

TOWN OF RICH CREEK
TUESDAY, OCTOBER 10th, 2023
6:00 PM
AGENDA

- I. CALL TO ORDER
- II. INVOCATION/PLEDGE OF ALLEGIANCE
- III. APPROVAL OF SEPTEMBER 11TH & 12TH, 2023 MINUTES
- IV. RICH CREEK VOLUNTEER FIRE DEPARTMENT REPORT
- V. PUBLIC COMMENT*
- VI. OLD BUSINESS
 - A) UPDATE ON THE RICH CREEK COMPREHENSIVE PLAN
 - B) UPDATE ON THE NEW FIRE HALL
 - C) UPDATE ON THE GRANT APPLICATIONS
 - D) UPDATE ON NEW TELEPHONE SERVICE LINES AT THE ADMINISTRATIVE OFFICE
 - E) UPDATE REGARDING GAMING MACHINES
 - F) UPDATE REGARDING VACANT BUILDINGS
- VII. NEW BUSINESS
 - A. CONSIDERATION OF LAND EASEMENT FROM UNITED HYDRAULICS
 - B. DISCUSSION REGARDING NEW BUSINESSES
 - C. CONSIDERATION OF FENCE INSTALLATION PROPOSALS
- VIII. TOWN ADMINISTRATION REPORTS
 - A. STEVE BUCKLAND, CHIEF OF POLICE
 - B. STUART HELM, PSA BOARD REPRESENTATIVE
 - C. MERVIN SWARTOUT, TOWN MANAGER'S REPORT
- IX. PAYMENT OF THE BILLS
- X. APPOINTMENT
- XI. ANNOUNCEMENTS
 - A. HALLOWEEN OBSERVED-TUESDAY, OCTOBER 31ST
- XII. EXECUTIVE SESSION (if needed)
- XIII. ADJOURN

*Please complete a public comment form and give to the Town Clerk-comments may be limited to five minutes per speaker.

SEPTEMBER 11TH, 2023 MEETING MINUTES

A meeting of the Rich Creek Town Council was held on Monday, September 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	Dorsey Bradley, Council	Mark Clemons, Council
Darlene French, Council	Joyce Crawford, Council	Stuart Helm, Council
Mervin Swartout, Town Manager	Debbie Morris, Asst. Clerk	Steve Buckland, Police Chief
William Kantsios	Kenneth Anderson	Eddie Bradley
William Havens	Paige Swartout, RCVFD	Mason Boggess, RCVFD
Warren Wilson, RCVFD	Brandon Smith, RCVFD	Chris Thornton, RCVFD
Hunter Thornton, RCVFD	Ryan Taylor, RCVFD	Duane Doherty

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Jones opened the meeting followed by the Invocation, the Pledge of Allegiance, and a moment of silence in memory of the lives lost on September 11th, 2001.

APPROVAL OF THE AUGUST 14TH, 2023 MINUTES

Mrs. Crawford requested the minutes of the August 14th, 2023, meeting under OLD BUSINESS-Update on the New Firehall, be amended to include the following correction: Mr. Helm said after reviewing the Treasurer's Report, he would recommend \$200,000 of the town checking account be put towards the construction of the new fire department and to pursue other funding needed, to see the project through to completion. Mrs. Crawford responded by suggesting all members of Council discuss and review the town finances, prior to earmarking any funds at this time.) **Mr. Helm moved to approve the minutes of the August 14th, 2023, meeting, to include the noted correction, and the motion was seconded by Mr. Bradley. The motion was approved unanimously (5-0) by the following voting YES: Mrs. French, Mr. Bradley, Mr. Helm, Mr. Clemons, Mrs. Crawford.**

Mr. Kantsios asked about the minutes for Council's meeting on August 15th and Mayor Jones said the recessed meeting was a continuation of the August 14th meeting. The Clerk noted the minutes from the recessed meeting will need to be included.

RICH CREEK VOLUNTEER FIRE DEPARTMENT-Warren Wilson

August Activity Report:

Car Accidents: 2 Assist Rescue: 1 Call Hours: 60

The activity and treasurer's report were reviewed. Mr. Wilson thanked Mayor Jones & Council for remembering 9/11, saying 343 fireman and 71 police officers lost their lives that day. Mr. Swartout and his daughter Paige Swartout, presented the "fundraiser thermometer" board to be displayed at the Town Office to show a visual display of all funds/donations received towards the construction of the new fire department. Mayor and Council thanked Ms. Swartout for painting the sign for the project.

