

DECEMBER 11TH, 2023 MEETING MINUTES

A meeting of the Rich Creek Town Council was held on Monday, December 11th, 2023, 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
Debbie Morris, Asst. Clerk
Warren Wilson, RCVFD
Ann Chambers

Stuart Helm, Council
Darlene French, Council
Steve Buckland, Police Chief
Stevie Steele, CHA Inc.

Dorsey Bradley, Council
Joyce Crawford, Council
William Kantsios
Sherry Gautier, Giles Co. Clerk

Absent: Mervin Swartout, Town Manager

INVOCATION/PLEDGE OF ALLEGIANCE

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

OATH OF OFFICE-Mrs. Sherry Gautier, Giles County Clerk of the Courts

Mrs. Sherry Gautier administered the oath of office to Rich Creek Town Council members, for terms beginning January 1, 2024, through December 31, 2027, to Mrs. Darlene French, Mr. Stuart Helm and Mr. William Kantsios. Mayor Jones recognized and thanked Mr. Dorsey Bradley for his terms served on the Rich Creek Town Council and welcomed Mr. William Kantsios back to serve on town council.

APPROVAL OF THE NOVEMBER 13TH, 2023 MEETING MINUTES

Mrs. Crawford moved to approve the minutes of the November 13th, 2023, meeting, and the motion was seconded by Mr. Helm. The motion was approved unanimously (5-0) by the following voting YES: Mrs. French, Mr. Bradley, Mr. Helm, Mr. Clemons and Mrs. Crawford.

RICH CREEK VOLUNTEER FIRE DEPARTMENT-Warren Wilson

November Activity Report:

Car Accidents: 3 Call Hours: 11 hours 55 minutes

- Mr. Wilson reported the department members have participated in additional pump training.
- Mr. Wilson said one of the department's long-term members, Mr. Chris Thornton, has been recently diagnosed with cancer and has served in the department for 25+ years. He said, if okay with Council, the department would like to recognize Mr. Thornton for his many certifications he has achieved and appoint him as a lifetime fireman, during the Rich Creek Christmas dinner.

Mrs. Crawford said Council members are sorry things haven't worked out the way the fire department members would like with the progress made on the new fire department plans and she noted that she was offended by Mr. Wilson's remarks made at the last meeting of council. Mr. Clemons said he agreed and stated he takes his position seriously and makes his decisions based on what he believes is in the best interest of all the town residents. Mr. Wilson apologized and said his comments weren't intended to offend anyone and he was speaking based on how the department members have felt Council members have not been supportive of their interests and ideas, but he would agree they need to work together and not against each other.

PUBLIC COMMENT

Mrs. Anne Chambers said she recently purchased a home in Rich Creek and before she moved into the home, she received a very large water bill, due to a faulty commode. She asked if the Council would consider an adjustment to the bill. Mayor Jones thanked her and said Council will review her account information and decide later in the meeting.

Mr. Stevie Steele, CHA engineer, said the grant he submitted, on behalf of the Town, has been awarded in the amount of \$100K to fund the Virginia Department of Health lead and copper study on the town's water service lines. He said Council would need to decide if they want to accept the funding and then they would advertise a Request for Proposals (RFP) for Lead Service Line Inventory Program Management and all interested parties would submit a RFP to the town, for

consideration of performing the study for the town. Mr. Helm asked him to clarify how much the work would cost the property owners and Mr. Steele said the grant funds will cover the homeowner and the town's expenses, for the lead and copper study/work.

OLD BUSINESS

A. UPDATE ON THE RICH CREEK COMPREHENSIVE PLAN

The next Rich Creek Planning Commission meeting is scheduled for Tuesday, January 16th, 2024 at 6:00 PM and the next focus group will meet on Tuesday, January 23rd, 2024 at 6:00 PM.

B. UPDATE ON THE NEW FIRE HALL

Mr. Jones said TMar Engineering is reviewing the plans for the new fire department and has submitted a few questions to the architect, for clarification.

C. UPDATE ON THE GAMING MACHINES

Officer Buckland said the machines are illegal and the machines located in the Town are no longer in service.

D. CONSIDERATION OF LAND EASEMENT FROM UNITED HYDRAULICS

No update available currently.

