

Minutes of the regularly scheduled meeting of the Saltville Town Council held on October 9, 2018 at 7:00 p.m. in the Town Hall

Council: **Hiram Robinson, Eugene Call, Bryan Morris, Steve Surber, and Ron Orr
Tom Holley was absent**

Mayor: C. Todd Young

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

Before the meeting started, the Mayor recognized Public Works Director R.B. Henderson for his recent honor of being commissioned a Kentucky Colonel. It is recognition of an individual's noteworthy accomplishments and outstanding service to a community, state and nation. Past winners of this honor include President Lyndon B. Johnson, British Prime Minister Winston Churchill, and John Glenn.

Councilman Morris made a motion to approve the minutes of the September 11, 2018 regularly scheduled meeting, and Councilman Surber seconded. The motion carried 4-0-1 with Councilman Call abstaining since he was not present for that meeting.

Citizens' Time

Larry Ratcliff thanked the Council for having the *No Truck Parking* signs installed on the town's parking lots. Hopefully, this proactive move will help to eliminate infrastructure issues later on. Every citizen of the town stands to gain by this move by not having their tax dollars spent on the repairs to the lots caused by the big trucks.

Tabby Henderson told the Council that on the 16th and 17th of October, third graders from all over Smyth County will be at the outdoor classrooms on the Salt Trail. However, when the shelters in the Wellfields were torn down, the buzzards that gathered there moved to the

playground area and have created a mess on the benches there. She asked that the benches be cleaned before this takes place.

She also told the Council that the Saltville Preservation Alliance won the September beautification award from the Smyth County Chamber of Commerce for putting in new plants in the beds downtown and sprucing up the big pots as well with new flowers.

Approval of the Agenda

Before approving the agenda, Councilman Morris made a motion to add to New Business a discussion of the open position in the police department. Councilman Surber seconded, and the motion carried 4-1 with Councilman Call dissenting.

Councilman Morris made a motion to add to New Business a discussion of the process of putting together the agenda prior to its publication. Councilman Surber seconded, and the motion carried 3-2 with Councilmen Robinson, Morris, and Surber voting yes and Councilmen Call and Orr voting no.

Councilman Morris made a motion to add to New Business a discussion of the authority and responsibilities of the town's Mayor. Councilman Surber seconded, and the motion carried 3-2 with Councilmen Robinson, Morris, and Surber voting yes and Councilmen Call and Orr voting no.

Town Attorney Trent Crewe told the Council that the purpose of the agenda is to notify the public of the topics to be discussed, and said he was not sure what these three topics were about, but if the Council goes outside of the agenda that the public has no knowledge of or advanced notice of, then the Council could be on thin ice. Councilman Morris said he was glad this was brought up because the process to add items to the agenda before it is publicized and therefore, adopted, is flawed. If three Council members ask for a topic to be discussed on the agenda, then nobody but those three members or the majority of the Council when the approval of the agenda is voted upon should be allowed to remove that topic. If this is not discussed, then the system will continue to be flawed and there will be conflict between the Council and Mayor and the town's staff.

The Mayor suggested discussing the process of the agenda now and tabling the other two items until the next Council meeting. Councilman Morris replied that the Police Academy started in January, so the process should start now but said he understood Mr. Crewe's point. Mr. Crewe replied that he represented the town as a whole and understood Councilman Morris' objection to the current process, but he is not sure how substantial the proposed change is and what Councilman Morris is wanting, but if the public did not know this would be on the agenda, then

this could be flawed. Councilman Morris asked if the Council could leave these items on the agenda, discuss them and not take any action and then call a special meeting or discuss these topics at the next meeting to be more in step for FOIA by not taking any action. Mr. Crewe said that if the public had the opportunity for input and knows ahead of time that something is going to be discussed, then the Council should be covered. His concern is that the Council would get cited for a FOIA misstep. Councilman Orr said he just did not want a public spectacle like what happened with the former Police Chief.

The Mayor asked for a motion to approve the agenda as changed. No motion was made.

Councilman Morris then made a motion to approve the agenda without the changes. Councilman Surber seconded, and all were in favor.

Old Business

1. Paleontology agreement

Councilman Orr stated that the paperwork had not been completed by ETSU yet, so this needed to be tabled.

2. Truck parking

Acting Police Chief Erik Puckett said that the new signs were working and there had been no big truck parking on those lots like Mr. Ratcliff had mentioned during Citizens' Time.

New Business

1. Town and/or property owner maintenance responsibilities

Councilman Robinson stated that the town's policy is to provide maintenance up to the homeowner's property line. Due to insurance regulations, that is all the town is responsible for. This does not include brush pick-up or working on water meters, but the town cannot fix problems on the homeowner's property, and that is the policy that has always been in place. Councilman Morris said he understood the town helping if a pressure reducer is in the meter box since that lies in the town's right-of-way, but as part of the upcoming water project, all pressure reducer valves should be placed outside of the town's right-of-way, and, therefore,

outside of the town's responsibility. He had an issue with his water pressure when Veolia was with the town, and they told him it was his valve and his responsibility.

