

TOWN OF SCOTTSVILLE

Town Council
Regular Session
Monday, August 20, 2007
Victory Hall
401 Valley Street
Scottsville, Virginia

Mayor
R. Stephen Phipps

Town Council
Nancy E. Gill
James P. Hogan
Jeannette E. Kerlin
Robert E. O'Halloran
John R. Snoddy
Craig N. Stratton

MINUTES

1. CALL TO ORDER – In the absence of Mayor Phipps, Vice Mayor Jeannette Kerlin called the meeting to order at 7:02 p.m.
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL of Town Council – Clerk of Council Amy Moyer called the roll. Present were Ms. Gill, Ms. Kerlin, Mr. Snoddy, and Mr. Stratton; Mr. Hogan and Mr. O'Halloran were absent. Also in attendance were Town Administrator Clark Draper, Town Attorney James Bowling, and several observers.
4. CONSENT CALENDAR
 - 4.1. Approval of Agenda
 - 4.2. Financial Report for July 2007 [Tab 1.4]
 - 4.3. Minutes – Special Meeting of May 31, 2007 [Tab 5.1]
 - 4.4. Minutes – Special Meeting of June 11, 2007 [Tab 5.2]
 - 4.5. Minutes – Working Session of June 11, 2007 [Tab 5.3]
 - 4.6. Minutes – Regular Session of June 18, 2007 [Tab 5.4]
 - 4.7. Minutes – Special Meeting of June 18, 2007 [Tab 5.5]

Upon a motion by Mr. Stratton, seconded by Mr. Snoddy, the consent calendar was adopted by voice vote.

5. MAYOR'S REPORT – There was no mayor's report.
6. PUBLIC FORUM

Mr. A. Scott Ward, a Scottsville business owner, spoke regarding his reimbursement request for \$1,965 for damages by Linco and its subcontractors during Streetscape construction. Mr. Ward commented that he would request additional compensation for attorney's fees should he not receive payment or written assurance of payment within 30 days.

Mr. Jesse "Barry" Grove III, a Scottsville resident, asked when Streetscape construction would finish, noting that estimated completion dates in June and July had passed. He commented that a knowledgeable observer would say the project would not be finished until

November. He asked what was being done to ensure that the contractor was working as fast as possible and whether liquidated damages were being collected.

7. APPOINTMENT OF JESSE B. GROVE III TO THE PLANNING COMMISSION FOR A TERM ENDING JUNE 30, 2010

Mr. Stratton moved to appoint Jesse B. Grove III to the Planning Commission for a term ending June 30, 2010. Mr. Snoddy seconded the motion, which was approved by a unanimous voice vote.

8. APPROPRIATION OF \$4,000 FOR DEPOSIT FOR STREET TREE PLANTING BY BUCK CREEK NURSERY [Tab 4.4]

Mr. Stratton moved to appropriate \$4,000 as a deposit for street tree planting by Buck Creek Nursery. Mr. Snoddy seconded the motion.

Ms. Gill noted that the trees would be purchased with grant funds and were part of Streetscape. In response to queries from Mr. Stratton, Mr. Draper explained that all four types of trees would be planted this fall if tree pits were ready in time; otherwise, three species would be planted in the fall and the dogwoods in the spring.

A roll call vote was then conducted.

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|-----------|---------------|----------------|---------------|--------------|------------|
| Ms. Gill | <u>Yes</u> | Ms. Kerlin | <u>Yes</u> | Mr. Snoddy | <u>Yes</u> |
| Mr. Hogan | <u>Absent</u> | Mr. O'Halloran | <u>Absent</u> | Mr. Stratton | <u>Yes</u> |

The appropriation was approved by a vote of 4-0.

9. APPROPRIATION OF \$16,840 FOR SLUICE GATE PARTS FROM RODNEY HUNT COMPANY [Tab 4.5]

Mr. Stratton explained that a tree wedged under the sluice gate when it was closed during high water on April 19, bending the stem. Mr. Stratton commented that this estimate did not include the labor or crane necessary for installation of the replacement parts, and it would take six to eight weeks to make the parts.

Mr. Stratton moved to appropriate \$16,840 for sluice gate parts from Rodney Hunt Company, and Ms. Gill seconded the motion.

Mr. Stratton noted that Albemarle County reimburses half of all flood control expenditures, and an insurance claim would also be submitted. Mr. Stratton stated that the Army Corps of Engineers would be consulted regarding remedies to prevent a recurrence; an inspection was scheduled for August 28.

A roll call vote was then conducted.

Ms. Gill Yes Ms. Kerlin Yes Mr. Snoddy Yes
Mr. Hogan Absent Mr. O'Halloran Absent Mr. Stratton Yes

The appropriation was approved by a vote of 4-0.

10. REPORTS OF CHARTERED COMMITTEES AND PLANNING COMMISSION

Architectural Review Board: Ms. Gill reported that the ARB had approved the remainder of the Food Lion plans.

