

Minutes of the regularly scheduled meeting of the Saltville Town Council held on September 13, 2016 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: Trent Crewe, Town Attorney
Chris Wilcox, Police Chief
R.B. Henderson, Public Works Director
Tammy Carter, Front Office Clerk
Steve Johnson, Clerk/Treasurer

Councilman Holley made a motion to approve the minutes of the August 9, 2016 regularly scheduled meeting, and Councilman Call seconded. The motion carried 5-0.

Citizens' Time

Steven Crusenberry asked about the time frame involved in getting questions answered when people speak at Citizens' Time and want answers to their inquiries since he said that he had spoken at the last couple of meetings and had yet to hear any answers himself. He repeated his assertion that Veolia is not fixing things in a timely manner thereby violating their contract with the town. He also questioned why Veolia wasn't monitoring the drinking water properly and testing it properly.

There was an incident last Saturday where the sewer backed up into a home on East Main Street. Veolia told them it wasn't on the town's line and they couldn't do work anyway since there was no written work order even though the contract mentions a call-in program. The line was repaired on Sunday around 2:00 p.m. Why didn't Veolia hang around and help them figure out the problem?

He asked why agenda items were being removed before the meeting and said he didn't think it was right for a Council member to not be allowed to talk about what he wants to at a meeting. He then asked Councilman Orr why he walked away from him in public recently instead of listening to what he had to say. Councilman Orr replied he did not have to listen to constant badgering from anyone. Mr. Crusenberry concluded his discussion by saying that he had the right as a citizen to comment on the situation that the Veolia contract was not being followed.

Eddie Frye asked about the ongoing drainage issue at his father's house at 565 Palmer Avenue. Councilman Surber said that particular item was taken off of the agenda to which the Mayor replied that it was going to be discussed in the Town Manager's Report. Mr. Frye also presented the Council with photos.

Bill Pauley asked if the inmates could help hand out the food boxes that the Food Pantry puts together twice a month. He also commented on the need to repair the plastic covering that has come off of the greenhouses near the Virginia Tech building on West Main Street.

Approval of the Agenda

Councilman Surber asked that three items he had requested be placed on the agenda be restored back. These were street lights, inmate crews, and the Palmer Avenue drainage problem. He made the motion to restore these, and Councilman Call seconded. All were in favor.

Old Business

1. Personnel Policy

Councilman Orr made a motion to approve the proposed personnel policy, and Councilwoman Wyatt seconded. All were in favor.

2. Hiring and Firing responsibilities

The Mayor stated that he was at a recent meeting with Councilmen Surber and Holley that was chaired by Art Meade of UVA-Wise. He mentioned that Mr. Meade stated that for the majority of towns in the state, it is the Town Manager that hires and fires. This used to be the case for Saltville, but the Council recently voted to take over this responsibility. Mr. Meade made the statement that the town would be better protected from a liability standpoint under VML if this duty went back to the Town Manager.

No action was taken.

3. Paving

Clerk/Treasurer Steve Johnson said the quote to seal the Barbrow Trail and repair the hole in the asphalt was still valid. Also, W&L has offered to fix the wave effect on Allison Gap Road for the quote in the packets. This is a stop-gap solution for A.G. Road until the underlying problem is fixed, but this paving measure should last for five or six years and alleviate this waviness.

Councilman Orr made the motion to accept the quotes for the Barbrow Trail and Allison Gap Road, and Councilman Call seconded. All were in favor.

4. Stuart Cabin repairs

Mr. Johnson said that Brian Reed of the Mount Rogers Planning District Commission says there is funding for projects such as this. It is called a Historical Tax Credit but, unfortunately, this is only used for projects that are valued at \$500,000 or more. Terry Hunt of the Saltville Historical Society mentioned that he knew a guy who restored cabins who has looked at this one, and he said that it just needed two logs replaced. He also mentioned that a lady in Tazewell County had a cabin on her property that she was going to just burn down but has now said that she would donate it to the town as a tax write off. This cabin could be used to procure the logs needed to repair the Stuart Cabin. There is another cabin on the property of Eric Haynes that could be moved to the Salt Park.

