

**Narrows Town Council Meeting
October 11, 2021**

Mayor Tom Spangler called the meeting to order. Council Members present were Clyde Turner, Sara Bowles, George Conley, John Mills, and Joe Goorskey

Staff members present were Lindsey Caudill (arrived late), John Davis, Susan Kidd, Cindy Laws, Landon Patteson (arrived late), Benji Ratcliffe, and Debbie Thomas.

Attorney Mike Bedsaul was present.

Councilman George Conley gave the invocation.

Council and audience recited the Pledge of Allegiance.

Approval of September 13th Meeting Minutes

Councilman Turner made a motion to approve the September 13th meeting minutes. Councilman Conley seconded the motion.

Ayes: Turner, Bowles, Conley, and Mills

Abstain: Goorskey

Nays: None

Motion Carried 4-0

Consent Agenda

Library Report

Councilman Turner made a motion to approve the library report. Councilmember Bowles seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Parks & Recreation Report

Councilman Goorskey said he had some questions concerning parks and rec so they can wait until Landon Patteson and Lindsey Caudill arrive to discuss.

Police Report

Councilman Turner made a motion to approve the police report. Councilmember Bowles seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Financial Report/Treasurer's Report

Councilman Mills made a motion to approve the financial report/treasurer's report. Councilman Turner seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Director of Strategic Development's Report

Councilman Mills made a motion to approve the director of strategic development's report. Councilman Turner seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Public Works Director's Report

Councilman Turner asked John Davis if the water loss for September was due to busted meters?

John Davis said they fixed 4 water leaks last week but 2 of them were on water mains and were bad leaks. They have not been able to go out at night to check for leaks but have been out in the day. Next week they will be trying to do leak detection at night.

Councilman Goorskey asked John Davis how the meeting went at Camp Success?

John Davis said it went very well. The mayor and some community leaders met with the Design for America team from Virginia Tech on some possible upgrades at Camp Success. They would like to put in some kayak lockers but he does not know how that would work here because of the flooding at Camp Success. There is a lot to look at before they do that project.

Councilman Goorskey asked where they were at on the ballfield project?

John Davis said he met with Landon Patteson today and Landon knows someone with a grader that can do some work for us. The downtown project is taking a lot of their time, but the ballfield will be done.

Councilman Mills said he understands that John Davis has to work with an antiquated distribution system but at some point they may need a work session. The water loss numbers are unacceptable so they may need a work session to discuss replacing portions of the water lines. They are great on day-to-day items but this needs to be done.

John Davis said they have fixed a lot of leaks but really need the PER they are going to discuss tonight. They are also shorthanded right now. He agrees that water is important and they are paying double for water.

Councilmember Bowles said she would like to extend her appreciation for getting the signs on the side of the annex. They just need to get some statements with the signs.

Councilman Mills made a motion to approve the public works director's report. Councilmember Bowles seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Communications, Concerns and Requests from the Public

Susan Kidd said Virginia Martin had a leak that went into the 3rd month and she is asking for an adjustment.

Councilman Goorskey made a motion to approve a leak adjustment to Virginia Martin's utility bill. Councilman Mills seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Susan Kidd said Darryl Blankenship is also asking for a leak adjustment that has lasted for 2 months. He has fixed the leak but used over 12,000 gallons of water.

Councilman Mills made a motion to approve a leak adjustment to Darryl Blankenship's utility bill. Councilman Turner seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Mayor Spangler said the Boy Scouts are present and would like to present to council a project they are interested in doing.

Jonathan Lloyd said he is working on his Eagle rank and one of the requirements is to do an Eagle project. He has spoken with John Davis and wants to build 4-8 fire pits at Camp Success made with river rock. He is asking permission from council to work on this project and oversee it. He will provide all manpower, tools, and materials needed.

Councilman Mills said he wished they had more offers like this. He thinks this is a wonderful idea.

Councilman Conley said he would suggest incorporating into the project who it was built by and donated by.

Councilman Goorskey said he thinks this is a wonderful idea because he will be building the town up instead of tearing it down.

John Davis said he has spoken to Jonathan Lloyd and his dad about this project. They are not going to just use rock to build the fire pits. There will be ring footers built and will lay the rock in mortar.

