

MAY 13TH, 2024 MEETING MINUTES

A meeting of the Rich Creek Town Council was held on Monday, May 13th, 2024, at 6:00 PM in Council Chambers, located at 250 Old Virginia Avenue, Rich Creek, Virginia, with the following individuals present:

Roger Jones, Mayor
Mark Clemons, Council
Mervin Swartout, Town Manager
Helen Swartout

Stuart Helm, Council
Darlene French, Council
Steve Buckland, Police Chief

William Kantsios, Council
Joyce Crawford, Council
Warren Wilson, RCVFD

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Jones opened the meeting followed by the Invocation and the Pledge of Allegiance.

APPROVAL OF THE APRIL 8TH, 2024 MEETING MINUTES

Mrs. Crawford asked Chief Buckland what kind of special tags Mr. Sean McKlarney has on his company dump trucks and he said apportioned tags, explaining the tags allow the trucks to travel across state line for jobs. She asked him if he can enforce the town license fees be paid on these trucks and he said "yes", explaining the town license fee is supported by town code and applies to all vehicles garaged in the town limits. He said Mr. McKlarney's dump trucks are parked on his property he owns on Old Virginia Avenue, so he is not exempt from paying the town license fee. Mayor Jones said when he met with Mr. McKlarney a few years ago, Mr. McKlarney's trucks had WV tags and he agreed to pay the town license fee yearly and transfer the WV tags to VA, as the current tags expired, however, Mr. McKlarney purchased apportioned tags. Mayor Jones asked the Clerk if Mr. McKlarney was invoiced for the fees this year and she said "yes" he would have been sent an invoice for the license fees. **Mr. Kantsios moved to approve the minutes of the April 8, 2024 meeting, and the motion was seconded by Mrs. French. The motion was approved unanimously (5-0) by the following voting YES: Mrs. French, Mr. Kantsios, Mr. Helm, Mr. Clemons and Mrs. Crawford.**

PUBLIC COMMENT

Mr. Warren Wilson said the traffic flow and the number of tractor trailers traveling to and from the JennMar Corporation, on Powell Mountain Road, has increased over the past years and the road needs repair/resurfacing. He requested the Town contact the Virginia Department of Transportation (VDOT) and request the road be paved from the intersection of Old Virginia and Powell Mountain Road up to the JennMar Corporation exit. Mr. Swartout said VDOT is currently repairing Rt. 219 and they are telling him they will be repairing all the roads in the Spring/Summer. He said they have been prompt in addressing some of the current needs he has requested, explaining he will speak to them about Mr. Wilson's request. Mrs. French asked Mr. Swartout to request they also review the Old Peterstown Road and make repairs.

Mrs. Helen Swartout commended the town work crew for assisting her neighbor recently, with a sewer problem. She said the neighbor greatly appreciated their quick response and assistance.

RICH CREEK VOLUNTEER FIRE DEPARTMENT-Warren Wilson

- The Treasurer & Activity Reports were reviewed.
- Car Accidents 1 Training 2 Assist Rescue: 2 Total Hours: 56
- Mr. Wilson said the size of the brush pile has gotten out of hand. He said someone has been dumping "trees" and large loads of mulch, which appear to be from a contractor's business and the site is for grass clippings, leaves, small limbs, and no trees or large loads of mulch. He said the department is finding it much harder to control the site and burning of the brush. Mayor Jones said a new camera is scheduled to be installed at the community center to better monitor the site and he would suggest a fence and gate be installed to require anyone using the site, pick up a key from the town office so the staff can view what is being dumped there. There was some discussion of how better to control what is dumped at the site. Mr. Kantsios said not all residents have a way to transport the brush, grass clippings, etc. to the site and he would like Council consider implementing a brush pick-up service for the Rich Creek residents. Mayor Jones suggested Council table the discussion and bring back suggestions for further consideration at the June meeting.

- Mr. Wilson said he was told the reason individuals were being written police citations for parking the wrong direction along the streets, is due to the fire department complaining and Chief Buckland said there has been no mention of the fire department, explaining when a citation is issued, people start complaining and talking.