E. DISCUSSION CONCERNING THE ISLAND STREET LOT

Mayor Jones said Mr. Swartout's report says he is checking to see if there is any interest from the pipeline workers in available sites to park their campers, before moving forward with installing the utility connections. Officer Buckland said he was told Monroe County health department officials may be requiring the camp sites in Monroe County be eliminated and this may open the need for the sites in Rich Creek. Mayor Jones said the Council voted and approved, at their last meeting, to move forward with the installation of the camper site utility connections and he wasn't sure why Mr. Swartout had not moved forward with their request. Mr. Helm suggested Mayor Jones meet with Mr. Swartout to see if he can assist with moving forward with the Council's request.

F. CONSIDERATION OF TOWN FACILITIES USE POLICY

There was some discussion regarding the facilities use policy and Mayor Jones asked the Clerk to read the policy and then asked if there are any questions or concerns. Mrs. French said she would suggest that all requests received by the town manager, would need the approval of Town Council members. Mr. Wilson said if the fire department members want to continue to use the community center to play basketball, they would have to get prior approval from Council and Mayor Jones said the policy exempts their use of the community center, and Mrs. Morris said the proposed policy says the community center will continue to be used per the current procedures and the current procedure requires everyone fill out an application and pay a fee for the use of the facility. Mr. Wilson said they can't use the community center, but they can hang out at the fire department and Mrs. Morris said they will no longer be allowed to wash their personal vehicles there because the policy will not allow them to use the equipment, utilities, or supplies, that is owned by the town, unless it is for fire department business/use only. Mr. Clemons said the policy says the use of the community center will continue to be utilized in the current procedures of use and the Clerk said the current procedure is everyone is required to submit an application and a fee is charged, with the exception of those who have requested the fee be waived for special functions, and those requests would require the approval of the town manager or Council. Mayor Jones and Mr. Clemons agreed since the fire department members were already using the community center to play basketball, that should continue as before and Mrs. Morris asked why the fire department members can use it for free and if she wanted to walk there, she would have to get approval, per the policy. Mrs. French said the fire department members have used the community center in the past and Mayor Jones asked if they are using the exercise equipment located in the room above the town shop and Mr. Wilson said they do but the building is also owned by the town and if they aren't allowed in the fire hall unless they are there for fire related business, how would they be able to continue using the community center or exercise room after hours? There was some discussion regarding the term used "Firematic" and it was clarified the term was used to mean any entry to the fire department would be only allowed for fire related business meetings, training, or calls. Mr. Wilson said it sounds like a dictatorship and everyone would be required to ask permission to do anything. The Clerk said the staff would need guidance because they have had residents of the town walk in the gym for exercise during the winter when the

weather is bad, and they have allowed those to do so because the use is periodically. Mr. Helm asked why some are charged to use the facility and others aren't and Mrs. Morris said they only walk for a half an hour and others use it for two or more hours. Mayor Jones said there have been a lot of questions regarding the policy and he would recommend the Council review the policy and the discussion be tabled until Mr. Swartout returns. The Town Clerk asked about those using town equipment for personal use and Mayor Jones said the individual is billed for the rental of the equipment and the policy is referring to town equipment/facilities being used for free, and she said those are the ones she is referring to that have been allowed to use town equipment for free. **Mrs. Crawford made a motion to table the discussion until the next meeting of the Council and the motion was seconded by Mr. Clemons. The motion was approved 4-1 by the following vote: Voting YES: Mrs. French, Mr. Bradley, Mr. Clemons and Mrs. Crawford. Voting NO: Mr. Helm.** Mr. Helm said he is opposed to Council's decision to table the discussion, saying one member of town council recommended they discuss some things the council member was concerned about, and the council agreed to request the town manager draft a policy based on their recommendation and the policy was reviewed and agreed upon by all members of council to submit for final approval. He said now there are questions regarding the policy, and council members have decided they aren't sure of the policy. He suggested the policy be approved and the town manager, at his discretion, be allowed to decide what requests should be allowed and those that should not be allowed. He said the policy is in line with other employer policies, saying most all employers would terminate an employee who is found on company property after their normal business hours and he said, per the record, he was not the council member who complained, and he suggested council to support the town manager when they specifically requested, he write up the policy. Mr. Kantsios said he attended the last meeting and there was no discussion regarding the policy, and he asked when the discussion was, and Mayor Jones said it was discussed in Executive Session because it was a personnel matter and Mr. Kantsios disagreed stating a policy is not a personnel matter and it should have been discussed in an open meeting. Mayor Jones said it was a personnel matter because an employee was using the building without authorization to do so. Mrs. Crawford said after Mr. Kantsios reviews the policy, it will be clear the policy is a personnel matter. The Clerk said if the complaint was made against her and the assistant clerk's using the room and big screen TV, after work, for a non-profit Zoom Bingo benefit for charity, she wanted it to be clear that she did get approval from Mr. Swartout, to do so. The Clerk said Mayor Jones was aware of their using the room & tv occasionally after work and it was not a concern then either. Mr. Wilson said he had been told there was property stolen from one of the town buildings and agreed there should be no entry onto town properties after work hours if this is the reason for the policy. Mr. Clemons said he supports the town manager but just needs some clarification regarding some of the questions asked this evening. Mr. Helm said the clarification needs to come from Mr. Swartout and he be allowed to approve or disapprove any requests received and Mrs. Crawford said that is fine with her. Further discussion was tabled until the next meeting.

