

JANUARY 8TH, 2024 MEETING MINUTES

A meeting of the Rich Creek Town Council was held on Monday, January 8th, 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	Stuart Helm, Council	William Kantsios, Council
Mark Clemons, Council	Darlene French, Council	Joyce Crawford, Council
Mervin Swartout, Town Manager	Debbie Morris, Asst. Clerk	Steve Buckland, Police Chief
Mason Boggess, RCVFD	Terry Neal	W. Francis Epling
Tommy Kantsios	Amalia Broyles	Officer Britton Broyles

INVOCATION/PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE DECEMBER 11TH, 2023 MEETING MINUTES

Mr. Kantsios moved to approve the minutes of the December 11th, 2023, 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.

RICH CREEK VOLUNTEER FIRE DEPARTMENT-Mason Boggess

The December Activity Report was reviewed:

Car Accidents: 1 Call Hours: 1 hours 40 minutes

PUBLIC COMMENT

Mr. Terry Neal said he recently was made aware of a water leak by the town staff, after reading the water meters for billing, and he immediately looked for the leak and the leak was found in the front yard, between the residence and the town's water meter. He said the public works employees did confirm the leak and after the repair was made, the town was notified and an adjustment to the sewer charges was approved. He said the property has been vacant for some time and his neighbor, Mr. Epling, helps him keep watch of the home and pointed out he has been paying a minimum water/sewer bill for a few years, for very little water use at the location. He said the billed amount for the water is over \$700 and asked if Council would consider an adjustment to the water charges. Mayor Jones said Council will discuss later in the meeting his request and someone will be in contact with him of their decision.

Mr. W. Francis Epling said he understands the Town is in need of an additional employee in the public works department and he would encourage Council members to consider offering the position to Mr. Kevin Smith. He said he understands there are reasons for Mr. Smith's resignation from his position he previously held with the Town, but he has spoken with family and church members, and they believe the Town needs Mr. Smith's skills in the public works department. Mayor Jones said Council is not allowed to discuss any personnel matters publicly and he thanked Mr. Epling for his comments.

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

Mayor Jones reported the third-party review is ongoing.

C. CONSIDERATION OF LAND EASEMENT FROM UNITED HYDRAULICS

Mr. Swartout reported an agreement with United Hydraulics for a land easement has not been received. He said the owners are not willing to extend the term of the original easement proposal. There was some discussion regarding the

possibility of moving the building closer to the community center and entering the new building directly off Spruce Street. Mrs. Crawford said Council members have not discussed how the additional expenses of a new fire department may impact the town's current operating budget. Mr. Helm disagreed, stating the Council has discussed how the construction of a new fire department would open the current location, beside the town shop, for much needed additional storage area, for town equipment and the expenses related to the project. Mr. Helm said the fire department committee reviewed the different site options available, before deciding the current proposed site is the best option, however, they were not aware the town's property line may not join the roadway (VA State Road T-1022). The Giles County GIS map was displayed, and Mr. Clemons suggested the property boundaries be verified.