Planning Commission: Ms. Kerlin reported that the Food Lion preliminary site plan was unanimously approved after being postponed one month for further review. She noted that the applicant would have six months to submit a final site plan.

Government Services Committee: Mr. Snoddy reported that there was no July meeting.

Public Safety Committee: Mr. Stratton reported that the committee discussed eliminating parking on one side of Warren Street and within in the public right-of-way at the north end of Valley Street. He reported that the Horseshoe Bend Bluegrass Festival was scheduled for September 7 and 8, and the police department would be paid to provide security at the event.

11. TOWN ADMINISTRATOR'S REPORT

Mr. Draper reported that he attended a VDDA meeting on mixed use development. He noted that the town office would be closed on September 3 for Labor Day, postponing the Planning Commission meeting to September 4.

Ms. Kerlin asked Jack Hodge of Volkert & Associates to address Mr. Grove's earlier comments regarding the Streetscape Project. Mr. Hodge commented that liquidated damages were being charged and would be withheld from the final payment, and the final pay request would be closely reviewed to ensure that the town did not pay for anything not done. He stated that Linco provided a written schedule the previous Friday but had not fulfilled the schedule. The current schedule was to finish the curb and sidewalks by Friday, which Mr. Hodge thought was possible if there were enough people on the job. Mr. Hodge commented that the contractor was also working on two schools that had to open the next week, with higher penalties for non-completion. Mr. Hodge stated that the plant mix contractor was scheduled to patch trenches and prepare for paving, with final surfacing on Valley Street on Thursday or Friday. Mr. Hodge said a new curb was crushed by trucks, and the radius of the curb would be changed when redone. It would take four to six weeks for AEP to pull wire and Mike Sheets to connect electrical services. Mr. Hodge stated that Embarq had yet to order materials, and AEP could not remove its poles until Embarq finished. He noted that dust problems would improve if paving were completed that week. Some sidewalk had been broken and would have to be redone at the contractor's expense.

Ms. Kerlin asked if the clutter and mess would be removed while waiting for AEP and Embarq to complete their work. Mr. Hodge replied that only sidewalk work would remain,

and he would remind the contractor not to park equipment in the handicapped parking space and to remove signs after hours.

Mr. Snoddy commented that he and many residents were frustrated by loose ends, such as equipment, crushed cones, and signs left out. Mr. Snoddy asked whether the contractor would be here more once the larger jobs were complete. Mr. Stratton and Mr. Hodge commented that the contractor could hire more people or use subcontractors to complete the work.

Mr. Snoddy requested Mr. Bowling's advice on how to proceed if work were not completed in a timely manner. Mr. Hodge stated that there was a bond equivalent to the contract amount, and the bonding company could hire someone else to complete the project if necessary, but it would be difficult to default the contract. Mr. Bowling advised writing a letter to the contractor stating that the performance bond would be called if the contractor was not completing work as promised. Mr. Hodge commented that this would protract the job, and the bonding did not cover the utility work.

Mr. Stratton commented that the sidewalks could not be finished until utility poles were removed. Stephen Short of Volkert & Associates stated that the only curb work remaining was in front of and across the street from Victory Hall, and utilities would be responsible for fixing any damage to sidewalks.

Ms. Kerlin stated that the Town Council requested a meeting with Guy Wright to discuss how Linco would correct property owners' problems. Mr. Hodge said Mr. Wright was available the following day. Ms. Kerlin requested an additional date to meet council members' schedules.

Mr. Snoddy commented that he was associated with two private construction projects where the contractors were much more responsive to the clients' requests. Mr. Hodge said that in his forty years of contract administration some contractors were more cooperative than others, and the project would be left as-is if the contract were defaulted. Mr. Snoddy asked Mr. Hodge to explain the default process. Mr. Hodge stated that Linco's bonding company would take over the job, but the process could take six months because the bonding company would not want to spend the money if Linco could be made to finish the job. Mr. Hodge stated that Guy Wright, Stephen Short, Bill McDowell, and Clark Draper would meet to discuss the completion schedule and punch list.

Mr. Bowling stated that, if work were not completed as planned that week, the contractor should be notified in writing of a particular date by which the bond would be called. Mr. Hodge said that he would write a letter confirming the results of the next day's meeting.

Mr. Stratton inquired regarding the status of construction inspection funding. Mr. Hodge stated that Mr. Short was limiting the amount of hours charged to the job. Mr. Stratton asked for an estimated completion date. Mr. Hodge indicated that the project was substantially complete; Linco could be finished within two weeks, Mike Sheets would be able to convert

connections as soon as AEP moved, AT&T had finished its relocation, and Embarq's relocation would not be a big problem if materials were ordered soon.

Ms. Gill asked how building damages would be handled. Ms. Kerlin stated that this would be addressed in the meeting with Mr. Wright.

12. ADJOURNMENT – The meeting was adjourned at 7:48 p.m.