

TOWN OF SCOTTSVILLE

Town Council
Regular Session
Monday, June 23, 2014
Victory Hall
401 Valley Street
Scottsville, Virginia

Mayor
Jesse B. Grove III

Town Council
Nancy E. Gill
R. Daniel Gritsko
Jeannette E. Kerlin
Elizabeth M. Knotts
Robert E. O'Halloran
Ronald L. Smith

MINUTES

1. CALL TO ORDER – Mayor Grove called the meeting to order at 7:02 p.m.
2. ROLL CALL of Town Council – Town Clerk Amy Moyer called the roll. Ms. Gill, Ms. Kerlin, Ms. Knotts, and Mr. Smith were present. Mr. Gritsko and Mr. O'Halloran were absent.
3. PLEDGE OF ALLEGIANCE TO THE FLAG
4. CONSENT CALENDAR
 - 4.1. Approval of Agenda
 - 4.2. Financial Report for May 2014
 - 4.3. VMLIP Member Agreement
 - 4.4. Minutes – Working Session of January 13, 2014
 - 4.5. Minutes – Regular Session of January 27, 2014

Mayor Grove asked to add an additional item under supplemental appropriations and a closed session regarding potential litigation with Albemarle Properties, LLC. Ms. Kerlin moved to approve the consent calendar with the changes to the agenda included. Mr. Smith seconded the motion, which was unanimously approved.

5. MAYOR'S REPORT

Mayor Grove noted with glee and satisfaction the opening of the Boys and Girls Club. He attended a luncheon there in honor of Virginia Bowen, who operated the Clothes Closet for 25 years.

With regard to noise issues, Mayor Grove and Town Administrator George Goodwin continue to try to establish readings using decibel meters on their cell phones to establish baselines and recommendations for the proposed ordinance. He thanked Bob Chambless for finding a way to enroll volunteers to help in that effort.

Mayor Grove commented that the farmers' market seems to be booming, with a wonderful group of vendors and large turnout, and the new management and new rules are working well. Ms. Knotts said that she is working with Shannon Bostic to organize a potluck dinner for vendors at the end of the season.

Mayor Grove said he was unable to attend the Batteau Festival because he was out of town, but he heard it was a great success and well attended. He thanked the volunteers and especially Elizabeth Schoenborn for her huge efforts in organizing. The event received favorable media coverage.

Mayor Grove noted that the Fourth of July parade starts at 9:00 a.m. Council members should meet at Ms. Gill's house to walk in the parade. Mayor Grove commented that it should be a great day, with Jammin' on the James from 6:00 to 9:00 p.m., followed by the fireworks.

Mayor Grove reported that the Town Council is about to begin a new term. He suggested that members consider new committee assignments at the July work session. Ms. Kerlin asked if she should continue to chair the Public Safety Committee meeting in July, as the committee meets prior to the work session. Mayor Grove replied yes.

Ms. Knotts asked if VDOT is done, noting that there are missing lines. Mayor Grove replied that the work is almost done, but there are no bars on the side street crosswalks because the contractor said it was outside the scope, but VDOT will do this independently later. He said the contractor still owes the striping for parking lot spaces and the middle line on East Main Street. Ms. Knotts asked about damage repairs, noting that tree branches were knocked off and a wall was broken. Mayor Grove said the town is aware of the damage, and it is in process. Ms. Gill noted that the stop line at James River Road was never put back after repaving. Mayor Grove asked for an email to follow up on that. Ms. Kerlin asked for follow-up on the asphalt lip on Harrison Street as well.

6. PUBLIC FORUM

Bob Chambless commented that the double yellow line on Valley Street has no break at Warren Street after repaving, where there was a break before. Under the letter of the law, taking a left onto Warren from Valley Street is illegal, and this line should be removed and the break reinstated. This also happened in the area of C&S Motors. Mr. Chambless has been given access to the town Twitter feed and looks forward to using this to promote events and timely information. He asked for people to sign up as sensors via NoiseTube to gather noise readings. The app automatically and anonymously uploads readings. Mr. Chambless said it never went over 70 decibels when he was walking around during the evening of the Batteau Festival. He said five unlocked cars were broken into last week and various items taken, allegedly by youths. He asked if the town has a curfew for minors in the summer and if not, is there an increased observation presence to ensure that tomfoolery does not occur.

