

TOWN OF SCOTTSVILLE

Town Council
Regular Session
Monday, September 17, 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 – Mayor R. Stephen Phipps called the meeting to order at 7:00 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, Mr. Hogan, Mr. O'Halloran, Mr. Snoddy, and Mr. Stratton; Ms. Kerlin was absent. Also in attendance was Town Administrator Clark Draper.
4. CONSENT CALENDAR
 - 4.1. Approval of Agenda
 - 4.2. Financial Report for August 2007
 - 4.3. Minutes – Special Meeting of June 25, 2007
 - 4.4. Minutes – Working Session of July 9, 2007
 - 4.5. Minutes – Special Meeting of July 23, 2007
 - 4.6. Minutes – Regular Session of July 23, 2007
 - 4.7. Minutes – Special Meeting of July 27, 2007

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

5. MAYOR'S REPORT – Mayor Phipps reported that construction of the new post office space should be completed by the end of the month. He said that Mr. Snoddy was coordinating the installation of cluster boxes at the Farmers' Market site, and boxes would also be installed at the Scottsville School Apartments.
6. PUBLIC FORUM

Attorney Benjamin Dick spoke on behalf of Emory Skeen and family to express concerns regarding the Streetscape Project. Mr. Dick commented that there should be a committee to oversee the project and notify citizens, full disclosure should be given to all citizens who request information, or an independent person should be brought in to ascertain the status of the project and why it went past the deadline. Mr. Dick stated that Code of Virginia Section 24.2-233 gives citizens the right to petition the circuit court to remove elected officials from office. He said that his clients did not want to go down that path, as citizens just wanted more information. Mr. Dick mentioned an email that asked contractors not to talk to citizens,

commenting that localities with similar projects had given complete disclosure of plans and contracts.

Mr. Andrew Johnson, a town resident, stated that he has lived in the area for 65 years and previously served on the Town Council. Mr. Johnson asked who represents the town as a manager to oversee the Streetscape Project. Mr. Hogan stated that he represents the town as chair of the Quality of Life Committee, and Volkert & Associates was hired to oversee the project. Mr. Johnson asked whether Volkert has overseen the project on a daily basis; Mr. Hogan answered affirmatively. Mr. Johnson noted that the project, originally anticipated to last 180 days, was over deadline; he asked whether the delay had resulted in cost overruns. Mr. Hogan replied that the only expense over the original budget was inspection, and the contractor would not be paid until punch list issues were completed.

Mr. Johnson also inquired regarding the \$99,000 grant for the farmers' market structure. Mr. Hogan said that this USDA grant would fund a pole barn structure on a gravel base. Mr. Hogan said that the tent donated eight years ago needed to be replaced, and they wanted to do something better to complement the town's architecture. Mr. Johnson commented that a 40 by 46 pole metal barn appropriate for a farmer would cost \$36,000, and he asked whether there was a rendering of the proposed structure. Mr. Hogan stated that they consulted the landscape architect who worked on Bruce Park and the Levee Walk, and they were trying to find the least costly manner to build the structure; other costs such as inspection would also need to be paid out of grant funds. Mr. Hogan noted that there would be opportunities for other organizations to use the structure, which would be designed in compliance with ARB requirements.

Mr. Hogan noted that the farmers' market project had been mentioned in a number of council meetings. In response to Mr. Dick's earlier comments, he said that weekly reports on the Streetscape Project had been distributed to businesses and were available to all.

Mr. Johnson commented that, although these projects were not funded by local taxes, Scottsville residents were still supporting them through income taxes. He stated that along with grants comes the responsibility to be frugal, and these projects would require repair, maintenance, and upkeep. Mayor Phipps stated that the town would budget for maintenance. Mr. Johnson said that the town has no surplus funds right now, as evidenced by cuts to the police department budget. Mr. Hogan stated that VDOT was responsible for the roadbed, AEP would maintain the streetlamps, and street furnishings would be funded through private donations. Mr. Johnson commented on business turnover. Mr. Hogan noted recent branding and economic development efforts, also funded by grants. Mr. Johnson stated that the "mom and pop" businesses common to Scottsville do not produce a lot of money.

