month.
- 5) Councilman Surber mentioned that according to past minutes Veolia has stated that when it comes to leaks in water lines, they would put in a whole new section of line instead of just patching the existing line. He referenced the ongoing issue at Greg's Home & Auto where the line there has been patched and keeps leaking in spite of the repairs and questioned Mr. Duty why a new line had not been installed as of yet. Mr. Duty replied that Veolia had actually installed a new line today in that location.
- 6) Councilman Surber also asked about Veolia's assertion during their negotiations with the town to take over the water and sewer system that any piece of equipment that was needed could be here in a few hours. He stated that he could not see any good equipment that Veolia actually had. Moreover, it seems when Veolia is working on an issue, it's the town crew that's doing the flagging. This was the case when the line was replaced on East Main Street, and one of the sidewalks there still needs to be fixed. Mr. Duty agreed that the line at Greg's had just been patched in the past, but repeated that the new line was installed there today. The Mayor then suggested that Mr. Duty bring in photos taken when the new line was being installed.
- 7) Councilman Call asked for further clarification that the issue had been fixed at Clear's store in McCready since he said he had first been informed of this problem back in March. Mr. Duty confirmed it had been.
- 8) Councilman Smith asked about the time limit for fixing issues that may arise. Mr. Duty replied that things try to get resolved ASAP, but there have been many problems lately, so they may be behind.
- 9) Councilman Call spoke about the contract where it states that Veolia will also bring in outside help from their other locations if this help is required. He said he had not seen any additional workers. Councilman Surber agreed with that statement and wondered why Veolia just did not

hire more people. Councilman Call expressed concern about various leaks that have not been fixed, and asked where this water was actually going. It seems that ongoing leaks could cause something to get washed out, and he referenced the leak at Cargo. He repeated Councilman Surber's thought that Veolia should probably hire more people. Councilman Surber then asked about reimbursing the town for the use of the town's workers, and Mr. Taylor said they had done this in the past.

Darien Musick of Crossroads Engineering spoke on the following:

- 1) Over the past several months, they've been working on the accountability monitoring plan and the Cardwell Town Well evaluation. The drawdowns have been completed at no cost to the town since only grant money was involved.
- 2) The permitted capacity of the Cardwell Town Well was increased from 400,000 gallons daily to 600,000. Therefore, there are no longer violations of the permit for the Well.
- 3) For the accountability monitoring plan, sixty-five service meters were removed and replaced to get a statistical sample. Of those sixty-five, twenty-six were not even tested since they were determined to be inoperable. The remaining thirty-nine were sent to Roanoke to be tested, and a full 67% of those were found to be inoperative. The bottom line is that twenty-six of the thirty-nine were inoperative and only seven met accuracy standards. This means that the town is not getting the revenues it should be for both water and sewer since the sewer cost is determined by the gallons of water through the meter. The water is going to the customer but is not being accounted for at the meter.
- 4) The leak detection study should be submitted to the Health Department later in the month.
- 5) The last application from which funding was received was a capital project that replaced about 24,000 feet of water line. It replaced the chlorine contact tank too and rehabbed the Lick Skillet tank.
- 6) The system currently has several vulnerabilities including no generators on the sources (wells) or the pumps.
- 7) There will be funding opportunities in the spring so the town should apply for these. Rural Development is one of the organizations where this money will come from, but Rural Development will require that the town rates meet a certain threshold. This threshold needs to be 1.5% which means that the average monthly bill has to be 1.5% of the median household income of the town's residents.
- 8) Mr. Musick believes the town's first priority should be replacing the meters to ensure an accurate reading is reached which, of course, would raise the town's revenues. A radio read

meter system would cost the town between \$275,000 and \$325,000. The Health Department has looked at meter replacement more favorably lately for grant consideration.

2. Committee appointees

Councilman Holley said he would have his appointees by the September meeting. After the other Council members appointed their choices, the town's committees (so far) for 2016-18 are as follows:

Committee A: Councilman Surber, Chair

Library, Historical & Cultural, and Health & Beautification

Betty Griffiths, Valerie Robinson, Terry Hunt, June Totten

Committee B: Councilwoman Wyatt, Chair

Well Fields, Parks & Recreation, Wave Pool, and Salt Trail

Gary Call, Monica Johnson, Jeff Smith, Ben Thompson

Committee C: Councilman Holley, Chair

Ordinances and Land Management

Tracy McGuire, Ashley Sanders, Randall Brickey, Trey Carr, Rodney Surber

Committee D: Ron Orr, Chair

Police, Fire, and Rescue Squad

Wade Kestner, Philip Perry, Donna Collins, Debbie Call

Committee E: David Smith, Chair

Streets & Roads

Jackie Colston, Kenny Rhea, Bob Stone, Brian Morris

Committee F: Eugene Call, Chair

Water, Sewer, and Refuse

Mike Maiden, Monica Johnson, Steven Crusenberry, Jackie Colston

3. Town Attorney

The Mayor said that Cassell & Crewe were reappointed at last month's meeting. Councilman Surber said that in keeping with his campaign promise and in hearing statements at other meetings and conversations from the Mayor, Councilman Call, Councilman Holley, and Councilwoman Wyatt, he was making a motion to dismiss the law firm of Cassell & Crewe immediately and advertise for another town attorney or firm and use the VML attorneys for legal advice until another attorney or firm is hired.