Councilman Mills made a motion to approve the construction of 4-8 fire pits by Jonathan Lloyd at Camp Success. Councilman Goorskey seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Communications from Mayor and Council

Councilman Goorskey said he did not have a PSA report. The last he heard was they are not getting the flow they thought they were going to get at Pembroke Springs. He will be attending the PSA meeting on October 14th.

Mayor Spangler said it is his understanding that there was damage done at the town park to one or both bathrooms that will cost several hundred dollars to fix. Who is the party responsible for locking the bathrooms?

Police Chief Ratcliffe said the police department.

Was the door broken open or was it not locked?

Police Chief Ratcliffe said he did not know but he believes it was not locked. There may be nights where an officer is on a call and forgets to lock the bathrooms. He knows the part-time policeman does not have a key to those bathrooms, which was probably an oversight on his part, but they are in the process of getting him one.

Mayor Spangler said it is an isolated incident but there needs to be an effort to lock those bathrooms at night.

John Davis said this Thursday they are going to winterize the park and lock it up for the winter. There was a gentleman at the park that saw 3 teenagers, but he cannot be certain they were the ones that did the destruction.

Mayor Spangler said he believed there was one camera at the middle shelter that was operational. Were they able to retrieve anything from that?

John Davis said he does not believe so.

Susan Kidd said the camera at the middle shelter is under the shelter and does not point toward the bathrooms.

Mayor Spangler said several months ago council approved money for additional cameras.

Councilman Goorskey said there is a lot of discussion he would like to have with parks and rec while they are present. That is why he tabled their report.

John Davis said they are having 2 volleyball games right now so he does not know when they will arrive at the council meeting.

Councilman Turner asked what time the gates at the park are supposed to be locked?

Police Chief Ratcliffe said they do not have a certain time, but they try to do it between 9:00 p.m. and 11:00 p.m.

Councilman Turner said he would like to see them closed and locked at dark.

Police Chief Ratcliffe said if anyone wants to get in the park they can.

Councilman Goorskey said if the gates are locked and the cameras pick up someone in the park they can be charged with trespassing.

John Davis said there are cameras at the park and kids will stand on picnic tables and point them toward the ceiling. They know where the cameras are.

Mayor Spangler asked if they knew who some of the kids are?

John Davis said there are some names floating around.

Councilman Mills said they understand the determination of a crook but they do need cameras and the park and buildings need to be locked up.

Mayor Spangler said if no one shows up from parks and rec he would like to recommend that a meeting be held before the next council meeting with Landon Patteson and Lindsey Caudill. He would like to be involved in that meeting. From what he is hearing there is a lack of communication and some of these issues need to be addressed and there needs to be some accountability.

Councilman Mills said if no one else wants to do it he would like to be there.

Councilmember Bowles asked if Mayor Spangler would be considered part of a quorum if 2 other council members were there?

Mike Bedsaul said yes. Susan Kidd could prepare a report to give to council members not in attendance at the meeting.

Councilman Goorskey said they could call a special work session.

Mike Bedsaul said they could always call a special meeting but a work session is still a meeting. You would still have to advertise the meeting and let the public be present. They can just appoint 2 members of council to be present at the meeting with parks and rec.

Councilman Mills said calling a special meeting may throw up some red flags they do not want to illustrate.

Debbie Thomas said council members not in attendance at the meeting could write down their questions/concerns and let the 2 members at the meeting present them.

Councilman Conley said he had some comments he would like to make now if the parks and rec employees are not going to be present at the meeting tonight.

Councilman Goorskey said they need to proceed with the meeting and wait to see if the parks and rec employees show up.

Mayor Spangler said if the parks and rec employees show up tonight he would still like to meet with them later.

Councilman Turner asked John Davis if a piece of fence could be placed near the lower parking lot that would make someone trying to get into the park have to go in the creek to get there.

John Davis said the fence is within 2 feet of the creek now. It would be hard to install a fence in the creek bed.

Councilman Turner said it would make it a little bit harder for someone to try and get in the park.