New Business

1. Business licenses and festivals

Councilman Orr said that the town requires vendors who set up in town to obtain the proper licensing but it needs to be clarified whether the vendors should pay Food & Meals tax. He suggested sending this issue to the Ordinance Committee to be studied and brought back to the Council with a recommendation, and he put that in the form of a motion. Councilman Surber seconded, and all were in favor.

2. DAR Proclamation

The Mayor read a proclamation that has been adopted by Marion and Chilhowie recognizing the upcoming 229th anniversary of the drafting of the U.S. Constitution. Councilwoman Wyatt made the motion to adopt it too, and Councilman Orr seconded. All were in favor.

3. Veolia report

Bill Duty spoke on the following:

- 1) Twenty-three leaks were fixed.
- 2) Photos were shown of the six-inch line on Crusenberry Road that cracked.
- 3) A seventy foot sewer line was run across Sycamore Road for a sewer tap.
- 4) Veolia plans to do asphaltting next week after finishing projects on Lick Skillet and Edgewood.

4. Street lights

Councilman Surber stated that it seems like street lights are out all of the time and rarely get their bulbs replaced. On one end of the ball field complex, there have been no lights for over a year. He did his own street light count recently and found that thirty five lights weren't working. At around \$23.00 per month, this equates to between \$600 and \$700 a month the town is probably getting charged. When he was Chief, the officers on the night shift had a form that was filled out and faxed in to AEP. AEP would then fax back work order numbers for each light that was turned in.

Mr. Johnson said that for the last couple of years, a list of burned out lights are emailed to the town's local contact in Glade Spring, but it seems like that process is less successful than the prior one of calling in the list. Town Manager Mike Taylor has called Jeff Cahill of AEP to set up a meeting to help streamline this process of getting the bulbs replaced on non-working lights. The Mayor asked that he and Councilman Surber be included in this meeting when it happens.

Councilman Surber then mentioned that the Council had voted a while back to have a light installed on the property of Jay Miller, but AEP has said they would not go across the property to install this light due to their liability issues. Councilman Surber said that Mr. Miller has told him he would sign something giving AEP a right-of-way across his property. The Mayor suggested discussing with Mr. Cahill when the meeting is held.

5. Palmer Avenue drainage

Mr. Johnson said there a letter in the packets from DEQ regarding their visit to the site of Reynolds' Frye house on Palmer Avenue concerning the water runoff. Councilwoman Wyatt remarked that the road was basically on top of the house there, and it seems that a ditch would have to be dug to take the runoff in another direction. Councilman Surber said that water could go into the creek, and if the town were to dig over 10,000 feet, there would have to be an erosion control plan. Additionally, if over an acre is disturbed, there has to be a permit as well.

He spoke with both Smyth County Administrator Michael Carter and Smyth County Zoning Administrator Clegg Williams, and they told him that this would be a town issue and the county would stay out of it. He also spoke with Public Works Director R.B. Henderson who told him that the work involved here could probably be done in-house with an excavator that the town would have to rent. The Fryes are getting this runoff not only on Palmer Avenue but from the little side road too, and they have said that they would grant a right-of-way or an easement or both to the town to allow the town to go on their property to fix this issue as long the ground was left like it was with no holes or muddy spots. The town will need a big enough pipe to lay after the excavating and need to have a catch basin too.

This runoff has been a problem for over twenty-five years. Councilwoman Wyatt asked if this excess water was a problem before the property was bought, and Councilman Surber replied that he thought this started happening after the property was purchased. Councilwoman Wyatt then stated that she would like to have a letter from Michael Carter saying that the town had the right to do what needed to be done, and the county would not interfere. She also asked about the cost for this project, and Councilman Surber replied that he had spoken with a contractor who told him that this would be no more than \$10,000 if the work was done in-house. The Mayor said that before any work was done, the engineers would need to tell the town what actually needed to be done in terms of the pipe size, manholes, catch basins, etc. The Mayor also had reservations about whether this could be done in-house. Councilman Orr asked if there was enough right-of-way for a catch basin outside of the road bed since he thought that is what would be needed. Mr. Henderson agreed with the Mayor in that he thought the engineers would need to size everything and tell the town what type of pipe is needed and the route the water would need to take to get out of the way.