NEW BUSINESS

A. DISCUSSION REGARDING PSA WATER LEAK

After some discussion regarding the 300K+ gallons of water billed to the Town, which was a result of a large leak on the Giles County PSA service line, Mr. Helm requested the Clerk contact Ms. Taylor Cumbee or Mr. Kevin Belcher (PSA) and request an adjustment to the bill received.

B. DISCUSSION REGARDING THE LEAD & COPPER SURVERY GRANT

Mr. Helm made a motion to accept the Lead and Copper \$100K Grant 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. Bradley, YES; Mr. Helm, YES; Mr. Clemons, YES; and Mrs. Crawford, YES.

C. CONSIDERATION OF TOWN EMPLOYEE'S CHRISTMAS HOLIDAY BONUS

After some discussion, **Mrs. Crawford made a motion to approve a \$300 Christmas Holiday bonus to all full-time employees and \$150 to part-time employees, with all tax withholding paid by the town, and the motion was seconded by Mr. Helm. The motion was approved unanimously (5-0) by the following voting YES: Mrs. French, Mr. Bradley, Mr. Helm, Mr. Clemons and Mrs. Crawford.**

TOWN ADMINISTRATION REPORTS

CHIEF OF POLICE-Steve Buckland

Accident Investigations: 2

Alarm Activations: 0

Animal Complaints: 1

Arrest: 2

Assist to Citizens: 3 Assist to Other Agencies: 1 Bulletins Received: 4
 Court Related Activities: 8 Criminal/Narcotic Investigations: 6 Disturbance Calls: 0
 Fire/Rescue Calls: 0 Property/Business Checks: 75 Reports Submitted: 2
 TDO Transports: 0 Summons Issued: 0 Training Activities: 2 Town Ordinance Violations Investigated: 2

Ordinance Violations:

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|--------------------------------|----------------|
| Animal Complaint | NAPA |
| Failure to keep property clean | Dollar General |

Criminal Incidents/Investigations:

| | |
|---------------------|------------------|
| Larceny (x3) | Corner Market |
| Stalking | Shell/Burger Boy |
| Embezzlement | Town Shop |
| Sexual Assault/Rape | TORC |

- Officer Buckland reported six candidates have been interviewed for the police officer position. There was some discussion on how much it would cost the Town to send the new officer to the police academy and he said between \$500-\$750.

PSA REPORT-Stuart Helm

The agenda and the minutes of the last PSA meeting were forwarded to each Council member, for review.