OLD BUSINESS

A. UPDATE ON THE RICH CREEK COMPREHENSIVE PLAN

There was some discussion regarding the status of the RC Comprehensive Plan and Mr. Swartout said the last he heard, the draft plan would be reviewed by VDOT and then presented to Council June/July. The Clerk said she would contact Bethany Peters, New River Valley Regional Commission, to get an update.

Mr. Wilson said the Town of Glen Lyn has halted the activities of the Glen Lyn Fire Department and Mr. Wilson said Rich Creek and Narrows Fire Departments are currently being dispatched for any emergency needs in Glen Lyn, until the concerns are resolved. He said his department has inventoried where each fire hydrant is in Glen Lyn and provided Mr. Swartout with a copy, for the Town's records. Mr. Wilson said he understands there are concerns surrounding the Glen Lyn Fire Department so their Town Council has suspended the department activity until an audit of the books has been completed and an investigation is completed. Mr. Helm asked who was notified and Mr. Wilson said the Giles County Emergency Services Coordinator (GCESC), John Butler, was contacted and asked to provide emergency services coverage until the Glen Lyn Council's concerns are resolved. Mr. Helm said he believes the Code of Virginia requires a municipality provide fire emergency services to their citizens and Mayor Jones said the mutual aid agreement doesn't apply in this situation. He said he would need to know the Rich Creek Fire Department members and their equipment is protected and covered by the town's insurance. Mr. Wilson said the members, trucks and equipment are covered by Giles County, should there be an incident, because the county supplies the majority of their operating budget. Mr. Clemons asked why Rich Creek has to provide a fire department when they could do the same and rely on the other towns or County for emergency service coverage and Mr. Wilson said if Glen Lyn doesn't activate their fire department, he understands they would have to relinquish their charter. Council agreed Rich Creek should have been contacted prior of the problems and Mr. Clemons asked Mr. Swartout if he was contacted and he said Mayor Jones and himself spoke with Mr. Howard Spencer, after the fact, but no official notification was received from the Town of Glen Lyn. Mr. Kantsios asked why Giles County didn't contact Rich Creek, prior to making their decision. Mayor Jones said Rich Creek should be compensated for providing emergency services to the Town of Glen Lyn residents and Mr. Wilson said there have been conversations about it. Council members agreed they should have been contacted prior to the county's decision to provide emergency services to Glen Lyn and Mr. Wilson said he hopes it doesn't last very long.

B. UPDATE ON THE NEW FIRE HALL

Mayor Jones said Council approved the proposal from ForeSight Design Services at their last meeting, however Premier Group has decided to submit their proposal for the work at \$17,000. He said the proposal is lower than ForeSight's proposal of \$22,500 and Mrs. Crawford asked Mayor Jones if there was a deadline for the proposals to be submitted and he said "no". Mr. Swartout said the third-party review has been completed by TMar and copies of the review have been submitted to all parties involved. Mayor Jones said all parties are in agreement and copies of the geotechnical design and site plan will need to be submitted to the GCBOS to obtain the permit.

C. UPDATE ON THE LEAD & COPPER SURVEY GRANT

Mr. Swartout said a progress meeting is scheduled this week, to review the status of the study and everything requested from the Town has been provided. He said Nina (CHA), has located the maps of the Midway water system to identify some of the information they need, and they are ready to begin the on-site field work and to distribute surveys for customer engagement and public outreach. Mayor Jones said Stevie Steele (CHA Companies) reported to him the study is on schedule and will be completed by the October 2024 deadline.

Mr. Kantsios asked Mr. Swartout the status of the public works department employee's obtaining their Commercial Driver's License and he said the employees have the paperwork and he has requested they obtain the license but due to the workload, there has not been time to get it done. Mayor Jones asked the status of Mr. Riner's sitting for the water exam and Mrs. Crawford asked why it is taking so long for the employees to get the licensure and Mr. Swartout said they have had water leaks and other things delaying the process.

