

Minutes of the regularly scheduled meeting of the Saltville Town Council held on July 12, 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

Councilman Holley made a motion to approve the minutes of the June 6, 2016 special-called meeting, and Councilwoman Wyatt seconded. The motion carried 5-0-1 with Councilman Surber abstaining since he was not a member of the Council when the meeting was held.

Councilman Orr made a motion to approve the minutes of the June 14, 2016 regularly scheduled meeting, and Councilman Holley seconded. The motion carried 5-0-1 with Councilman Surber abstaining since he was not a member of the Council when the meeting was held.

Councilwoman Wyatt made a motion to approve the minutes of the June 20, 2016 special-called meeting, and Councilman Smith seconded. The motion carried 4-0-2 with Councilman Call abstaining since he was not present for that meeting and Councilman Surber abstaining since he was not a member of the Council when the meeting was held.

Councilman Smith made a motion to approve the minutes of the June 30, 2016 special-called meeting and Public Hearing, and Councilman Orr seconded. The motion carried 5-0-1 with Councilman Surber abstaining since he was not a member of the Council when the meeting was held.

Councilman Holley made a motion to approve the minutes of the July 7, 2016 special-called meeting, and Councilman Smith seconded. All were in favor.

### **Citizens' Time**

**Randall Surber** spoke on the Mayor's earlier request to have churches get involved in the drug situation in the town. He attends McCready Methodist Church and the church has reserved the

pool on July 22<sup>nd</sup> for what is being called a Youth Splash. Other churches have been invited to this event too and are encouraged to come. This will be for the age range of 6 – 21, but if a five year old shows up, he or she won't be turned away. Free food will be served. Mr. Surber asked that the fee or a portion thereof, for the use of the pool be waived for this event. Councilman Call made the motion to waive the fee, and Councilwoman Wyatt seconded. All were in favor.

**Bill Pauley** represented the Bread of Life Food Pantry. He mentioned his organization was low on funds and currently has just \$1308 in the bank. The personal property tax bill on their truck that is due the town is approximately \$1000. Smyth County gave the Pantry a break on their tax bill, so Mr. Pauley asked the same of the town. Clerk/Treasurer Steve Johnson said that the Pantry gets \$2000 yearly from the town as a budget allocation, but the town would look into the tax situation.

**Valerie Robinson** was at the meeting to continue to voice her disapproval of the suboxone clinic to be located on Fifth Avenue at the old McKee Hospital just a short distance from her residence located at 210 Fifth Avenue. She said that a girl had recently walked down her street and freely admitted that she had been on suboxone for three years. Ms. Robinson asked this girl if her doctor had tapered off her dosage in those three years, and the girl's response was no. This further proves that this clinic is not wanted in Saltville. Ms. Robinson concluded her discussion by stating that it was upsetting to her to have to explain to her seven-year-old son what suboxone was and how bad it was.

### **Approval of the Agenda**

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

### **New Business**

#### **1. Appointment of Police Chief, Clerk/Treasurer, and Town Attorney**

Councilman Smith made a motion to appoint Chris Wilcox as the Police Chief, Steve Johnson as the Clerk/Treasurer, and Trent Crewe as the Attorney and give a vote of confidence to Town Manager Mike Taylor. Councilman Orr seconded, and the motion carried 5-1 with Councilman Surber voting no. Councilman Surber mentioned that the only problem he had was with the

Town Attorney and had no issues with the rest of the people in the motion. He felt the position of Town Attorney should be re-advertised.