PUBLIC COMMENT

William Kantsios said when he was Mayor, there was a complaint filed by a lady who owns a home on Woodland Road, regarding flooding of her property due to poor drainage, and he wanted to know if she has been contacted since the most recent heavy rains to see if the problem has been rectified. Mr. Kantsios asked why the water and sewer rates were increased when it was mentioned the checking has at least \$400K and Mr. Helm responded that when Council was working on the budget for the current fiscal year, Council reviewed the revenue and expenses for the water and sewer departments and the departments were losing approximately \$60K. Mr. Helm said he feels Council may should have made small adjustments, so the rates had to be increased for the shortfall. Mr. Kantsios said at the last council meeting there was some

discussion regarding the new fire department plans and some items were amended in the original plans to lessen the project expense and Mr. Wilson said the commercial kitchen plans were amended to "home" kitchen plan. Mr. Kantsios asked if the department will be renting the facility and Mr. Wilson said the facility will not be rent. Mr. Wilson said the project has been discussed for a few years and the bids received came in above what the Town can afford so they looked at the plans and amended some things to make the project more affordable.

Duane Doherty said it took VDOT 7 years to install proper signs on Old Virginia Avenue to deter large trucks, traveling to JennMar Corp., from turning onto Summit Drive after missing the Powell Mountain Road exit. He said he has since requested they install arrow signs to improve the directions, as well. He also requested pedestrian crossing signs be placed on Main Street to better inform drivers they are required to yield to pedestrians in the cross walks before someone gets injured. He said large trucks continue to bypass the JennMar turn and turn onto Summit Drive and damage his property. After some discussion, Mayor Jones said he worked with JennMar representatives to place a directional sign and he understands the sign has helped but not eliminated the problems and they feel it is VDOT's problem to correct. Mayor Jones said he believes GPS is the problem. Mr. Anderson suggested a sign be installed closer to the JennMar exit and Mayor Jones said a sign placed at Summit Drive "Dead End", "No Turn Around" or "No Large Trucks" may be a good idea. Mr. Doherty requested Mayor Jones & Council members consider placing pedestrian crossing signs as the crosswalks before someone gets injured and the vehicles need to be slowed down. Mayor Jones said the Town has some pedestrian signs and they will work on getting those placed. Mayor Jones said his concerns will be discussed with VDOT to see if they can do something.

OLD BUSINESS

A. UPDATE ON THE RICH CREEK COMPREHENSIVE PLAN

Mr. Kantsios said the next meeting date was set and the New River Valley Regional Commission will be setting dates for the "focus group" meetings, to further discuss infrastructure and economic development strategies, for the Town.

B. UPDATE ON THE NEW FIRE HALL

Mayor Jones said the location for the new fire hall is marked with stakes and he hopes the road to the location will be started soon. Mrs. Crawford asked if Giles County has agreed to assist with the construction of the new road needed and Mayor Jones said they have agreed to assist the Town. Mr. Swartout reported a sewer line repair must be completed prior to the town crew beginning the new road construction, to the fire hall site.

C. UPDATE ON THE GRANT APPLICATIONS

Mr. Swartout reported he has applied for a safety grant through the town's insurance provider, Virginia Risk Sharing Association (VRSA).

D. CONSIDERATION OF NEW TELEPHONE SERVICE LINES AT THE ADMINISTRATIVE OFFICE

Mr. Helm asked if there is a backup plan in place should the internet service not be available for the internet supported telephone services and Mr. Swartout said Jamie Snider is looking into other options that may be available. The discussion was tabled until further information is obtained.

E. DISCUSSION REGARDING GAMING MACHINES

Mayor Jones noted there are more gaming machines in the town and there has been some delay in the on-going legal case between Hermie Sadler, regarding these types of machines. He said Jason Ballard recommended the Town wait until the court case has been settled, before making any decisions. There was some discussion regarding the fee structure and Mr. Helm suggested amending the current rate structure to allow a \$1,500 fee per machine. After some discussion, **Mrs. Crawford made a motion to request the town attorney restructure the town ordinance to allow a fee to be charged per gaming machine and the motion was seconded by Mr. Bradley. The motion was approved unanimously (5-0)**

by the following voting YES: Mrs. French, Mr. Bradley, Mr. Helm, Mr. Clemons, Mrs. Crawford. It was the consensus of Council to review the rate schedule later on.