NEW BUSINESS

A. CONSIDERATION OF THE OPTIMUM CABLE FRANCHISE RENEWAL

Mr. Swartout said Council would need to set a date for a public hearing before the contract can be approved. Mayor Jones said he was told Giles County has some concerns with the contract and have not approved the contract. After some discussion, Council agreed to table until Mr. Swartout can gather more information.

B. CONSIDERATION OF UPGRADING THE CAMERAS AT WOODLAND PARK/CEMETERY

Mr. Swartout said there have been problems with the internet service for the cameras at the park/cemetery dropping off, due to the tree coverage, and he estimates the cost to upgrade the system (i.e. recording memory, additional cameras, etc.) at \$5K. Discussion: Mr. Swartout reported the conduit has been installed and the cameras have not been hard wired yet. Mr. Helm suggested the camera installation be completed so they will know if the internet service is sufficient. Mr. Swartout said if the internet service provided by WVVA is not available, due to the issues with the tree coverage, he has found the Verizon service works well at the park and cemetery. There was discussion regarding the problems reported to Council about incidents at the park/cemetery and the need for the cameras to be working properly. Mayor Jones tabled the discussion until the planned camera hard wiring is completed.

C. CONSIDERATION OF DATE FOR A BUDGET WORKSHOP

Tabled.

Mrs. Crawford said she has received complaints about the location where Officer Broyles is parking the blue police cruiser and being parked too close to the intersection/roadway, near the officer's residence. Council discussed some options to consider and it was agreed the employee is parking on town property and it is not impeding the motorist's view. Mr. Swartout said parking the vehicle in the triangle is the best solution and Council agreed the vehicle be parked further back from the intersection, to not impede traffic flow.

Mr. Kantsios suggested a second clean-up week be considered in the fall and Mr. Helm said he would suggest Council review the labor and all related expenses involved, before deciding. Mayor Jones said he would recommend checking with the public works department to see how heavy the workload is in the fall of the year and there was further discussion on the possibility of picking up brush, leaves, etc. curb side for the town residents. Mr. Kantsios said not all residents have the convenience of a pickup truck or trailer to haul the brush to the town's drop off site. Council agreed to table the discussion until the study information is gathered.

TOWN ADMINISTRATION REPORTS

CHIEF OF POLICE-Steve Buckland

April 2024 Activity Report

Accident Investigations: 0	Alarm Activations: 0	Animal Complaints: 1	Arrest: 2
Assist to Citizens: 1	Assist to Other Agencies: 1	Bulletins Received: 3	Court Related Activities: 35
Criminal/Narcotic Investigations: 10	Disturbance Calls: 1	Fire/Rescue Calls: 1	
Property/Business Checks: 82	Reports Submitted: 5	TDO Transports: 0	
Training Activities: 195 hours	Town Ordinance Violations Investigated: 5		

- Officer Broyles has completed his required field training and is scheduled to begin the police academy in late June. Chief Buckland said Officer Broyles is doing a great job in field training.
- Chief Buckland said town code does not allow farm animals in town limits and a homeowner on Giles Avenue has chickens and claims they are emotional support animals for her children.
- Chief Buckland reported the Giles County Commonwealth Attorney (GCCA) has exempted himself from the legal proceedings between the town and Premier Group owner, Sean McKlarney; saying the GCCA says his representation would be a conflict of interest and Chief Buckland said the GCCA is reluctant to enforce the Rich Creek Town Code, because he is the Giles County Administrator's brother. Mayor Jones asked Chief Buckland how the Town was selected for the Department of Motor Vehicles (DMV) Pilot program, and he said he met with the GCCA and DMV representative to discuss the problems Rich Creek experiences with out-of-state automobile

owners living in Rich Creek and failing to transfer their license and paying the vehicle license fee, after moving to the town. He said the DMV representative suggested utilizing the new forms, to inform auto owners of the state law requiring them to transfer their licenses, on a trial basis and the GCCA said he would enforce any violations of Virginia and Rich Creek Code presented him.