## **2. Committee Chair assignments**

The Mayor assigned the following Chairs to the town's committees:

Ordinance – Councilman Holley

Well Fields, Parks & Recreation, Wave Pool, and Salt Trail – Councilwoman Wyatt

Water, Sewer, & Refuse – Councilman Call

Streets & Roads – Councilman Smith

Library, Historical and Cultural Matters, and Health and Beautification – Councilman Surber

Police, Fire, and Rescue Squad – Councilman Orr

## **3. Police Department**

Councilman Orr started this discussion by stating that on June 14<sup>th</sup> the Council voted to hire an employee to go to school to be a police officer. It was his understanding that the Council was agreeing to send this person to the Academy and pay the expenses associated with the Academy. He would also be getting in his required time by riding with existing officers. Councilman Orr stated that he was not totally aware at that time that this person was made a full-time employee. The Council did not do this for the last person who was sent to the Academy, so he did not think it was fair to do it now. He asked that the motion that was made to send Mr. Chapman to the Academy be reconsidered since all employees needed to be treated the same. Approximately \$20,000 of town money will be spent on Mr. Chapman, and he is under no obligation to actually work for the town. It was Councilman Orr's recommendation to change Mr. Chapman to a part-time hire just like the last candidate.

Councilman Surber agreed with Councilman Orr. If Mr. Frye had to pay his way through the Academy, then the new hire should too. This would be the fair and correct thing to do. Mr. Frye was hired by an advertisement for a full-time position.

Councilman Smith echoed what Councilmen Orr and Surber said. He asked Chief Wilcox to elaborate about another application. Town Manager Mike Taylor had asked Chief Wilcox about this particular application. It was documented that this application was turned in since Front Office Clerk Tammy Carter has been the one to notarize it. The Chief had told the Council that this applicant had not actually applied. Chief Wilcox replied that the instructions given in the advertisement said the application must be submitted electronically. The individual about whom Councilman Smith is speaking did not do that and, therefore, did not follow the proper procedure, so his application was not considered.

Concerning the full-time / part-time issue, the Chief said that the Academy now had a regulation that states it will not accept anyone who is not being paid a full-time salary. This position was posted as full-time, and Mr. Chapman was offered the job. He has quit his other job and cannot afford to pay for the Academy without a salary.

The Chief continued and said that when Mr. Frye was hired, it was his recommendation to pay Mr. Frye a full-time salary too. That recommendation was not followed. The Chief and the Mayor had discussed this last November, and the Mayor told the Chief that he thought Mr. Frye was a full-time employee. However, Mr. Frye was not given a full-time salary until January 1, 2016. The Chief said his stance was that two wrongs do not make a right. He does not think Mr. Chapman should be punished by having his status made part-time after he had been told he would be full-time. Mr. Chapman has already quit his other job and is probably unable to return. It would be wrong for the Council to reconsider their original motion to make him full-time.

Councilman Orr asked when the Academy changed their policy to requiring its participants to be full-time salaried employees. The Chief said he would have to research that to find the exact date. It may have even been in effect when Mr. Frye attended the Academy. Councilman Orr reiterated that he just wanted everyone to be treated the same way. The Chief then said that, by the Code of Virginia, each locality is responsible for the training of its police officers. His interpretation of this is the town has to pay to train its officers which is why it was his recommendation to make Mr. Frye a full-time employee, and full-time was the way Mr. Frye's position was advertised.

Councilman Call asked if the town required its Academy participants to sign a contract stating they would remain an employee of the town, and the Chief said no. Councilman Orr mentioned that in the past, the town has had problems trying to recoup money from officers who went to the Academy on the town's money and promptly left. Councilman Surber stated that when he was the Police Chief, the town took an officer to court for this reason and eventually got money back, but it took a few years. This person had signed a contract but challenged it.

Town Manager Mike Taylor then stated that he had never received any correspondence from the Academy informing the town of this new rule about only letting in full-time employees. It would have been beneficial to the town to have been notified. Chief Wilcox said he had just recently been informed of this new requirement himself. Councilman Orr suggested discussing this issue again next month so more facts could be obtained. The Mayor asked this to be put on next month's agenda.