D. DISCUSSION CONCERNING THE ISLAND STREET LOT

Mr. Swartout reported he had researched the possibility of installing camper sites on the old sewer treatment plant lot and Mr. Helm said the property adjacent to Gentry's Landing Campground has been discussed and considered to be a better location for the sites. Mr. Swartout said he contacted the Giles County Health Department, and they will require a permit and a bathhouse be made available. Mayor Jones said the Rich Creek Lion's Club (RCLC) campground committee has discussed the site expansion to the existing campground but there were more questions than answers available. Mayor Jones and Mr. Swartout both said they have been told the pipeline work is nearing completion and they are getting ready to lay off some of their employees. Mr. Epling said the RCLC doesn't have the workforce available, and they aren't interested in the additional sites but suggested if the Council moves forward with the plans, the best location is beside the campground. He said the RCLC may decide later to pay the Town and take over managing the sites. He discouraged the consideration of the sites on the old sewer treatment plant property. Mr. Helm explained the idea of creating camper sites on the old sewer treatment plant site was suggested to Council, to generate additional revenue to help fund the new fire department project, and Council agreed to move forward on the site plans. Mayor Jones suggested Mr. Swartout reach out to pipeline management to get a better idea of how much longer the project will last and Mr. Boggess said he was told by a family member employed with the pipeline; the work will be finished within a couple years. Mr. Helm asked Mr. Swartout how long he would need to install the sites and Mr. Clemons asked when the discussion was held, and Mr. Helm said the discussion was not held during a Council meeting; it was just random talk outside the meeting. Mrs. French said the sites could be utilized for other campers, not just pipeline employees. Mayor Jones said Council has set aside \$15,000 to construct the sites and Council will need to decide if they want to continue to move forward. Mr. Kantsios asked if the Town can operate a business and Mayor Jones said most towns operate parks, campgrounds, etc. but there are some things towns are not allowed to operate. There was some discussion regarding who would maintain the sites and any calls related to the needs of the tenants. Mr. Swartout said a permit to operate the sites would have to be obtained from the Virginia Department of Health services before moving forward. Mr. Clemons said there needs to be more information available and suggested a proposal for the project should have been presented to all members of Council for consideration, stating most members of Council are hearing some of the information for the first time. There was some discussion regarding the area suggested near the campground for the sites. Mayor Jones requested Mr. Swartout prepare a cost estimate for the project, to present to Council members at the next meeting.

E. CONSIDERATION OF TOWN FACILITIES USE POLICY

Mayor Jones asked for input regarding the facilities use policy presented at the last meeting and Mr. William Kantsios said he doesn't agree with the policy, asking who decides what is justified use of town facilities. Mr. Helm said Mr. Swartout would decide and Mr. Kantsios agreed but suggested Council support his decisions and not micromanage his position. Mr. Clemons said the policy is standard procedure and the Town didn't have policy in place, to protect the town from any liability. Mr. Tommy Kantsios asked if the policy will apply to all town facilities use and Mr. Helm said the policy would apply to any activities held on town property that are not town business related and everyone would be required to get approval from the town manager, if the policy is approved. Mr. Clemons said the town didn't have a policy and the one presented isn't as strict as some of the other town's policy. After some further discussion, **Mr. Helm made a motion to approve the policy, as presented to the Council.** Mr. William Kantsios read the policy aloud and asked how Council can terminate a volunteer fire department member's position with the Town, if a member is found to be in violation of the policy and Mr. Helm suggested it be left to Mr. Swartout's discretion on the policy's enforcement. **Mrs. Crawford seconded the motion.** Mr. Kantsios asked for clarification on the community center use and Mr. Helm said the current procedures would be

followed for the community center rentals. Mr. Tommy Kantsios asked if the use of the current Bingo Hall will be required to follow the policy guidelines and Council agreed all use of town facilities would apply. **The motion was approved (5-0) with the following Voting YES: Mrs. French, Mr. Kantsios, Mr. Helm, Mr. Clemons and Mrs. Crawford.**

F. UPDATE ON THE LEAD & COPPER SURVEY GRANT

Mr. Swartout stated the bids are due in the office by 2:00 PM on Thursday, January 25, 2024. Mayor Jones suggested Council schedule a meeting to review the bids received. It was agreed the Council would meet on Monday, January 29th, 2024 at 6:00 PM to review the bids for the Lead Service Line Inventory Program Management project.