Mr. Stephan Hawranke commented that he just opened a restaurant in Scottsville. He said he did not consider his business to be a "mom and pop", and he was happy with the response it had received. He noted his excitement at the completion of the paving. He commented that the contractor was possibly not the best of all choices but seemed competent at first. He said that the Town Council was as anxious as everyone else to see the Streetscape Project done and trying its best to make that happen. Mr. Hawranke stated that the past two weeks with no

real road should not deter anyone from opening a business, as he put a sign out at 3:00 p.m. announcing his restaurant's opening and was full by 6:00 p.m. He commented that Scottsville has much potential to grow with so many houses built in the area, if efforts were made to beautify the town and its buildings. He encouraged property owners to look at the outside of their buildings and make them pretty. He said that Streetscape would benefit the town in the long run, and every business that opens and every place that looks great would attract more people. He planned to return to his other renovation project soon. He said that he was doing his share to improve Scottsville, without waiting for grants. Mr. Hawranke asked whether, in light of the water restrictions, arrangements could be made to wash sidewalks at least once now that the construction dust was gone. Mayor Phipps said that the fire department agreed to wash the sidewalks.

Mr. Raymon Thacker commented that, reading discussion in the newspaper, it was incredible to say that no taxes were involved in the Streetscape Project, as VDOT and the federal government are funded by taxes. He said he thought Mayor Phipps made the statement that the majority of the people in Scottsville had approved the Streetscape, but he attended every Streetscape meeting and never saw more than 25 to 20 of the 500-plus residents.

Mr. Steven Meeks commented that he, like Stephan Hawranke, had done his share to enhance Scottsville with no grant money. He said that his work was done with the goal of enhancing the town and saving its buildings for generations to come. He stated that he was concerned that, though Streetscape started as an enhancement project, what he saw outside was not much of an enhancement at this point, noting issues with the quality of work, sidewalks, and conduit placement. He asked how the project got so far away from the conceptual drawings. He thought the project was scaled back to follow the prototype of Canal Basin Square's sidewalk. He asked why the sidewalk was not new and smooth in the entire downtown area, commenting that there were maintenance issues already.

Mr. Meeks also spoke regarding the farmers' market structure. He stated that he attended the last ARB meeting, and the ARB had neither seen nor approved plans for the structure. Mr. Meeks said he was concerned as to what the vision was for the project. Mr. Hogan stated that it was his understanding that the ARB had reviewed the project, and he directed Mr. Meeks to speak with Mr. Draper for further information.

Mr. Matthew Thacker inquired regarding the cost difference between the original Streetscape plans and how it was actually constructed. Mr. Hogan said the drawings were a conceptual ideal that was never affordable, and people did not want brick sidewalks like Williamsburg. Mr. Thacker asked whether the town paid for the design work; Mr. Hogan replied affirmatively. Mr. Thacker asked why so many consultants were used, commenting that it was a waste of money. Mr. Hogan said that a lot of the design work was used, and Mayor Phipps said that the architects and approvals were requirements of certain federal programs.

7. STREETSCAPE UPDATE – Jack Hodge, Volkert & Associates, Inc.

Mr. Hogan and Mr. Hodge related a brief history of Volkert's involvement with the project. Mr. Hodge explained how the VDOT storm sewer design was combined with AEP,

Sprint/Embarq, cable, and AT&T plans, saving money by making it a state and federal project; if the project were solely an enhancement project, the town would have to pay whatever the utilities wanted to charge. Mr. Hodge noted that the project follows state plan specifications and special provisions. He said that the construction started in November, and the contractor, Linco, did an excellent job from November through May, when three crews left for some reason. Mr. Hodge noted that the contractor met the special provision to clean up the street for the Fourth of July parade. He said that Linco had provided a schedule as of May 30 anticipating that the project would be finished by the last week of June, but it did not happen.