John Davis said if they are not vandalizing the park they will be at the Farmers Market, Grants Supermarket, or somewhere else. They are kids and there is nowhere else for them to hang out. They can spend a ton of money trying to fix this problem.

Councilman Turner said they are going to have to spend a ton of money fixing what they have destroyed too.

John Davis said that is right.

Councilman Conley asked if the cameras are working?

Susan Kidd said the ones that are up are working.

Debbie Thomas said the ones that are not up do work they have just not been installed.

Susan Kidd said 2 of them go on the annex doors but no one has had time to install them.

Councilman Conley asked if anyone had been caught on the cameras doing anything?

Councilmember Bowles said no because they are not up.

Susan Kidd said kids know the cameras are there and have ways to not be seen on them.

Councilman Conley said they should have a picture of them on the video cameras doing something wrong. That should be the one to prosecute.

Mayor Spangler said the cameras need to be put up high enough where they cannot be reached, but he does not know if that can be done.

Councilmember Bowles said there are 2 people in parks and rec and there can be some more manpower and time spent at the park.

Susan Kidd both of the parks and rec employees are busy most of the time and do not have much downtime. They do not sit around doing nothing.

Mayor Spangler said he and Councilmember Bowles will meet with parks and rec.

New Business

Susan Kidd said this is a boilerplate RFP they can use to go out and solicit engineering firms. With the ARPA money in hand and the clock ticking on when it can be used, this is just another step in the process. They are not sure at this time if they can use ARPA money for a PER but with this RFP you can rank engineering firms by which ones are able to get grant money for the town. Then the ARPA money can be used for the project. Mike Bedsaul has looked at this and one of his suggestions is that council could refuse any and all bids if they do not get what they want in the bidding for the RFP.

Councilman Mills said he is glad this was brought before council.

Mike Bedsaul said this RFP deals with the solicitation of qualifications from professional engineering firms for water and wastewater systems.

Councilman Mills made a motion to approve the engineering retainer RFP contingent upon Mike Bedsaul's draft. Councilman Conley seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Unfinished Business

Susan Kidd said council approved to hire a part-time police officer and there is a little different scenario with his benefits. This will include an increase to the part-time police budget of \$17,500.

Councilman Goorskey made a motion to approve the budget amendment in the amount of \$17,500 for part-time police wages as stated. Councilman Turner seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Jon Butler said the fire department received the contract from Fire Recovery USA and it has been given to council for their review. He and his board of directors were pleased with it. The last page, item #9 under Schedule A, states that “under no circumstances shall Company bill victims of incidents where insurance companies deny the claim”. This line was specifically added for their fire department.

Mike Bedsaul said this contract is for the fire department and not the town. He would be willing to review and make needed changes to the contract. He read the same sentence that Jon Butler just read and he believes it could be a little more specific. It should also state there will be no billing to insurance customers above what their insurance will pay. This was one of the concerns he heard from council last month. Under Schedule A, item #4 states “Company will not begin litigation against a person, entity, or insurance carrier without prior written approval by the Client”. What other means will they use to try to collect a debt? That could be a letter or a phone call. There is an arbitration provision in the contract and if this was the town and he was advising them on this he would suggest they should reserve their legal remedies and not be bound by arbitration. Arbitration in this instance seems like a quicker, easier, less-formal way to resolve if a claim or dispute did arise. He has found that arbitration is just as expensive as litigation, especially when you must go through the National Arbitration Association. The other thing that goes hand-in-hand with the arbitration provision is that this has a choice-of-law provision that says if they ended up in a dispute with this company they can only file suit in California. That creates, from a practical standpoint, a real strategic advantage for any party to a contract. If the agreement was entered here and breached here he would prefer that the choice-of-law provision be taken out or it stay in Giles County. It would be cost prohibitive for them to try to litigate in California. It is his thought that collection efforts would be limited to making a claim for any insurance coverage that the individual may have, but under Section 6.2 it states, “once a run is assigned to Company for processing, Company will pursue collection until all efforts have been exhausted”.

Jon Butler said he thought they changed that.

Mike Bedsaul said many times you will have a boiler-plate contract that is used nationwide but it can be customized and changed, as it appears in Schedule A.

Jon Butler said he specifically had them change 6.2 and take out the section on pursuing collection.