Councilman Orr stated that in *Roberts Rules of Order* it is indicated that when a motion that has been previously voted on is brought up again, only someone who had previously voted for that original motion can make another motion regarding that original topic. The Mayor then stated that Councilman Surber's motion failed.

Town Manager's Report

Mr. Taylor spoke on the following:

- 1) This Thursday, power will be lost in certain areas of the town (Allison Gap and Cardwell Town, mostly) for about four hours. This is due to AEP repairs.
- 2) He has asked Chief Wilcox to set up a meeting with Sheriff Shuler and the Virginia State Police to review security for the upcoming Re-enactment and Labor Day activities.
- 3) A letter was sent to the Smyth County Health Department regarding the Zika Virus.
- 4) A motor is blown on the inmate van.
- 5) Labor Day is almost booked. The main act on Labor Day night will be Confederate Railroad. The fireworks and parade will once again be held on Saturday.
- 6) He spoke with DEQ and they are trying to set up a meeting on Friday at the Frye residence on Palmer Avenue.
- 7) Arrangements are being made with the state to reinter the bones that were discovered in the cemetery.
- 8) Recently, several sections of the town were left without water due to blowouts.
- 9) On August 12th, the Council is invited to the ribbon cutting at the Mexican restaurant on West Main Street. It will be at 11:30 a.m.
- 10) Councilman Surber asked about a water issue on Walnut Street at Sam Holmes' residence. Mr. Taylor said a line was repaired there a few years ago by the town but there is now another leak at that spot. Veolia looked into it and says the leak is on his side of the meter. Councilman Surber said that Mr. Holmes had told him that it was the town who had wanted to move that meter those few years ago. The town's workers asked him if they could move his meter to where it is now. Mr. Holmes agreed but said the town would then be responsible if any problem occurred. Mr. Holmes said the town's workers at that time told him that if an issue did arise, then the town would fix it. Councilman Surber asked what it would take for this leak to be fixed.

The Mayor stated that if the town fixed Mr. Holmes' problem even though the leak was on his side of the meter, then the town would have to fix every other citizen's leaks as well even if those leaks were on the customer's side. If you do one, you would have to do them all. Mr. Duty said the driveway would probably have to be dug up, but he did not know the extent of the problem without this dig happening.

Councilman Surber then volunteered to fix this problem for Mr. Holmes himself. If the town would make the adjustment for Mr. Holmes on his bill as it normally does for cases like this, then he will take his own machinery and fix the leak. Mr. Taylor said making the adjustment would be the right procedure.

Police Chief's Report

Chief Wilcox spoke on the following:

- 1) He thanked the Council for solving the aforementioned issue involving the Academy.
- 2) At the last meeting, the speed limit on Fifth Avenue was discussed. He asked the Council to consider adopting the aforementioned speed limit there (10 or 15 mph). There will have to be a study completed to get the additional fine. Councilman Smith made a motion to adopt a 10 mph speed limit for Fifth Avenue, and Councilman Call seconded. All were in favor.
- 3) There have been two complaints on Allison Gap Road recently regarding the bumps in the road and cars swerving to try to avoid these bumps. More enforcement activity has been scheduled for this stretch.
- 4) Active shooter vests will be purchased in the next month. These are vests that basically go over the top of the current vests. The cost will be \$700 - \$800 per officer.
- 5) There is a line item in his budget for Lexipol. This company performs policy development and training. The police department was the first one in Virginia to get on board with this. Because of this, Lexipol gave the town a 16.7% discount for the life of the contract, which comes to \$2495 yearly. Any time there's a change in the law or a court decision is handed down that affects policy, the policy is immediately changed, and Chief Wilcox will get a notice of this change. Additionally, once the officers have completed reading the policy, Lexipol will send out daily training bulletins. From a liability issue, this will help cover the town. Moreover, the United States Attorney General and the Virginia Attorney General are both in support of this process.

The Council has a copy of the Table of Contents that shows what the policy contains. It can be doctored if some of it has parts that don't really fit Saltville, but when the wording changes, it becomes less bullet-proof in terms of liability. Councilman Call made a motion to adopt Lexipol for the police department, and Councilman Orr seconded. All were in favor.

Closed Session

Councilwoman Wyatt made a motion to enter Closed Session in accordance with the Code of Virginia, Section 2.2-3711(A)(7) for the consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Councilman Orr seconded, and the motion carried 5-1 with Councilman Surber voting no.

After exiting Closed Session, Councilwoman Wyatt made a motion to certify that the Closed Session was conducted in conformity with Virginia law regarding those matters that are exempted from open meeting requirements and nothing was discussed other than what was mentioned in the motion to convene Closed Session. Councilman Holley seconded, and the roll call vote was 6-0 in the affirmative.

Councilman Smith made a motion to proceed with the injunction that was discussed in Closed Session, and Councilman Holley seconded. All were in favor.

Councilman Orr made a motion to have Mr. Crewe proceed with the instructions given in Closed Session. Councilman Smith seconded, and all were in favor.

The Mayor stated that a representative from W-L Construction has offered to use the motor grader on the softball field and possibly, the baseball field, so the drainage will be better. This will be at no cost to the town. Councilman Call made the motion to allow this, and Councilman Smith seconded. All were in favor.

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