PSA REPORT-Stuart Helm

- The solid waste fees will increase to \$1.50 per month. The current bill is \$36 and the new rate will be \$39 for two months' solid waste service.
- The Virginia Department of Health has informed Giles County of funds available in the Virginia Revolving Fund to pay the customer side of the water line replacement, due to the Lead & Copper project requirements.
- Mr. Kantsios asked how many years are left of the Giles County PSA/Town of Pearisburg User Agreement and Mr. Helm said 6-7 years before renegotiations of the contracts.

TOWN MANAGER'S REPORT-Mervin Swartout

- April water loss: 9.7%
- Wintergreen Commons Apartments Available for rent: 0 No update available on the status of the head start program continuations at the facility.
- Mr. Swartout said he has been unsuccessful in getting quotes from the contact(s) he was provided relating to the construction of a pickleball court at Woodland Park. Mr. Helm said Council opted to go with less expensive route and apply a sealant to the tennis court surface and he suggested they may revisit the discussion and consider resurfacing the tennis court, to include a pickleball court.
- Mr. Swartout said he has contacted various contractors, requesting a quote on a fire suppression system at the town office, with very little response. Mr. Helm suggested Mr. Swartout keep calling the contractors until they provide the information needed and he said he has left messages, with no response.
- VDOT working on Rich Creek submitted work orders, with much work still left to complete.
- Mr. Swartout said he will be leaving later this evening to attend a flood zone training session May 14-16, in Emporia, VA.
- Current Real & Personal Property tax collection rate is currently at 99%.
- A large water service line break on Buckland Lane was repaired recently.
- Giles County Building Official (GCBO) has delayed the opening of the new tire shop in the Walgreen's building. Mrs. French asked the reason for the delay and Mr. Swartout said the property is located within the flood zone. Mayor Jones said when he was Town Manager, he was only required to let the GCBO know if the property is located within the flood zone. He said he has requested Mr. John Ross (GCBO) and Mr. John Lawson, Giles County Board of Supervisor, to attend the next meeting of council to answer some concerns of Council. Mr. Helm suggested the Rich Creek Planning Commission members be asked to attend the meeting.

TREASURER'S REPORT-Pam Kantsios

Balance as of April 1, 2024	\$476,294.16
Receipts	171,225.59
Expenses	<u>165,869.15</u>
Balance as of April 30, 2024	\$481,650.60
Balance as of April 30, 2023	\$494,761.70

CERTIFICATE ZONING COMPLIANCE ISSUED

350 Old Virginia Avenue	Change of Use
609 Woodland Road	Construction of porch/deck

Tax Collection Report

As of April 30, 2024	99%
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- Virginia Risk Sharing Association Insurance Premiums have increased 14.5%
- The Local Choice-health insurance benefits have increased 5%

PAYMENT OF THE BILLS

Mr. Kantsios asked about the purchase of a propane torch and other various tools and Mr. Swartout said there are tools the employees have been unable to locate, so they are currently inventorying to see what tools are needed and also entering the data into the asset management software. **Mr. Kantsios moved to approve payment of the bills, presented in the amount of \$54,892.86, and the motion was seconded by Mrs. Crawford. The motion was approved unanimously (5-0) by the following roll call vote: Mrs. French, YES; Mr. Kantsios, YES; Mr. Helm, YES; Mr. Clemons, YES; and Mrs. Crawford, YES.**

The Clerk said an individual has requested permission to pick the cherries from the trees along Knob Street and it was agreed they may pick the fruit, at their own risk.

EXECUTIVE SESSION

Mr. Helm moved that Council convene in Executive Session for personnel matters, as allowed by VA Code §2.2-3711, A1, Personnel, to discuss the Town Manager's job performance review and also VA Code §2.2-3711, A7 Legal Matters to discuss pending litigation and the motion was seconded by Mrs. Crawford. Approved unanimously (5-0) by the following roll call vote: Mrs. French, YES, Mr. Kantsios, YES; Mr. Helm, YES; Mrs. Crawford, YES; and Mr. Clemons, YES.