Mayor Grove said there may have been a curfew in the past but not in his time here. As far as increased surveillance is concerned, the police department is aware that at this time of year there is an increase in nighttime activity. In general, as a small town, the police department is pretty aware of who the youths in town are and has historically been able to deal with things on an informal basis. Mayor Grove asked Mr. Chambless to bring this up at the July work session with Chief Layman.

Mr. Smith noted that Town Code Section 58-2 establishes curfew hours of 12:01 a.m. to 5:00 a.m. Mr. Smith commented that the section goes on for three pages with a lot of variations for who can be out when, but the ordinance states, "It shall be unlawful for a minor, during curfew hours, to remain in or upon any public place within the town, to remain in any motor vehicle operating or parked therein or thereon, or to remain in or upon the premises of any establishment within the town, unless..." and then goes on to list the exceptions. Mayor Grove stated that he was not aware of that, and he suspects the town is not enforcing that, and he will put that on the agenda for discussion with Chief Layman.

7. ADOPTION OF FISCAL YEAR 2015 BUDGET AND APPROPRIATIONS RESOLUTION

Mr. Smith moved to adopt the Fiscal Year 2015 Budget and Annual Resolution of Appropriations. Ms. Kerlin seconded the motion.

Ms. Gill	<u>Yes</u>	Mr. Gritsko	<u>Absent</u>	Ms. Kerlin	<u>Yes</u>
Ms. Knotts	<u>Yes</u>	Mr. O'Halloran	<u>Absent</u>	Mr. Smith	<u>Yes</u>

The motion passed 4-0. The Fiscal Year 2015 Budget and Annual Resolution of Appropriations are attached to the original of these minutes.

8. ADOPTION OF RESOLUTION CERTIFYING VIRGINIA RETIREMENT SYSTEM CONTRIBUTION RATE EFFECTIVE JULY 1, 2014

Mayor Grove stated that it is necessary to vote on this because VRS has increased the contribution rate rather significantly, but then the legislature gave an option to pay the increase as you go or to defer it, which is essentially a loan that is paid over time, which would involve a greater penalty. His thought is to pay as you go rather than defer to some future time putting a burden on a future council. The resolution as prepared reflects that, but he welcomed input.

Ms. Kerlin moved to adopt the resolution electing a Virginia Retirement System contribution rate of 11.25 percent effective July 1, 2014. Mr. Smith seconded the motion, and a roll call vote was conducted.

Ms. Gill	<u>Yes</u>	Mr. Gritsko	<u>Absent</u>	Ms. Kerlin	<u>Yes</u>
Ms. Knotts	<u>Yes</u>	Mr. O'Halloran	<u>Absent</u>	Mr. Smith	<u>Yes</u>

The motion passed 4-0. The adopted resolution is attached to the original of these minutes.

9. FY 2014 SUPPLEMENTAL APPROPRIATIONS

Mayor Grove reviewed the list of supplemental appropriations for flood control, police, and tourism. He raised one additional item that came to his attention today: Ashley Noble from James River Reeling and Rafting is concerned that the town no longer pays for a portable

toilet at the boat landing, saying that people come in there at night and defecate on the banks of the river, she and her staff has been required to clean that up, and she believes the town should maintain a portable toilet there at least for July 4 if not permanently. The town has done so in the past, but the portable toilet went downstream in a flood and the town is paying the lessor the cost of the lost toilet. Mayor Grove raised the issue tonight at Mr. Gritsko's request, as Mr. Gritsko believes the town should provide that facility at least for July 4. Mayor Grove stated that his view is that the town should not necessarily get into the business of providing sanitary facilities on properties it does not own or maintain and for which it is not responsible. He noted that the town maintains toilet facilities at Canal Basin Square and the farmers' market that could be kept open late for special events. He does not feel the town should accommodate people coming in late at night and allegedly even harassing campers at the campground.