Mike Bedsaul said language needs to be inserted in this agreement that states in the event of any conflict in the terms of the agreement and Schedule A, the terms of Schedule A control it. That is where you customize it. The agreement can be terminated by either party upon 30 days written notice. That is a good provision. Under Obligations of the Client, 6.1 states “the Client agrees to comply with all reasonable requests of Company and provide access to all documents reasonably necessary to the performance of Company’s duties under this Agreement”. That part is fine. It then goes on to state “the Client shall be responsible for initially insuring, and continuing to review, local and state laws in the Client’s jurisdiction to assure adequate legal authority for Company to engage in the Services described herein of behalf of Client”. They are placing the burden on the fire department to tell them that any actions they take to collect is consistent with state law. If they look at other portions of the contract, Fire Recovery USA is not responsible for any claims against them due to some failure of the fire department under the agreement. If Fire Recovery USA initiated a claim to collect that was inconsistent with

state law, their response to the fire department will be they were never told. If Fire Recovery USA is the one providing the service and they are operating and doing business in Virginia the burden should be upon them to ensure their own business practices are consistent with our state's laws. Under Section 3.7, attorney-in-fact, it makes sense they are acting as the fire department's agent so they will be acting independently upon the fire department's behalf. He wanted to point out some things to be mindful and cautious of. He believes things could be a little clearer.

Councilman Mills said the fact of the matter is at their last council meeting they decided to grant their blessing to get this contract. His position has always been, and still is, that the attorney tells them the contract is good and if it is not all bets are off.

Mike Bedsaul said he is not comfortable with the way it is.

Councilman Conley asked what will happen if someone does not have insurance?

Jon Butler said their insurance will not be billed.

Councilman Conley said that needs to be in Schedule A.

Jon Butler said it does not even need to be in there because they will collect insurance information at the time of the call.

Councilman Conley said he can see "ambulance chasers" trying to collect on a claim.

Mayor Spangler said he made some phone calls and stayed on the internet for a good bit investigating Fire Recovery USA. Most of the complaints were from homeowners who had received a bill. He contacted Chief Reilly outside of Chicago, Illinois, and they have been doing business with this company since 2017 and were well pleased with the services they provided. There are some things in the contract that need to be changed.

Councilman Mills said fire departments never have enough money, especially when they volunteer. He trusts that Jon Butler will work with Mike Bedsaul and Fire Recovery USA to get the contract to be what they feel to be correct.

Jon Butler said they worked 2 days on the barbeque and hot dog event and did not turn a profit.

Matters for Consideration by Council

Susan Kidd said Patrick O'Brien with the NRVRC no longer works there and cannot be on the façade review board for the town concerning the grant. She is asking council to appoint Elijah Sharp to replace him.

Councilman Conley made a motion to approve appointing Elijah Sharp to the Façade Review Board. Councilmember Bowles seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Susan Kidd said the ARPA requests in council's packet are from town staff. She is sure council has items on their wish list as well. She would like to recommend having a work session to discuss this.

Council decided to have a work session to discuss ARPA requests on October 25 at 6:00 p.m.

Susan Kidd said council is being asked to decide whether to observe Halloween on October 30th or 31st.

Councilman Conley made a motion to observe Halloween on October 30th. Councilman Mills seconded the motion.

Tom Garrett said he would hate to see different towns holding Halloween on different nights.

Ayes: Conley and Mills

Nays: Turner, Bowles, and Goorskey

Motion Failed 2-3

Susan Kidd said Halloween will be observed on October 31st.

Councilman Goorksey made a motion to go into executive session to discuss personnel matters concerning benefits of specific employees (Sec. 2.2-3711.A.1).

Councilman Conley seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Councilman Mills made a motion to return to open session. Councilman Turner seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Certification

WHEREAS, the Town of Narrows, has convened an executive meeting on this date pursuant to an affirmative-recorded vote and in accordance with the provision of the Virginia Freedom of Information Act: and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification of the Town Council that such executive meeting was conducted in conformity with Virginia Law:

NOW, THEREFORE, BE IT RESOLVED THAT THE Town of Narrows hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia Law were discussed in the executive meeting to which this certification resolution applies: and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Town Council.