Mr. Kantsios moved to return to Regular Session and affirmed that the only thing discussed in Executive Session was personnel matters, as stated in the motion and the motion was seconded by Mr. Helm. Approved unanimously (5-0) by the following roll call vote: Mrs. French, YES; Mr. Kantsios, YES; Mr. Helm, YES; Mrs. Crawford, YES; and Mr. Clemons, YES.

Mayor Jones said the minutes need to reflect that Mr. Swartout's employment is not going to be continued, stating tonight was Mr. Swartout's last evaluation and it didn't go well.

Mayor Jones asked Council if they would like for him to meet with Mr. McKlarney and see if he can negotiate a solution to settle the situation and avoid court litigations, with it being clear that Mr. McKlarney would be required to pay the town license fees. **Mrs. Crawford made the motion that Mayor Jones contact Mr. Sean McKlarney, and negotiate a solution to settle the situation and avoid going to court, with him agreeing to pay the town vehicle license fees and the motion was seconded by Mr. Clemons. The motion was approved unanimously (5-0) by the following voting YES: Mrs. French, Mr. Kantsios, Mr. Helm, Mr. Clemons and Mrs. Crawford.**

Mayor Jones requested the Clerk to provide the ad for the Town Manager position advertised the last time.

Due to the late hour, Mayor Jones suggested Council Recess the meeting until Thursday, May 16, 2024 at 6:00 PM

Due to the late hour of 10:00 PM, Mr. Helm made a motion to Recess the meeting until Thursday, May 16, 2024 at 6:00 PM and the motion was seconded by Mrs. Crawford. The motion was approved unanimously (5-0) by the following voting YES: Mrs. French, Mr. Kantsios, Mr. Helm, Mr. Clemons and Mrs. Crawford.

Roger Jones, Mayor

Pamela Kantsios, Town Clerk

MAY 16, 2024 RECESSED MEETING MINUTES

The Recessed meeting of the Rich Creek Town Council was held on Thursday, May 16, 2024 at 6:00 PM in Council 's Chambers located at 250 Old Virginia Avenue, Rich Creek VA and the following people was present:

Roger Jones, Mayor
Mark Clemons, Council
Steve Buckland, Chief of Police

Stuart Helm, Council
William Kantsios, Council

Joyce Crawford, Council
Mark Clemons, Council

Council reviewed the previous town manager (trainee) job advertisement, Council approved the following Town Manager position ad:

The Town of Rich Creek is seeking an enthusiastic career minded individual desiring the position of Town Manager. Candidates are asked to submit a cover letter, resume and job application addressed to the attention of Mayor Roger Jones, PO Box 65, Rich Creek VA 24147.

An application and job description for the Town Manager position is available at www.richcreek.org.

The Town of Rich Creek is an Equal Opportunity Employer. Salary is commensurate with experience and qualifications.

Application Deadline: Open Until Filled

Position Type: Full Time w/benefits

There was discussion on the operations in the town and Mayor Jones said since the separation of Mr. Swartout's employment, there is no supervision of the various departments and he stated he doesn't have the time to fill in until Council can hire a new Town Manager. Council members agreed to assist as much as possible. Mayor Jones presented a list to suggest how each member of Council may assist in the operations of the town:

Mayor Jones:

General oversight of all departments, fire hall project, coordination, prioritize and assign workload as needed

Mrs. Crawford:

Streets to include flower beds, mowing, streetlights, requests for VDOT

Mr. Clemons:

PSA functions, camera systems, overall security concerns

Mr. Helm:

PSA functions, zoning, town ordinance issues

Mr. Kantsios:

Computer system issues, regional planning commission member

Mrs. French:

Park and cemetery, Christmas decorations

Mr. Kantsios said the Town Clerk has the most experience and is very familiar with what needs to be done and suggested she be compensated for the additional responsibility and let her oversee the other departments. Mayor Jones said there are two suggestions and asked for any comments. Mr. Helm said the Clerk does a great job and his concern would be the additional responsibility would limit her from her current duties. Mayor Jones said he will agree to coordinate with the public works department and assist with prioritizing their daily workload until a Town Manager is hired and each Council member would be responsible for the items listed on the list he presented.