Councilman Surber said this has been going on for too long. It's discussed at a meeting and then forgotten about for several months. It was believed that the water could not be directed toward the creek, but it can. He then made a motion to have the engineers give a price on this immediately since there has already been a lot of money spent. Councilman Call seconded, and all were in favor.

6. Inmate crews

Councilman Surber said that Mike Taylor has mentioned a few times that an inmate van needed to be repaired. He had looked through invoices from the garage for repairs, and a lot of money has been spent repairing the vehicles, so it makes sense to actually purchase another van instead of continuing to fix the older one. He made a motion to either fix the van to where it is safe enough or purchase one that is more reliable or maybe even purchase a new one. The prices would need to be checked before anything is purchased. The Mayor asked about a price limit for this new van and Councilman Surber said he wasn't sure, but about \$11,000 had been spent on repairs. Mr. Johnson said that on October 22nd in Abingdon, there will be a state auction on various pieces of machinery and equipment that the town could explore. Councilman Call seconded the motion. During the discussion, Councilman Holley asked about

the \$500.00 threshold policy the town has in terms of no more than that amount could be spent without prior Council approval. Councilman Surber said that was fine but there could be a situation where a vehicle would be down for a whole month before the estimate could be brought back to the Council. Councilman Surber's motion to check prices passed unanimously. Councilman Holley repeated his concern about the money being spent on repairs and said that a newer van could have been purchased for this cost.

Concerning the inmate program and the supervisors, Councilman Surber said that when push comes to shove, it will be the police department who is over it. There seems to be hard feelings about the salary structure of the supervisors since some make more than others. Since they are all doing the same job, they should all get the same rate of pay. Supervisor Charlie Brown is out of the vehicle a lot working with the inmates, and he should be receiving the same rate as the others, especially since he has worked longer than the supervisor who is making the \$10 per hour. In Councilman Surber's opinion, no inmate supervisor should be over the others since they are not together all the time, and they should all have the same pay rate, the aforementioned \$10 per hour. If a problem arises, then whomever Chief Wilcox puts in charge is over it.

The Mayor asked Assistant Chief Erik Puckett when the inmate crews are normally cut and was told around the end of October. The Mayor then suggested cutting the crews now to save the town some money. Councilwoman Wyatt asked how many hours the supervisors worked, and Assistant Chief Puckett said that the supervisors arrive around 8:00 a.m. and one of them takes the inmates back to the jail. Councilman Call asked why one supervisor would make more than the others. Councilman Surber said that when he was Chief, the salaries would be taken up during the budget talks, and they would be given a raise if everyone else did. The Mayor said that this year's budget has been passed already. Councilman Surber then said that some employees were hired by the Town Manager and he did not think that raises could be given after a budget had passed without the approval of the Council. The inmate supervisor who is essentially responsible for supervising the others is making \$10 per hour, and that is not right. Councilman Holley then said that Mr. Brown was only making \$8.25 an hour, and that needed to change. Councilman Surber then made the motion to have every inmate supervisor make \$10 per hour, and Councilman Call seconded.

During the discussion, Councilman Holley remarked that he had spoken to a lady at the jail who told him that each supervisor could have up to five inmates under their supervision. Assistant Chief Puckett said that was correct, but due to incidents in the past like the one involving the hand sanitizer, the jail recommended that five be dropped to four. Councilman Holley agreed with Councilman Surber that it was ridiculous to have a supervisor over the supervisors. Assistant Chief Puckett replied that since Councilman Surber was last over the inmates as the Chief, there are more projects to be done, so there are three supervisors doing three different jobs. The so-called supervisor of the supervisors is not a hands-on supervisor. He gets the orders from the Town Manager, who gets them from the Council or the Mayor or a citizen who may come in with a request and carries these orders back to the other supervisors. Councilman Surber then asked Assistant Chief Puckett why he could not do this instead since he was the

officer assigned to them. Before any more discussion was held on the topic, the Mayor asked for a vote on Councilman Surber's motion to have all inmate supervisors make \$10 per hour. The motion carried unanimously.