Mr. Hodge explained how the project was also delayed while waiting for the utility companies to order materials, but AEP was now ready to begin work. He stated that the project was substantially complete, and the final layer of asphalt would not be put down until cables were pulled through the conduit successfully. He said that AEP could install the streetlamps as soon as Linco corrects the bases, and Linco planned to begin work on the punch list the next day. Mr. Hodge stated that the state contract allows and requires liquidated damages for projects not completed on time, and liquidated damages were assessed until substantial completion the previous week.

Mr. Hodge stated that there were only three aboveground transformers of any significance, noting their locations. He said that the other conduits would be in pull boxes flush with the sidewalk. He noted that a local contractor, Mike Sheets, would work with the utilities to relocate meters and connections. Mr. Hodge explained that any pole with space around it was left that way because they did not want to replace sidewalk just to tear it out again when the poles were removed. He said the streetlamp poles would be put up as soon as possible, but the lights would not be placed on top of the poles until all wires were down to prevent damage to the lights.

Mr. Hodge stated that the sidewalks were designed to match what was already there, and the existing sidewalk had no gutter. He said the project was within budget; he anticipated small overruns for sidewalk and pavement, which would be covered by contingency funds. He stated that the contract retainage would not be released until all claims were settled, and VDOT has a process to settle any disputes. Mr. Hodge noted obstacles encountered during construction, such as running water at five feet and a large boulder. He commented that there was competent inspection, and they would have put in all new sidewalks if there were enough money. Mr. Hodge said that the tree wells might not be prepared in time to plant the cherries this fall, but they had worked with the Department of Forestry and others to come up with the right trees to replace the Bradford pears that were old and breaking. Mr. Hodge recognized the need to clean up the dust, and he said that the contractor would also clean and remove gravel from the storm sewer.

Mr. Hodge noted that the project also included the earlier construction of a culvert and parking lot. He stated that the current portion of the project included underground utilities, a new storm sewer, a new street, and a new water line and connections. He said that the town could pick and choose from other Streetscape enhancements, and more new sidewalk could also be added with the remaining funds. He emphasized that underground infrastructure was

always supposed to be the first phase, and other aspects of the conceptual plans could be added later.

Ms. Gill inquired regarding liquidated damages. Mr. Hodge said that damages were stopped because the contractor had completed everything up to the point of the punch list; sidewalk could not be poured around the poles and pull boxes yet. He stated that penalties would be reinstated if the contractor did not move on the punch list.

Mr. Hogan asked Mr. Hodge to explain betterment costs. Mr. Hodge said that the town pays the difference between the cost of replacing the overhead lines and placing them underground. He noted that the utility estimates included both streets, so this cost would decrease due to the removal of Main Street.

Mr. Johnson asked whether it “rang any bells” that this contractor’s bid was \$500,000 less than that of the next bidder. Mr. Hodge said that the town was required to accept the lowest bid from any VDOT-qualified contractor. Mr. Johnson said it was hard to imagine that the contractor could complete the project for that cost, as the next three bids were not far apart from one another. Mr. Hodge replied that the contractor could have finished the job by the end of June and probably made money if work had continued at the earlier pace.

Mr. Barry Grove commented that the project was nowhere close to substantial completion. He said it was wrong to release the contractor from liquidated damages, which could be paused to wait for the utilities.

Mr. Dick asked whether the contractor was bonded; Mr. Hodge replied affirmatively.

Mr. Raymon Thacker inquired regarding the costs for AEP and Embarq. Mr. Hodge stated the estimate for utilities alone was close to \$1,000,000 if the town paid the full cost, but the cost was reduced to \$350,000 by following VDOT standards.