Council reviewed the Current, Estimated and Recommended budgeted figures.

Mayor Jones said he met with the owner of Premier Group, Mr. Sean McKlarney and he has reconsidered and decided he will submit a proposal for the new fire hall project site plan. He suggested Council delay two weeks, the awarding of the contract to Foresight Design Services/Gay & Neel, Inc., to allow for Premier Group to submit a proposal for consideration.

Mr. Helm made a motion to postpone the awarding of the site plan contract for two weeks, to allow for Premier Group to submit a proposal and the motion was seconded by Mrs. Crawford. The motion was approved unanimously (5-0) by the following roll call vote: Mrs. French, YES; Mr. Kantsios, YES; Mr. Helm, YES; Mr. Clemons, YES; and Mrs. Crawford, YES.

Mayor Jones suggested Council review the budget spreadsheet provided and the consensus of Council was for a called meeting to be requested for Wednesday, May 29th, 2024 at 6:00 PM to further review the budget and agree to advertise for a public hearing and adoption of the 2024/2025 Operating Budget.

With no further business to discuss, Council adjourned at 9:00 PM.

Roger Jones, Mayor

Pamela Kantsios, Clerk

CALLED MEETING OF MAY 29, 2024 MINUTES

A called meeting of the Rich Creek Town Council was held on Wednesday, May 29, 2024 at 6:00 PM in Council Chambers Located at 250 Old Virginia Avenue, Rich Creek, Virginia, with the following individuals present:

Roger Jones, Mayor
Darlene French, Council

Joyce Crawford, Council
William Kantsios, Council

Stuart Helm, Council
Steve Buckland, Chief of Police

Absent: Mark Clemons, Council

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Jones opened the meeting followed by the Invocation and the Pledge of Allegiance.

BUDGET WORKSHOP

Council reviewed the General Fund, Water/Sewer Fund and Glen Creek STP proposed operating budgets and it was noted the Celco Federal Credit Union has increased the amount per month rent of the ATM machine from \$100 to \$200 per month and the budget was amended to make the change.

EXECUTIVE SESSION

Mrs. Crawford moved that Council convene in Executive Session for personnel matters, as allowed by VA Code §2.2-3711, A1, Personnel, to discuss employee salaries and the motion was seconded by Mrs. French. Approved unanimously (5-0) by the following roll call vote: Mrs. French, YES, Mr. Kantsios, YES; Mr. Helm, YES; and Mrs. Crawford.

Mrs. Crawford moved to return to Regular Session and affirmed that the only thing discussed in Executive Session was personnel matters, as stated in the motion and the motion was seconded by Mr. Helm. Approved unanimously (5-0) by the following roll call vote: Mrs. French, YES; Mr. Kantsios, YES; Mr. Helm, YES; and Mrs. Crawford, YES.

Mrs. Crawford made a motion to approve a 4% cost of living increase to all employees of the Town and the motion was seconded by Mrs. French. Approved unanimously (5-0) by the following roll call vote: Mrs. French, YES; Mr. Kantsios, YES; Mr. Helm, YES; and Mrs. Crawford, YES.

Mayor Jones requested the Clerk amend the salaries and benefits in the budget to reflect the increase and advertise the proposed 2024/2025 Operating Budget, with the Public Hearing scheduled for Monday, June 24, 2024 at 6:00 PM.

Mr. Helm confirmed the proposed budget includes no increases to Personal or Real Property taxes, transient tax, meals tax, cigarette tax, water/sewer rates, etc. and Mayor Jones confirmed there are no increases proposed in the 2024/2025 Operating Budget. Mr. Helm requested the Clerk note there are no increases proposed in the advertisement.

With no further business to discuss, Council adjourned at 7:20 PM.

Roger Jones, Mayor

Pamela Kantsios, Clerk