NEW BUSINESS

A. DISCUSSION REGARDING ISSUE WITH RIDING LAWN MOWER

Mr. Swartout stated the motor of one of the riding lawn mowers needs to be replaced but suggested a new mower be purchased, due to the cost of the repairs needed. He presented an estimate of \$6,700 provided by Power Zone. **Mr. Kantsios made a motion to approve the purchase of a new mower and requested Mr. Swartout check with the Cemetery Board of Trustees to see if they will pay one half of the cost (\$3,350) and the motion was seconded by Mrs. Crawford. The motion was approved (5-0) with the following Voting YES: Mrs. French, Mr. Kantsios, Mr. Helm, Mr. Clemons and Mrs. Crawford.**

B. DISCUSSION REGARDING THE EMPLOYEE HOLIDAY POLICY

After some discussion regarding the recent Christmas holiday days off, Council agreed the policy would state the Virginia State Holiday schedule will be followed, as set by the Virginia governor, with the exception of Good Friday, which Council agreed would continue to be an additional holiday for the town employees.

C. DISCUSSION REGARDING THE DRIVE THRU WINDOW AVAILABILITY BETWEEN NOON & 1:00 PM

Mr. Swartout said the drive-through window is now open from 9:00 AM until 5:00 PM, explaining the office staff are alternating their lunch hour, to keep the drive-thru open. After some discussion, **Mr. Helm made a motion to continue keeping the drive-through open, to see if the service is utilized by the customers and if the service isn't well received, the drive-thru can be closed from 12:00 PM until 1:00 PM and the employees can revert back to their original lunch hours taken before.** Discussion: Mr. Kantsios asked about the public works department alternating their lunch hour to allow the public works department to be available, if needed. Council members agreed to revisit the discussion after one month to see how the new schedule is received. **The motion was seconded by Mrs. Crawford and the motion passed unanimously (5-0) by the following Voting YES: Mrs. French, Mr. Kantsios, Mr. Helm, Mr. Clemons and Mrs. Crawford. Mr. Kantsios made a motion the public works department employees alternate their lunch hour and the motion died for lack of a second.** Council agreed it would be at Mr. Swartout's discretion if the public works department employees alternate their lunch hours.

Mayor Jones stepped out of the meeting for a moment and Vice-Mayor Helm led the discussions until he returned shortly thereafter.

There was discussion regarding Mr. Neal's request for relief on his water/sewer utility bill. After reviewing previous adjustments to other customer accounts, **Mr. Helm made a motion to create a policy stating after the town staff has been made aware of a water leak, and the staff has verified the leak didn't go into the sewer system, the charges for the sewer will be reduced to an average sewer charge for the customer and the charges for the water, determined to be lost in the leak, would be charged at the current wholesale rate the Town pays to the Giles County PSA for the water, to include a 20% leak loss surcharge and the motion was seconded by Mr. Kantsios and the motion passed unanimously (5-0) by the following Voting YES: Mrs. French, Mr. Kantsios, Mr. Helm, Mr. Clemons and Mrs. Crawford.**

Mr. Helm said there have been complaints received for the lack of mowing along the streets in Town, which is maintained by the Virginia Department of Highways (VDOT), and he suggested Mr. Swartout contact their local representative to see if

they would allow the Town to borrow their equipment and the Town bill VDOT for the labor involved, to reimburse the Town. Mayor Jones said VDOT doesn't have the equipment to loan out because they subcontract out the work. Council agreed Mr. Swartout contact Mr. David Clark to see if there are any options available to the Town for assistance.

Mr. Helm said he is concerned with the number of illegal aliens entering the United States and suggested Council discuss a plan of action, should these individuals come to this area. Officer Buckland said it is illegal to question an individual you suspect to be an illegal alien. Mr. Helm requested he contact the Virginia State Police to see if there are any resources available.

Mrs. Crawford said the leaves and debris in the ditches need to be removed because of obstructing proper drainage.

Mrs. French said she has not been able to contact the gentleman who requested the information on a piece of property, owned by the town, for possible sale of the property.