#### **4. Coon Club Building**

Councilwoman Wyatt had inquired about who was taking care of the property and the building that is used by the Coon Club. If nobody was actually using it and had not signed some kind of lease with the town, the Historical Society is interested in using it throughout the year to host

fundraisers related to the annual Re-Enactment which happens to take place at the same area. She mentioned that she had paperwork involving the Coon Club and the town through the years, but none of it involved any type of signed lease. Mr. Taylor said that the town would sometimes take a flail mower to the property to keep it trimmed, but the Coon Club members paid the monthly water bill. The Mayor suggested contacting the members to set up a meeting to discuss this matter further. Councilwoman Wyatt agreed with the notion of a meeting to ask about a lease and insurance on the property, etc.

Councilman Surber said that this building was referred to as the Sportsman Club as part of the '71 Reunion. An audience member, Tabby Henderson, said that for this particular reunion, the contact person for the use of the building was Ryburn Cardwell. Terry Hunt, the main contact person for the Re-enactment, said that in past years, the Historical Society would pay the Coon Club \$25 per day to use the facilities during the Re-enactment.

Councilwoman Wyatt then made a motion to send Ryburn Cardwell a letter asking for a meeting, and Councilman Smith seconded. All were in favor.

### **Veolia Report**

Bill Duty spoke about the following questions that were posed at last month's meeting by a citizen of the town:

1) *Why aren't cut-off notices sent to customers like the contract states?* Mr. Duty said that Veolia had nothing to do with the actual billing sent to customers. Cut-off notices have never been delivered since Veolia became the Water and Sewer contractor. He worked for the town for five years prior to working for Veolia and never delivered a cut-off notice. If the Council wishes to start this, though, it could be done with a vote. The Mayor said that notices were sent several years ago for one month, and it was a nightmare, so it was discontinued.

2) *The contract states that Veolia will assist the Fire Department with hydrant flushing. Why has this not been done?* Mr. Duty said that the monthly report that is required to be sent to the Virginia Department of Health has to show the number of leaks fixed and the gallons lost. The last page of the report shows the hydrants flushed, the dates they were flushed, and the number of gallons actually flushed.

The Mayor suggested having Veolia work with the Fire Department on the hydrant flushing so everyone will be on the same page. Mr. Duty said Veolia worked with them during the recent ISO Program, and he had actually met with Chief Jimmy Davidson today. Something will be worked out where a member or two of the Department will go out with Veolia to help with this.

3) *Why has there been a leak at 115 Sycamore Road for over a year leading to water running into the creek daily?* Mr. Duty had a copy of the work order for this particular address which showed the work order was placed on the 8<sup>th</sup> and the problem was fixed on the 20<sup>th</sup>. This equates to eight working days. Unless this had been called in, nobody would have seen it due to its location. Veolia discovered the leak when parked in that area for a service call. When their truck pulled in, it sunk quite a bit. Mr. Crusenberry then called this in a couple of days later, but there was only ever one work order for this problem.

4) *Veolia is supposed to monitor water loss and report this to the Council each month and develop an aggressive water loss program. If this had been done, why has there been a leak for over a year?* Mr. Duty explained to the Council members that the monthly reports he gives to them each month show the water pumped at each station and the total flow treated for the month. Veolia and the town are working with Crossroads Engineering to install meters at the tanks to start identifying water loss in particular zones. They are getting funding for this endeavor through the state.

### **Town Manager's Report**

Mr. Taylor spoke on the following:

- 1) The negotiations are ongoing for the utility audit.
- 2) The packets contained a rough draft of the proposed personnel policy.
- 3) Councilman Holley and other members of the VFW looked for the flags that were discussed at prior Council meetings but could not find any. However, the VFW has ordered more flags.
- 4) The recent Chamber of Commerce quarterly meeting was held at the high school instead of the pool due to stormy weather.
- 5) The goose round-up procured about 250 geese.
- 6) W-L was awarded the paving contract by a Council vote at the June 30<sup>th</sup> meeting.
- 7) Smyth County Economic Development Director Lori Deel recently showed the GCS building to an interested party, but the GCS building was not chosen. She continues to market it.
- 8) The process is ongoing to receive the check for the cell tower.
- 9) The last bad storm has apparently done something to the cell tower in terms of some people not getting good cell service. Verizon representatives will be on hand to look at this problem.