The Mayor asked Councilman Robinson if he was referencing drain pipes, and he said drain pipes and other things. The Mayor then said it was his suggestion to have the Water/Sewer Committee discuss the item involving the pressure reducers and the Streets & Roads Committee discuss the drain pipes. Mr. Henderson said it was his opinion that town maintenance needed to stop at the property line. If the drain belongs to the town, then the town will take care of it. Referencing the drain that Councilman Robinson mentioned, he said he believes that was a private driveway, and the town should not fix it. Councilman Morris asked if anything under the town's control was causing this drain blockage, and Mr. Henderson replied he did not think it was. The Mayor repeated his suggestion that these issues needed to be taken to the committees.

Mr. Crewe said the town did not need to do any work on private property without the owner's consent. Councilman Call asked about the town going on private property to mow. Mr. Crewe replied that the town mowed property pursuant to the town's ordinance and sent out a notice stating that the town will mow it if the property owner does not. The town is not getting permission but is enforcing the ordinance. Councilman Surber mentioned that the town received a check recently where it had mowed a yard, and Mr. Johnson said that was for a property in the Government Plant that the town mowed twice. Mr. Crewe suggested using the state rates for machinery to figure in any cost of mowing these yards. Mr. Johnson said that for this particular yard, the town charged fifty dollars per mowing since it was not that big. This was the first time the town had received a check for mowing, but the normal procedure is to put a lien on the property. Councilman Morris also suggested using the state rates.

Councilman Surber asked if the town could go on people's property during the winter months and pick up tree limbs that may fall. Mr. Crewe said he did not know the situation, but the town should not go on people's property without the owner's permission, but if a tree falls and is blocking the street, then it could be moved, especially if it is blocking access to a water or sewer line. Councilman Surber asked if the town crew could bring equipment to someone's property and do work. Mr. Crewe replied that they could, but they would still need the permission of the property owner.

2. Employees or town officials contacting the town's legal counsel

Councilman Morris stated that recently a member of one of the town's committees contacted Mr. Crewe seeking legal advice on behalf of the town and it was his opinion that due to that committee member not having any authority or anyone to answer to, he probably should not have called the attorney. The issue is that the town has no guidelines as to who can contact the attorney, and whenever the attorney is contacted, there is a charge involved. He suggests that any member of the Council, the Mayor, department head (Town Manager and Clerk/Treasurer), and Chair of the SIDA be the only ones to contact the attorney. Councilman Surber said he

thought the Town Manager should be the one to contact the attorney unless there's some kind of emergency.

Councilman Call said he would like to call the attorney if he had a question that he wanted answered or if a citizen asked him something that he did not the answer to, then he would like to call the attorney, then, too. Councilman Morris agreed and said he thought any elected official should call the attorney if there are questions they wanted answered. Councilman Call said he felt this was aimed at one person and was a little foolish, and Councilman Morris said he did not want this to become an issue since the town is billed when the attorney is called. Mr. Crewe said that he had calls from several Council members and the town staff in the years he had worked for the town in addition to receiving calls from SIDA members regarding legal matters involving the SIDA. The caller Councilman Morris is referencing is a member of the SIDA who asked a procedural question. Mr. Crewe said it was his opinion that this call did not put anyone in a bad light, and he thought that the call was going to be about SIDA issues. It turned out that the call had nothing to do with the SIDA but concerned one of the town's committees.

Councilman Morris said the bottom line for him was that people on the town's committees should not call the attorney for legal advice on behalf of the town. Mr. Crewe said that the caller asked a procedural question, and he referred him to the Town Manager. Councilman Morris then made a motion that only the town's elected officials, the department heads, the Town Manager and the Clerk/Treasurer, and the SIDA Chair be the only ones allowed to contact the town's legal counsel on behalf of the Town of Saltville. Councilman Surber seconded, and the motion carried 3-2 with Councilmen Robinson, Morris, and Surber voting yes and Councilmen Call and Orr voting no.

3. EMS, Inc. report

Gary Johnson spoke on the following:

- 1) The weekly meetings with Mr. Martin, Mr. Henderson, and the EMS staff continue.
- 2) Under the wastewater treatment heading, the DEQ report for September has been submitted and included two overflows. The cover over the sludge hopper will be finished soon.
- 3) Under the water treatment heading, the Health Department report was submitted for September.
- 4) Per the water distribution system, the accountability continues to improve.
- 5) The next meeting with the engineers for the upcoming water project is October 29th.
- 6) The lead and copper data has been given to the homeowners and the certification letter was sent to the Health Department.

7) The contracts for water tank maintenance are still being reviewed so they can fall in line with Health Department specifications.

Town Manager's Report

Mr. Martin spoke on the following:

- 1) The sewer project is about 99% complete, and DEQ is pleased with the work.
- 2) The Comprehensive Plan rewrite is in full swing. The next meeting is October 15th.
- 3) The attorney and the town staff had the first conference call with Muni-Code after the first draft of the Town Code was received. The second draft should be ready by the end of the year.
- 4) Student Government Day will be October 23rd.
- 5) The town staff and the Chair of the Water/Sewer Committee met with the company doing the water tank inspections. They provided the town a quote of \$3600 for visual inspection and a written report that will ensure compliance with Health Department regulations. This will be undertaken over several budget cycles.