The Clerk said she received an email from Mrs. Scarlett Stump of 129 Spring Street about her concerns about not receiving all of her mail, UPS and FedEx deliveries. The Clerk explained that approximately 95% of the midway area residents in Rich Creek, have a physical delivery address of Narrows, VA and this is very confusing to some delivery drivers, new to the area, due to there being a Spring Street in the Town of Narrows, with the same address as Mrs. Stump. She said Mrs. Stump has been trying to get the problem resolved, with no luck and is asking the Council if there is anything the Town can do to help her, explaining she has a child with medical issues, and it is imperative she receive the child's medical supplies. Mr. Helm suggested Mr. Swartout send a letter to the Giles County Administrator and the 911 Coordinator to request assistance with Mrs. Stump's concerns.

TOWN ADMINISTRATION REPORTS

CHIEF OF POLICE-Steve Buckland

Officer Buckland introduced Britton Broyles as the recent hire to the Rich Creek police department. He said Mr. Broyles will begin the New River Criminal Justice Training Academy program early January.

2022 & 2023 Year End Report Comparison (2022 in red):

Accident Investigations: 11 8	Alarm Activations: 10 6	Animal Complaints: 10 13	Arrest: 17 21
Assist to Citizens: 25 23	Assist to Other Agencies: 15 20	Court Related Activities: 87 150	
Criminal/Narcotic Investigations: 77 57	Disturbance Calls: 8 21	Fire/Rescue Calls: 7 10	
Property/Business Checks: 862 920	Reports Submitted: 33 36	TDO Transports: 7 0	
Summons Issued: 128 193	Training Activities: 7 10	Town Ordinance Violations Investigated: 81 83	

December Activity

- Public intoxication complaint North Street
- Terrorist threat by email Town Office
- Domestic violence complaint Old VA Avenue
- Alarm activation Giles Avenue
- Possession of narcotics Knob Street
- Failure to keep property clean Dollar General
- Indecent exposure and narcotics Dollar General

PSA REPORT-Stuart Helm

Mr. Helm provided a brief report on the Giles County PSA activity.

TOWN MANAGER'S REPORT-Mervin Swartout

- December water loss: 11.8%

- Mr. Swartout said Tri County Appliances has repaired the heater at the fire hall and they are currently working on the heating system at the town office.
- The current job opening for a laborer position in the public works department, is still vacant.
- Mr. Swartout said he has been working with Delegate Jason Ballard on the possibility of two bills being introduced to the legislature. He said if the bills are passed, one could provide financial assistance for the new construction of a fire department and the other bill would include a fine being charged to those citizens who relocate to a different state and don't change their licensing by the deadline.
- Wintergreen Commons has one empty apartment available.
- Mr. Swartout said he completed the flood training program on 12/14.

TREASURER'S REPORT

Balance as of December 1, 2023	\$344,092.02
Receipts	74,107.44
Expenses	<u>97,400.65</u>
Balance as of December 31, 2023	\$320,798.81
Balance as of December 31, 2022	\$391,334.29

PAYMENT OF THE BILLS

Mr. Kantsios moved to approve payment of the bills, presented in the amount of \$28,242.85, to include other outstanding bills not received, 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.

ANNOUNCEMENTS

- A. The Town Offices will be closed on Monday, January 15th, 2024, for Martin Luther King JR holiday.

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 Mr. Epling's request and the motion was seconded by Mrs. French. Approved unanimously (5-0) by the following vote: Mrs. French, YES, Mr. Kantsios, YES; Mr. Helm, YES; Mrs. Crawford, YES; and Mr. Clemons, YES.

Mr. Clemons 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 vote: Mrs. French, YES; Mr. Kantsios, YES; Mr. Helm, YES; Mrs. Crawford, YES; and Mr. Clemons, YES.

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

Mr. Clemons 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 Mrs. Crawford. Approved unanimously (5-0) by the following vote: Mrs. French, YES; Mr. Kantsios, YES; Mr. Helm, YES; Mrs. Crawford, YES; and Mr. Clemons, YES.

Mayor Jones asked if the Clerk could provide Council the budget versus actual revenues and expenses financial report, before the next Council meeting.

With no further business, the meeting was adjourned at 9:10 PM.

Roger Jones, Mayor

Pamela Kantsios, Town Clerk