ATTEST: _____

Councilman Conley made a motion to accept the certification. Councilmember Bowles seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Mayor Spangler asked if there were any questions concerning the parks and rec report or any situations concerning the parks and rec?

Councilman Goorskey said he understands there are 2 Narrows volleyball teams and they are playing each other. Was anyone made aware of that before they signed up?

Landon Patteson said the first practice they had 9 girls out that were quarantined. He spoke with Pearisburg's director and they said they would postpone the first game and move it back but they could not guarantee games if contact tracing of COVID was present. He and Susan Kidd discussed this and decided to only let Narrows' teams play each other. If they continued to play other teams they may have parents drive their children to another venue (i.e. Eastern Elementary) and when they get there the team may only have 3 girls to play so they cannot play a game. The way it is now if there is contact tracing within the 2 teams he can reschedule the games on his time. These kids are learning and practice is the best thing for volleyball. Outdoor sports were really tough because he had kids with different colored jerseys on playing for other teams because the other team did not have enough to play. One of his teams played a Pearisburg team and

he gets a call the next day saying the Pearisburg team is quarantined because of contact tracing. They are lucky they have 2 teams to play each other.

Councilman Goorskey thanked Landon Patteson for his response.

Landon Patteson said Lindsey Caudill had a Zoom meeting with Dr. Noelle Bissell and she said you can play different teams but understand the risk is going to be higher to be shut down.

Councilman Goorskey asked Landon Patteson if a memo could be developed to say what he just said? This would be helpful for the public to understand why things had to change.

Landon Patteson said he would work on that.

Councilman Goorskey said he knows Landon Patteson was dumped into the hot seat in his job but parks and rec is one of the most visible parts of our town. We need to build the best parks and rec that we can. This must be paid for and fundraising needs to be done to help pay for the ballfield loan.

Landon Patteson said once the ballfields are complete there is a lot of opportunity to host different fundraisers.

Councilmember Bowles said it is her understanding that by the end of October they will have paid around \$1,100 for cameras that are just sitting there. The purchase of them was approved in May and when that came about it was on the heels of the abduction at Riverview Baptist Church. It does not make us look like good stewards to waste that money. What is the plan for that?

Landon Patteson said they will get the cameras installed as soon as possible. He wants input from council on specific locations they would like to see the cameras installed. He did not work for the town in May so he does not know where they need to be.

Councilmember Bowles said when it was discussed they decided that at least one needs to be at each entrance on the annex. They need to be at the park also.

Councilman Goorskey asked if they could be installed on a light pole?

Susan Kidd said they could be installed on a light pole if they have an electrical outlet.

Police Chief Ratcliffe said when they are installed they need to be out of reach.

Landon Patteson said they must make sure they have enough data through U.S. Cellular for them to be able to review the footage from the cameras.

Mayor Spangler said they are going to schedule a meeting with parks and rec employees and additional discussion can be held then.

Councilman Goorskey said the drive-thru Christmas lights was awesome, except for the vehicle congestion, and he would like to see that happen again this year.

Police Chief Ratcliffe said he had spoken with Lindsey Caudill and they have a better plan for this year.

Councilman Conley made a motion to approve the parks and rec report.

Councilman Mills seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Councilman Mills said the flag football is wonderful and he saw little kids having a big time. There was an incident that was sickening, not any fault of the town, but 2 people were in a fist fight near his family. He wanted to acknowledge John Davis, Jon Butler, and Robbie Patteson for helping to break up the fight. Jimmy Joe McCroskey also

showed up to help with the situation. He also wanted to thank town staff for the Fall Festival.

Councilman Goorksey made a motion to go into executive session to discuss personal matters concerning performance issues of specific employees (Sec. 2.2-3711.A.1). Councilman Turner seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Councilman Turner made a motion to return to open session. Councilmember Bowles seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Certification

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ATTEST: _____

Councilman Goorskey made a motion to accept the certification. Councilman Conley seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Councilman Goorskey made a motion to adjourn. Councilman Mills seconded the motion.

Ayes: Turner, Bowles, Conley, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Clerk, Debbie Thomas

Mayor, Tom Spangler