8. RESOLUTION IN RECOGNITION OF CONSTITUTION WEEK

Mayor Phipps noted that DAR requested consideration of this resolution. Mr. Hogan moved to adopt the resolution in recognition of Constitution Week. Mr. Stratton seconded the motion, and a roll call vote ensued.

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

By a vote of 5-0, the following resolution was adopted:

WHEREAS, it is the privilege and duty of the American people to commemorate the two hundred twentieth anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE, I, R. Stephen Phipps, as Mayor of the Town of Scottsville, Virginia, do hereby proclaim the week of September 17 through 23 as Constitution Week and urge all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

9. APPROPRIATION OF \$5,936.52 FOR ARCHITECTURAL REVIEW BOARD INVENTORY PUBLICATION

Mr. Hogan commented that, five or six years ago, the state had offered to put together a book detailing every building, and he hoped the state would come back and do the book as originally recommended. Ms. Gill said that no additional state funding was available.

Mr. Hogan moved to appropriate \$5,936.52 for the Architectural Review Board inventory publication, and Mr. Snoddy seconded the motion.

Mayor Phipps stated that the zoning ordinance requires this inventory. Ms. Gill said the funds would be used to create a brochure regarding architectural styles with examples and discussion of different communities within Scottsville, and they would be very mindful of owners' privacy. She stated that a book would cost between \$30,000 and \$50,000 and was just not possible.

Mr. Raymon Thacker spoke from the audience to suggest the use of previous architectural drawings by UVA. Ms. Gill said she would contact Mr. Thacker for further information.

A roll call vote was then conducted.

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

The appropriation was approved by a vote of 5-0.

10. REPORTS OF CHARTERED COMMITTEES AND PLANNING COMMISSION

Public Safety Committee: Mr. Stratton reported that an overload option could be added to the sluice gate motor for \$1,000 to \$1,200. He said that the bluegrass festival went well with no incidents. Mr. Matthew Thacker asked what happened to the sluice gate. Mr. Stratton explained that the motor failed to shut down when a large willow tree wedged in the gate, bending the shaft. Mr. Stratton noted that the tree was not visible from the top because of the grates and muddy water. Replacement parts would take six to eight weeks to manufacture. Mr. Stratton said that the grate and the need for sediment removal were discussed during the biennial USACE inspection, which otherwise went well.

Government Services Committee: Mr. Snoddy reported that the committee reviewed a request by the Scottsville Center for Arts and Nature to rent the downstairs; a draft lease was

forwarded to the Town Attorney. Mr. Snoddy reported that the farmers' market manager's contract was under review.

Tourism Committee: Mr. O'Halloran listed upcoming events. He reported that the Landmarks book would be out soon. He encouraged residents to support local merchants, noting new businesses. Mr. O'Halloran said he had spoken with the election registrar, and March 11 would be candidate registration deadline for the May 2008 town elections. The next committee meeting was scheduled for October 11.

Quality of Life Committee: Mr. Hogan returned to the topic of the Streetscape Project, stating that the project was unanimously approved three times, all in front of the town, and Staunton representatives and business owners were brought in to discuss their project. He noted people who were instrumental in the grant approval process, such as Carter Meyers and Butch Davies. Mr. Hogan said that the town would not have received the grants if these people did not think the project was a good idea. Mr. Hogan stated that he thought the ARB had reviewed the farmers' market plans, but there was still a lot of design work remaining. He said a \$400,000 earmark was requested to complete Main Street, which would be rebid.

Architectural Review Board: Ms. Gill stated that the ARB had seen preliminary designs for the farmers' market structure and made several recommendations, but the Department of Historic Resources would have the final say on the structure. Ms. Gill noted that the ARB would discuss awnings at its next meeting.

11. TOWN ADMINISTRATOR'S REPORT – Mr. Draper reported that a public meeting for the Hardware River study would be held in the Council Chambers on September 25. Mr. Draper noted that September 26 was the next court date for delinquent sanitation fees.
12. ADJOURNMENT – The meeting was adjourned at 8:27 p.m.