TOWN MANAGER'S REPORT-Mervin Swartout

- November water loss: 33.9% *due to large water leak on the PSA service line
- \$100K Lead & Copper Study Grant awarded to the Town.
- A few corrections have been made to the Glen Creek STP renewal permit and we are waiting on the DEQ's approval.
- The Christmas decorations have been put up and the Christmas dinner is scheduled for December 18th at 6:00 PM. Mrs. Crawford commented how nice the decorations look and Mayor Jones requested a Thank you be sent to Mrs. Swartout for decorating the bridge.
- A water leak behind Grant's Supermarket has been repaired and the large leak on the PSA service line near Rt. 460 has been repaired.
- The town staff is now certified in CPR, First Aid, Narcan and First on the Scene training.
- Mr. Swartout will be in Henrico, VA to participate in a flood awareness training session from December 11th-14th, 2023.
- All public works employees are now being trained to operate the Glen Creek STP. The job opening for a public works employee is on-going.
- Wintergreen Commons has four empty apartments as of 12/5/2023.
- The installation of public utilities has not begun on the Island Street property until I can verify there is guaranteed interest of camper placement on the property, to recoup the expense of installing the meters and service lines.
- High Lift Costs May 27, 2022 to present:
 Purchase cost of High Lift and repairs made since received: \$52,211.71 *\$2,336 was not charged the Town by United Rentals, while the high lift was being reviewed and the repairs made.
 Expense of any rented equipment: \$2,791.25
- Requested loan information for the New Fire Department:
The National Bank of Blacksburg
 A construction loan is recommended at an interest rate of 6.65%, and the construction must be completed within 1 year and then the balance of the loan would be transferred to a term loan. Payments on a 10-year term loan would be \$4,572 per month and payments on a 15-year term loan would be \$3,517 per month.
The First National Bank of Peterstown

A 10-year term loan is recommended at an interest rate of 6.99% and the monthly payment would be \$4,642, or an annual payment of \$56,925. A 15-year term loan would have an interest rate of 7.49% and the monthly payment would be \$3,705, or an annual payment of \$45,281. If prefer a Line of Credit on \$400K, the interest rate would be 7.49% and after the construction is completed, the balance would be transferred to one of the term loans. A interest rate on a basic Construction Loan would be 8% and after construction is completed, the balance would be transferred to one of the term loans.

There was some discussion and Mayor Jones said he had suggested Mr. Swartout to also check with the Virginia Revolving Loan and Rural Development, as well. The council agreed that Mr. Swartout to check with the others suggested by Mayor Jones and within two weeks he call a meeting of the council.

TREASURER'S REPORT

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|---------------------------------|------------------|
| Balance as of November 1, 2023 | \$391,186.49 |
| Receipts | 47,996.02 |
| Expenses | <u>95,090.49</u> |
| Balance as of November 30, 2023 | \$344,092.02 |
| Balance as of November 30, 2022 | \$420,045.66 |

Certificate of Zoning Compliance Report

Shumate Avenue Placement of a double-wide mobile home

- 2023 Real Estate & Personal Property tax tickets will be sent out in January.
- We continue to address concerns with permanent residents living in the corporate limits, still operating vehicles with out of state licensing. We will not receive taxes or license fees on these properties until they are in compliance with Virginia law.

PAYMENT OF THE BILLS

There was some discussion regarding the 300,000+ gallons of water billed to the Town, from the water line main break on the Giles County PSA's service line, which was recorded on the town's master water meter, at the Rt. 460 connection. **Mrs. Crawford moved to approve payment of the bills, presented in the amount of \$43,355.74, and to hold the payment to the Giles County PSA, until a response is received regarding Council's request for a credit adjustment to the bill received, and the motion was seconded by Mr. Clemons. The motion was approved unanimously (5-0) by the following roll call vote: Mrs. French, YES; Mr. Bradley, YES; Mr. Helm, YES; Mr. Clemons, YES; and Mrs. Crawford, YES.**

ANNOUNCEMENTS

- A. The annual Fire Department, Employee, Town Committees, and Town Council Christmas dinner will be held on Monday, December 18th, 2023 at 6:00 PM.
- B. The Town Offices will be closing at noon on Friday, December 22nd, 2023 and will reopen on Wednesday, December 27th, 2023, for the Christmas holidays.
- C. The Town Offices will be closed on Monday, January 1st, 2024 for New Year's holiday.

Council reviewed Mrs. Anne Chambers utility bill and after some discussion, **Mr. Helm moved to approve the bill be reduced to a minimum water/sewer bill in the amount of \$47.63 and the motion was seconded by Mrs. Crawford. The motion was approved unanimously (5-0) by the following voting YES: Mrs. French, Mr. Bradley, Mr. Helm, Mr. Clemons and Mrs. Crawford.**

Mrs. French said she was approached by someone asking about a piece of property owned by the Town and if they would consider selling the property. Mayor Jones suggested the Clerk check to see how much the parcel(s) is valued at by the Commissioner of Revenue. Mrs. French requested the Clerk to send her the value and she will let the individual know.

With no further business, the meeting was adjourned at 8:30 PM.

Roger Jones, Mayor

Pamela Kantsios, Town Clerk