NEW BUSINESS

A. CONSIDERATION OF PURCHASING A MOTOR FOR GLEN CREEK SEWER TREATMENT PLANT

Mr. Swartout recommended the Council approve the purchase of a backup actuator motor, approximately \$3500-\$4000, for Glen Creek STP. **Mrs. Crawford moved to approve the purchase of a backup actuator motor 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, Mrs. Crawford.**

B. CONSIDERATION OF ADOPTING RESOLUTION TO APPROVE THE USE OF THE AMERICAN RESCUE PLAN ACT (ARPA) FUNDING TOWARDS THE CONSTRUCTION OF A FIREHOUSE

Mr. Helm moved to approve the Resolution to appropriate the ARPA funds towards the construction of a new fire department and the motion was seconded by Mr. Bradley. Mayor Jones read the Resolution aloud and then proceeded with the roll call vote. **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.** Mr. William Kantsios asked if a bid was accepted, and Mayor Jones stated all bids have been rejected and the Town will serve as the general contractor for the new fire department project, hiring out various phases. Mr. Kantsios asked if the Town can serve as the general contractor and Mayor Jones answered "yes". Mr. Clemons recommended a budget be determined for the project to see it through to completion. Mayor Jones said the Town will solicit three bids for the HVAC, plumbing, electrical, etc. for the new building. Mr. Kantsios asked if the Town Manager will serve as the general foreman for the project and Mayor Jones said a committee will be appointed to serve as the general contractor to oversee the project. Mr. Warren Wilson said the RCVFD has determined five members of the department to be appointed to the committee, with three of the five designated to vote on the matters at hand. Mayor Jones suggested himself, Mr. Swartout, a member of Council and a town citizen, be appointed to the committee and Mr. Helm and Mrs. Crawford both volunteered to serve on the committee. Mayor Jones asked Mrs. Crawford to be an alternate member, should Mr. Helm not be available, and she agreed to serve as an alternate. Mrs. French requested the group keep all members of Council updated on the progress of the project. Mr. Kantsios volunteered to serve as the town citizen representative. Mr. Wilson said the project is more affordable with the Town being designated as the general contractor and Mrs. Crawford said she isn't comfortable with the "sublet" idea and Mr. Wilson said it is common for all general contractors to sublet their projects. **Mr. Clemons moved to approve the following new fire department project committee: Mayor Roger Jones, Mr. Stuart Helm, Town Council; Mr. Merv Swartout, Town Manager; Mrs. Joyce Crawford, Town Council alternate; Mr. Warren Wilson, RCVFD Chief; Mason Boggess, RCVFD; Kenneth Smith, RCVFD; Austin Jennings, RCVFD; Brandon Smith, RCVFD; and Mr. William Kantsios, citizen volunteer, 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.** Mr. Wilson stated the department members are currently working on a letter drive and the letters will be sent out soon asking for monetary donations towards the project. He said they have considered having a plaque engraved for each donor giving \$50 or \$100, to be displayed at the new fire hall after completion. Mr. Bradley stated he will pay for the first plaque and after some discussion, **Mrs. French moved to approve all donations received of \$100 & above would have their name engraved on the plaque.** Mr. Kenneth Anderson suggested the donation letter stress all donations will be gladly accepted and greatly appreciated, saying he knows a lot of people are on a fixed income and funds are limited but they need to know the amount they are able to donate is appreciated. **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, Mrs. Crawford.** There was some discussion concerning the "goal" amount to show on the "fundraiser thermometer" board and it was agreed to use the amount of the lowest bid received, \$1,250,000.00.

D. DISCUSSION CONCERNING 104 MARKET ROAD PROPERTY

Mayor Jones said Mr. Eddie Bradley and Mr. William Havens have recently purchased the 104 Market Road property and intend to construct four apartment units. He said when they went to acquire a building permit, they were told the property is within the town limits and per the town map, the property is in the County. Mayor Jones said after the county attorney further reviewed the records, it was found the property is in the town so Mr. Swartout will proceed with issuing the Zoning permit needed for them to acquire the building permit.

C. DISCUSSION CONCERNING VACANT BUILDINGS

Mr. Helm suggested the Council move forward with addressing the vacant buildings and pursue penalties, sliding tax scales, etc. on the property owners to encourage revitalization of the buildings to promote economic growth in the town. After some discussion, it was decided Mr. Swartout contact the Virginia Municipal League (VML) for guidance regarding derelict buildings to ask about the classification options. Mrs. Morris noted some areas charge fees to the owners of “blighted” properties/buildings. Mr. Swartout asked if Council would like the town attorney to meet with Council to discuss the various questions/concerns they have, and it was agreed he contact VML to see what assistance they may be to the town. Mr. Eddie Bradley asked Mayor Jones to provide him with contact information for some of the properties and he would like to contact them to see if the property is for sale.