Ms. Knotts asked what the cost per season was. Ms. Moyer replied the cost was \$100 per month from May to October.

Mr. Smith stated that he questioned this expense when he first came on council and was told the town had always done it. Mr. Smith reiterated that it is not town property, part of it is privately-owned and used by a for-profit concern and the other part is Commonwealth of Virginia property, and he does not understand why the town should be expected to put a portable toilet there. He suggests raising that concern with Department of Game and Inland Fisheries instead. He noted that the budget already approved \$1,725 for this. Ms. Gill said that may be what the town is paying off. Ms. Moyer replied yes, that is the projected expenditure for this year, and next year's budget has nothing for this. Mr. Smith stated that if it was the town's property and the town's boat landing, then yes, the town has an obligation; but this is a state-run facility for the benefit of all of the citizens of the state, and the state can do it if there is a need.

Ms. Kerlin agreed that it is probably not the town's responsibility, but they did it for countless years. She would like to do July 4 and finish out the season, with the understanding that the owner of the property needs to address it next year. It is the tourism season, and it is late to pull the rug out.

Ms. Gill asked if any line of communication has been opened with DGIF about this or about youngsters there late at night. Mayor Grove replied yes on the latter issue. Ms. Gill and Mr. Smith suggested that the Conservation Police may be of assistance. Mr. Smith noted that people should only be on the boat landing property if launching or retrieving a boat or fishing.

Ms. Knotts agreed that the town has a responsibility as far as tourism goes and to be business-friendly to at least finish the season. Mr. Smith suggested covering half, as the problem seems to be theirs. Ms. Gill feels the problem belongs to the town and DGIF as well; James River Reeling and Rafting just happened to be the recipient of the problem. Mr. Smith asked why they do not have a portable toilet at their campground. Ms. Gill replied that they do have one. Mr. Smith asked why their campers cannot use that one. Ms. Gill replied that they do. Mr. Smith asked why the town has to supply the portable toilet for people who

are trespassing after dark. Mayor Grove commented that it is unlikely in his view that it is Scottsville residents who are creating the problem.

Mayor Grove asked for a motion to amend the supplemental appropriation list. Ms. Kerlin offered to so move. Ms. Moyer asked if it is to be paid in next fiscal year, should it go on next year's appropriations instead. Ms. Gill asked July through what month. Ms. Moyer replied that the town had previously done May through October. Ms. Gill asked when Reeling and Rafting's season ends. Ms. Moyer said it was based on when people were using the boat landing.

Mr. Smith asked why the town had to pay for portable toilet lost to flood, an act of God. Ms. Gill replied because they did not have insurance. Mayor Grove said the lessor should have had insurance, and if the town rents another one the lessor will take the river risk, not the town, unless that adds significantly to the cost.

Mayor Grove asked for clarification on the question of amending the list of supplemental appropriations. Ms. Moyer replied that these are things to be paid before June 30 of this year, and if a portable toilet is placed from July through September or October the expenditure would be in next fiscal year, unless paid in advance. Ms. Gill offered to cover it out of the Arts and Culture line item for events. Mayor Grove suggested that they find something like the events budget to cover July and then take up the issue at the July work session meeting of whether to finish the season. Council members agreed.

Ms. Gill asked if the town will be reimbursed for half of the flood control expenses. Mayor Grove replied he hopes so, it is under discussion, and Mr. Bowling feels the town is entitled to it.

Mr. Smith moved to approve the FY 2014 supplemental appropriations as presented. Ms. Kerlin seconded the motion, and a roll call vote was conducted.