10) Per Councilmen Call's and Brickey's request, talks were had with Veolia. Bill Duty answered those questions.

11) Work is ongoing at the cemetery in terms of filling in sunken graves, mowing, etc.

12) The Chief and Mr. Taylor have discussed the community service workers that come to the Town Hall to perform their work. This takes up the time of the police to supervise the workers and the front office to keep track of the time. He would like for the Council to reconsider offering this program at the Town Hall. Councilman Surber mentioned that when he was Chief, this was either good or a nightmare. The biggest problem for his department was the time factor. Sometimes, these workers would come in six months later and want a copy of their time served. Mr. Taylor said a lady came in yesterday who had performed forty hours of service already and told him that she was given 345 more hours. It's not possible to work her that much.

Councilman Surber continued and said that sometimes these workers will come in and say they are going to jail without proof they have worked these hours, and they will insinuate that the town has lost the records for the hours they have worked. Mr. Taylor said he was recommending that this program be discontinued.

13) He met with state officials from DEQ yesterday regarding the Brownsfield Assistance Fund. The town has asked them to review the site of the old town shop, the Moss Trucking site, and the PCS Phosphate site.

14) There's a speeding problem on Fifth Avenue. The Council sets the speed limit, and it is recommended that an extra \$200 fine be applied to those who speed there. It would also be beneficial to have the speed limit lowered.

Councilman Surber said that to apply this extra penalty, there is a specific procedure that the Council would have to go through that involves the Clerk of the Court. Mr. Taylor said he would look into it.

15) There has been a water pressure issue on Smokey Row in that the pressure has been high. There are pressure meters on the main line but may not be pressure reducers on the feeder lines.

16) The carnival is currently underway.

17) The packets contained further information about the Saltville Health Center Commission.

18) The twentieth anniversary of the Museum was a success, and the press has been outstanding.

19) The annual *Saltville Gives Back* event will occur on August 6<sup>th</sup>.

20) Mr. Taylor thanked everyone who has been supportive during his current battle with cancer. Many have offered help where they could, and all gestures have been appreciated. He thanked Councilman Holley for being the first to offer any assistance.

21) The packets contained one estimate for resealing and patching the Barbrow Trail. The Mayor suggested actually putting this out for bid. Councilman Surber made that motion, and Councilman Smith seconded. All were in favor.

### **Police Chief's Report**

Chief Wilcox spoke on the following:

- 1) The department handled 209 calls during last month including seven meth busts.
- 2) Officer Buchanan has resigned and is working for the Post Office.

### **Fire Department Report**

Assistant Chief Bobby Dye spoke on the following:

- 1) Two members just completed their Fire Fighter 1 training, and are in need of turnout gear. The Council had previously stated they the town would buy their gear when they passed the course. One of these two members is going into the military, so he won't need any just yet, but Shane Davidson does need his gear. The cost would be \$2700. Councilwoman Wyatt made the motion to buy this, and Councilman Call seconded. All were in favor.
- 2) He and Chief Jimmy Davidson took the pilots for Med-Flight to a couple of places in town where they could land to pick up someone in need of medical attention. The wide spot of gravels in the Well Fields was their spot of choice.
- 3) The BINGO event on Wednesdays is still going well.
- 4) Next April, the department will contribute to the Fish-a-Ree. Per requirements of having BINGO, the state says that the department has to spend a certain percentage of their profits for community service projects, so this contribution satisfies that requirement. It will be called the Billy Whitely Memorial Fish-a-Ree.

## 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 Smith seconded, and the motion carried 5-1 with Councilman Surber voting no.

After exiting Closed Session, Councilwoman Wyatt made the motion to certify that 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 Smith seconded, and the roll call vote was 6-0.

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