TOWN ADMINISTRATION REPORTS

CHIEF OF POLICE-Steve Buckland

Accident Investigations: 1 Alarm Activations: 0 Animal Complaints: 1 Arrest: 0
Assist to Citizens: 1 Assist to Other Agencies: 3 Bulletins Received: 3
Court Related Activities: 0 Criminal/Narcotic Investigations: 6 Disturbance Calls: 3
Fire/Rescue Calls: 0 Property/Business Checks: 65 Reports Submitted: 4
TDO Transports: 0 Summons Issued: 10 Training Activities: 1 Town Ordinance Violations Investigated: 3

Ordinance Violations:

Grass on the sidewalk	Old Virginia Avenue
Dog Attack	Mercer Road
Animal Complaint	Woodland Park

Criminal Incidents/Investigations:

Stabbing & Strangulation	Riverside Drive
Burglary	Cherry Avenue
Larceny	Jewell's IGA & Corner Market
Breaking & Entering	Church Street

PSA REPORT-Stuart Helm

No report-meeting this Thursday evening

TOWN MANAGER'S REPORT-Mervin Swartout

- July water loss: 6.9%
- Town Crew working on rerouting sewer line on Pleasant Street.
- Sewer line repair completed on Old Virginia Ave.
- GCSTP computer program needs to be replaced and renewal of plant operations permit underway.
- Town crew has completed some minor paving needs at the town park and on Woodland Road
- Employees are certified in CPR/First Aid & AED use.

TREASURER'S REPORT-Pam Kantsios

Balance as of August 1, 2023 \$464,129.69

Receipts	87,704.34
Expenses	<u>103,707.36</u>
Balance as August 31, 2023	\$448,126.67
Balance as of August 31, 2022	\$606,180.16

PAYMENT OF THE BILLS

Mr. Helm moved to approve payment of the bills, presented in the amount of \$33,839.90, 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.

ANNOUNCEMENTS

The October Council meeting will be held on Tuesday, October 10, 2023 at 6:00 PM, due to Columbus Day holiday.

EXECUTIVE SESSION

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

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

Mr. Swartout suggested cancelling the internet service at the town park until there is a better option available, saving the Town \$99 per month and the consensus of Council was to cancel the service.

Mayor Jones said he was contacted by Mr. Francis Epling regarding a large water bill for the campground and they have been unable to find a leak. The Clerk mentioned she had spoken to Mr. Epling and it was found one of the tenants had a leak at the shut off valve beneath the ground and the water was seeping into the ground. After review of the water bill, Mrs. Crawford moved to approve a \$400 adjustment to the sewer charges and the motion was seconded by Mr. Clemons. Approved unanimously (5-0) by the following vote: Mrs. French, YES; Mr. Bradley, YES; Mr. Helm, YES; Mrs. Crawford, YES; and Mr. Clemons, YES.

There was some discussion regarding the August 15th, 2023 Recessed Meeting and the omission of the minutes for the meeting. Mrs. Kantsios said Mayor Jones recessed the August 14th meeting until August 15th at 7:00 PM, due to the late hour, and said the meeting would be held in Executive Session (§2.2-3711, A6 Investment of Public Funds) to discuss the investment of public funds, in regard to the new fire department plans. She noted there was a Rich Creek Planning Commission Meeting at 6:00 PM and Council left that meeting to proceed with the recessed meeting at 7:00 PM and there were no minutes provided for the meeting. Mayor Jones said no action was taken by Council during the meeting and the only thing discussed was financing options that may be available and of the town being designated as the general contractor for the project and then the meeting was adjourned

With no further business, the meeting adjourned at 8:50 PM.

Roger Jones, Mayor

Pamela Kantsios, Town Clerk

EMERGENCY MEETING CALLED-SEPTEMBER 12TH, 2023

An Emergency Meeting was called by Mayor Jones of the Rich Creek Town Council to meet on Tuesday, September 12th, 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

Stuart Helm
Darlene French

Dorsey Bradley
Joyce Crawford

EXECUTIVE SESSION

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

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

The meeting was adjourned at 7:25 PM.

Roger Jones, Mayor

Pamela Kantsios, Town Clerk