Ms. Gill	<u>Yes</u>	Mr. Gritsko	<u>Absent</u>	Ms. Kerlin	<u>Yes</u>
Ms. Knotts	<u>Yes</u>	Mr. O'Halloran	<u>Absent</u>	Mr. Smith	<u>Yes</u>

By a vote of 4-0, the following appropriations were approved:

FY 2014 Supplemental Appropriations (6/23/2014)

General Fund Expenditures		Amount of Increase (Decrease)
Flood Control/Levee Certification	Engineering Services	\$ 5,708.00
Police Dept/Storage Building	\$350 donation, \$650 from PD budget	\$ 1,000.00
Police Dept/Vehicle Insurance	Allocated to Storage Building	\$ (650.00)
Police Dept/Payoll	Vacation Accrual Payout	\$ 6,592.00
Police Dept/FICA	Matching FICA for Vacation Pay	\$ 504.00
Tourism/Events	JOTJ (From donated funds)	\$ 950.00
		<u>\$ 14,104.00</u>

10. REPORTS OF CHARTERED COMMITTEES, PLANNING COMMISSION, AND ARCHITECTURAL REVIEW BOARD

Planning Commission: Mr. Smith reported that the commission did not meet. On behalf of the Chamber of Commerce, he reported that Fourth of July activities are being finalized, and vendors will be clustered around the farmers' market pavilion. Mr. Smith asked why the Dollar General plans were approved with 29 parking spaces but the contractor told Bebe Williams that 18 spaces are planned. Mayor Grove will ask Mr. Goodwin to visit the site tomorrow to inquire.

Architectural Review Board: Mayor Grove noted that minutes are available for review.

Town Maintenance Committee: Ms. Knotts reported that the committee has outlined maintenance goals in preparation for the Fourth of July, such as weeding and mulching tree pits, weeding the gardens, painting the extra trash cans, and revamping the entrances. Mr. Goodwin has been asked to check on the cost of a dumpster. The committee has requested that an annual evaluation be done for the maintenance employee.

Public Safety Committee: Ms. Kerlin reported that the committee discussed the harassment of campers at James River Reeling and Rafting and the five thefts from unlocked vehicles. Ms. Kerlin reminded residents to lock their car doors even if parked in the driveway. The police department air conditioner needs to be replaced, and Mr. Goodwin has an estimate for \$4,000 to replace the unit.

Ms. Gill asked if David Becker has been certified to supervise inmates work crews. Ms. Knotts said that Mr. Goodwin has been asked to arrange this.

Arts and Culture Committee: Ms. Gill reported that the event went well, but they did not get the traffic at Canal Basin Square that vendors needed to be successful. Ms. Gill has spoken with Ashley Noble and the Virginia Canals and Navigations Society about moving the town events to the river, with a living history village and more educational, hands-on activities. One of her volunteers resigned after she was not given the support she felt she should have been given by town staff. Vendors are somewhat scattered this year for the Fourth of July, as

much was planned before the committee was formed, but the committee will have a strong handle on vendors throughout town next year.

Ms. Knotts suggested a stipulation that town employees must be on shift during major events. Mayor Grove noted that some employees must receive overtime under fair labor laws.

11. TOWN ADMINISTRATOR'S REPORT – In Mr. Goodwin's absence, no report was given.

12. CLOSED SESSION

Ms. Kerlin moved that this council now meet in closed session for consultation with legal counsel and/or briefings with staff members pertaining to potential litigation with Albemarle Properties, LLC, regarding access easement for Van Clief Nature Area, as permitted by Code of Virginia Section 2.2-3711(A)(7). Ms. Knotts seconded the motion. The motion was approved, with Ms. Gill, Ms. Kerlin, Ms. Knotts, and Mr. Smith voting in favor and none against.

Upon returning to open session, Ms. Kerlin moved to adopt a resolution certifying the closed session. Ms. Knotts seconded the motion. The motion was approved, with Ms. Gill, Ms. Kerlin, Ms. Knotts, and Mr. Smith voting in favor and none against. The following resolution was adopted:

WHEREAS, this council convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712(D) of the Code of Virginia requires a certification by the council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, be it resolved that the council hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed, or considered in the meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting to which this certification applies.

13. ADJOURNMENT – Upon a motion by Mr. Smith, seconded by Ms. Kerlin, the meeting was adjourned at 8:05 p.m.