After the vote, Chief Wilcox asked the Council what his responsibility was with regard to the inmate program. He had been told in the past that Assistant Chief Puckett and the Town Manager manage the program, and he asked for clarification in the event that something happened. If he has no responsibility or input, he does not want to be held responsible in the event something goes wrong. Councilman Holley was of the opinion that Chief Wilcox should know what is going on with the program and have a part in it. Councilman Surber said that when he was the Chief, both he and Assistant Chief Puckett gave them their orders. Other times, the inmates have worked under the town crew. Councilman Surber said that the bottom line was that there needed to be law enforcement in charge of the program. Chief Wilcox said he did some research and found that the name on the contract with the jail as the certified custodian was Mike Taylor, and this was signed on April 2, 2014. Councilman Orr said it was his opinion that since the town is dealing with people who come out of the jail, then Chief Wilcox needed to be the head of the program with Assistant Chief Puckett doing the work. Chief Wilcox said that was fine, but the rules for the program are drawn up by the jail and not the department, so if he is given this responsibility, then every single rule will be followed to the letter. He does not care how the inmates are handled in Chilhowie or Glade Spring, but if the jail's rules are not followed precisely, then the inmates won't come back. Councilman Orr made the motion to appoint Chief Wilcox as the certified custodian, and Councilman Surber seconded. All were in favor.

Town Manager's Report

Mike Taylor was absent, so Steve Johnson discussed the following:

- 1) Councilman Holley turned in his committee appointees, so the full committee list was included in the packets.
- 2) Labor Day was considered a success. There were no arrests and everybody had a good time. The Monday crowd for Confederate Railroad was one of the biggest seen, and the presentations to the families of Fred Singleton and Carl Cardwell were greatly appreciated.
- 3) The Code of Virginia has changed, so now the town has to officially designate FOIA officers. Councilwoman Wyatt made a motion to appoint Steve Johnson and Tammy Carter as the town's official officers, and Councilman Surber seconded. All were in favor.
- 4) Councilman Orr contributed the photos in the packets of the new additions to the playground. The new fossilized bone feature is getting many comments.

- 5) Northwood's homecoming is October 14th, and the parade will be October 13th at 7:00 p.m. starting at the elementary school to be followed by a bonfire at the stadium.
- 6) Two events will be happening on October 22nd. One is the auto and machine auction at Abingdon Auto Auction and the other is the annual Boo Bash in the Commons Area, mainly sponsored by the Smyth County Chamber of Commerce.
- 7) The work has started on the rerouting of Palmer Avenue at the ball fields.
- 8) It was brought to our attention by Councilman Surber that the Mount Rogers Planning District Commission has grant money available called the Southwest Virginia Regional Water Wastewater Construction Fund. A search of Mike's spam email folder found a correspondence from Brian Reed of the MRPDC about this funding opportunity. Councilman Surber brought in the paperwork, and through the help of the Lane Group and Bill Spencer from DEQ, the application was filled out, and the town has officially received \$50,000 of this grant money that will be used to help offset the costs of the sewer project currently being undertaken on McKee Street.

Police Chief's Report

Chief Wilcox spoke on the following:

- 1) A survey of the lights was completed recently, and the results showed that about twenty-one were not working.
- 2) He is still working on the problem of big trucks getting on Sycamore Road. A team of engineers will work on this too so that the big trucks won't come down Sycamore to get to Palmer Avenue.
- 3) Former Officer McMillion had submitted a report to the Virginia Association of Chiefs of Police (VACP) on the town's traffic initiatives. His report earned the town first place in the state for departments that have between one and twenty officers.

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; Section 2.2-3711(A)(29) for the discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body; and Section 2.2-3711(A)(1) for the discussion of personnel in the police department. Councilman Call seconded, and the motion carried 4-1 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 Orr seconded, and the roll call vote was 5-0 in the affirmative.

Councilman Orr made a motion to amend a motion from the August meeting by paying Officer Frye the part-time rate he was making for the hours he actually spent at the Academy. Councilman Holley seconded, and all were in favor.

Councilwoman Wyatt made a motion to transfer the monies discussed in Closed Session to the town's general fund. Councilman Call seconded, and all were in favor.

Mr. Johnson asked the Council about paying overtime to the members of the town crew during the Labor Day weekend, even though overtime for the week would not normally have to be paid since Monday was a holiday. Councilman Surber made the motion to pay this overtime, and Councilman Call seconded. All were in favor.

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