Councilman Morris made a motion to accept the \$3600 quote, and Councilman Orr seconded. All were in favor.

- 6) The annual bridge inspections for VDOT will be undertaken soon.
- 7) The town will meet with Mike Pulice, the Regional Architectural Historian with the Department of Historic Resources to discuss funding opportunities for the Stuart Cabin.
- 8) The Conservation Camp that was mentioned during Citizens' Time by Ms. Henderson will be held on October 16th and 17th at the outdoor classroom at the new playground.
- 9) Last Friday, Rich Valley Elementary School has its entire fifth grade population at the outdoor classroom which will help with their SOLs.

Committee Reports

Councilman Morris scheduled a meeting of the *Well Fields, Parks & Recreation, Wave Pool, and Salt Trail Committee*, but he said that only two members attended which means there was no official quorum, so there's no official report to give. There were non-committee members present so Councilman Morris let them voice any concerns and ideas.

Councilman Robinson's Committee, *Library, Historical & Cultural, and Health & Beautification*, also met and asked him to ask the permission of the Council to have a so-called Spring Fling next year in late May with food and craft vendors. The possibility of having a beer garden at this event was also discussed. The committee also wants to take care of the issues at the Palmer Mill so that venue can be used for plays and other things. The Mayor asked if the county inspector had been through the Palmer Mill yet, and Mr. Martin said that Bud Owens had put together a basic generic list of what needed to be done. The first step needs to be cleaning out the structure.

Councilman Robinson said everything was still in the planning phase, so he made a motion for the discussion to continue. Councilman Morris seconded. During the discussion, Councilman Call said he had reservations about the beer garden aspect of the Spring Fling, and if he voted against this event that would be why. The motion then carried 4-1 with Councilman Call dissenting.

Police Chief's Report

Acting Chief Puckett spoke on the following:

- 1) The last full working day for the entire inmate program is October 31, 2018. There will be just one crew for the winter.
- 2) The pursuit policy was reinstated on September 25th with no changes to it. It was reinstated so the department could assist other agencies and cover the town and it should prevent offenders running for no reason. Councilman Surber thanked Mr. Puckett for reinstating the policy saying that once it gets around that the town will no longer pursue possible offenders, these offenders will challenge it. Councilman Morris asked if the current officers had reviewed the policy yet, and Mr. Puckett said they had and signed off stating as such.
- 3) The trucks have stopped parking across from Greg's Home and Auto and on the parking lots as was mentioned by Mr. Ratcliff during Citizens' Time.

4) Regarding the buzzards at the playground area, the town had a permit a few years ago to eliminate them, but the problem is that when they leave one area, they just go to another. You can kill up to fifteen black buzzards and fifteen turkey buzzards. The town has to have the federal permit because buzzards are a protected species, and he will look into getting another permit.

5) The Trunk-or-Treat will be on October 31st.

6) There will be a drug take-back on October 27th from 10:00 a.m. until 2:00 p.m. Anyone wanting to dispose of any drugs can do it then or they can drop them in the box in the Town Hall at any time.

Maintenance Report

Mr. Henderson spoke on the following:

1) A four-foot piece of pipe was replaced on Fourth Avenue.

2) The pumps on Rt. 634 malfunctioned and caused the pits and control room to flood, but it has been fixed.

3) On September 27th, there was an overflow at the Rt. 91 station during the heavy rain causing the flow to increase by over 600,000 gallons during a twenty-four hour period.

4) The hydrants have been flushed.

5) New injection points have been made for the chlorine and fluoride at the Cardwell Town Well and the #10 Well.

6) The old backhoe and the trash truck have been sold.

7) The clearing job on Battleground Avenue has been finished, and the remnants from the burn pile at the old town shop have been taken away.

8) Councilman Call asked when the pool would be cleaned up with the chairs and umbrellas taken away since the pool was closed over a month ago. Mr. Henderson said it would be drained shortly and the inmates would help with the cleanup.

Fire Department Report

Department member Gerald Arnold told the Council that they had four calls in the town last month including two vehicle accidents and two downed trees. There were seven calls in the county including two vehicle accidents, two assists, two structure fires, and one downed tree. He invited everyone to the BINGO on the 10th when t-shirts will be given away and a possible \$10,000 prize could be awarded.

Closed Session

Councilman Morris made a motion to enter Closed Session in accordance with the Code of Virginia, Section 2.2-3711(A)(7) for 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. Councilman Robinson seconded, and all were in favor.

After exiting Closed Session, Councilman Morris 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 Call seconded, and the roll call vote was 5-0 in the affirmative.

Councilman Orr made a motion to have the Town Attorney proceed with the legal action discussed in Closed Session. Councilman Morris seconded, and all were in favor.

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

