

**Narrows Town Council Meeting
April 11, 2022**

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, John Davis, Susan Kidd, Cindy Laws, Benji Ratcliffe, and Debbie Thomas.

Attorney Mike Bedsaul was absent.

Mayor Spangler gave the invocation.

Council and audience recited the Pledge of Allegiance.

Approval of March 8th, March 14th, and March 23rd Meeting Minutes

Councilman Mills made a motion to approve the March 8th meeting minutes.

Councilman Turner seconded the motion.

Ayes: Conley, Mills, and Goorskey

Nays: None

Abstain: Turner and Bowles

Motion Carried 3-0

Councilman Mills made a motion to approve the March 14th meeting minutes.

Councilman Turner seconded the motion.

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

Nays: None

Motion Carried 5-0

Councilman Mills made a motion to approve the March 23rd meeting minutes.

Councilman Turner seconded the motion.

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

Nays: None

Motion Carried 5-0

Consent Agenda

Library Report

Councilman Turner made a motion to approve the library report. Councilman

Conley seconded the motion.

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

Nays: None

Motion Carried 5-0

Parks & Recreation Report

Mayor Spangler said it was unfortunate that the cost of shipping for the adaptive swings was half the cost of the swings.

Lindsey Caudill said it was unfortunate but she was excited for their arrival.

Councilman Mills said it was unfortunate that they are only breaking even on concession sales but they have to have concessions.

Mayor Spangler said with the summer season coming up concession sales will probably pick up a little bit.

Lindsey Caudill said the cost of purchasing items for concessions has risen.

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

Councilmember Bowles seconded the motion.

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

Nays: None

Motion Carried 5-0

Police Report

Councilman Conley thanked Police Chief Ratcliffe on his arrest of the possession of schedule II.

Mayor Spangler said it would appear that on Route 460 the town police don't write tickets unless the person speeding is going 15mph or above.

Police Chief Ratcliffe said they don't like to make that public but the answer is yes.

Mayor Spangler said 20mph or above is considered reckless driving. Do they give our tickets for reckless driving?

Police Chief Ratcliffe said it depends on the time of day and how much traffic is on the highway. It also depends on if it's a reckless situation.

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

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

Nays: None

Motion Carried 5-0

Financial Report/Treasurer's Report

Councilman Conley asked Debbie Thomas if the second ARPA deposit would be made June 1st?

Debbie Thomas said it would be made June 30th but the auditors will carry it over to July 1st.

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

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

Nays: None

Motion Carried 5-0

Director of Strategic Development's Report

Councilman Conley asked Susan Kidd if she had any idea when the quotes would be in on the sewer system and the new water meters?

Susan Kidd said they have a quote on air conditioning and are waiting on two more. The quote on the sewer system will be in once Peed & Bortz gets the town a final price.

Councilman Goorskey asked Susan Kidd how the meeting went with the architect on wet flood proofing?

Susan Kidd said they came to an understanding there may be some more architect fees for engineering and structural analysis.

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

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

Nays: None

Motion Carried 5-0

Public Works Director's Report

Councilman Turner said he was glad to see the water loss go down to 38%. He asked if they were still having trouble with water meters?

John Davis said yes. They have quotes for complete meter replacement.

Councilman Turner made a motion to approve the public works director's report. Councilman Conley seconded the motion.

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

Nays: None

Motion Carried 5-0

Communications, Concerns and Requests from the Public

None.

Communications from Mayor and Council

Councilman Mills said the next PSA meeting is this Thursday.

New Business

Councilmember Bowles said PINN (Progress in Narrows Now) will have their first meeting on April 18th and hope to have it at the farmer's market if the weather is good.

Unfinished Business

Mayor Spangler said the next item is the contract between the Narrows Volunteer Fire Department and Fire Recovery USA.

Councilman Conley said he asked for this to be put on the agenda and will now tell them why. It came to his attention that the fire department was already billing insurance companies and everything for their services. At the last meeting he spoke to Chief Lambert and Mike Bedsaul. Mr. Bedsaul asked Mr. Stump for a copy of the agreement. Mr. Conley said he did not know the agreement had already been signed. When he left the October 2021 council meeting he thought they would come back to council with the amendments for council's blessing before it would be signed. He has the minutes of the September 13th, 2021, and the October 11th, 2021, meetings. The ordinance was passed. Mr. Bedsaul stated in the September 13th minutes "he does not know what the terms of the contract will be but if council was displeased with how the contract is administered they could change the ordinance". Then Jon Butler said "the approval of this ordinance does not mean they will be entering into a contract with any company to do any billing. This is just a step they have to take to go any further". Jon Butler and the fire department members said they do not want to see bills mailed to the citizens and Jon Butler said "they will not see a bill". Mayor Spangler said "if council approves the ordinance and the company provides the fire department a contract and it is shared with Mike Bedsaul and the contract states they will bill the homeowner then the fire department will not enter into the contract". Jon Butler said "that is correct". Mike Bedsaul said "he is happy to review it and a copy can be provided to council". In the October 11th, 2021, meeting minutes, when the contract came back there was a lot of discussion. Mike Bedsaul had a lot of language changes that he had and there were a lot of concerns about the wording in the contract. He has the minutes if anyone would like to read them in their entirety. There were several discussions in that meeting and 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". He does not believe any of them were, but to then find out that is was already signed, agreed to, and adhered to before any of the amendments were made that Mike Bedsaul had suggested. They were given a redacted copy. Mike Bedsaul told Chris Stump if there was any personal information on the paperwork to redact it. He does not see that any signature or date is personal information. He is sure it can be obtained but he does not like secrets or deceit and that is why all council members were sent copies of the emails. None of the amendments were adopted. If the ordinance needs to be amended or rescinded, council can always rescind the ordinance. He does not want to be hard or anything but he is looking out for the citizens of this town. Council suggested that changes be made to the contract and they weren't made the amendments weren't adopted.

Mike Bedsaul said they probably haven't been adopted at this point. What happened is he reviewed a copy of the agreement he received from Mr. Stump that did not include the amendments he had made. A lot of the amendments included comments that council had made in terms of the billing practice itself so those were included as well. When he receive a copy of the agreement and it didn't contain any of the amendments, he sent Chris Stump an email telling him it didn't contain any of the amendments that council required and recommended be made. He heard back from Chris Stump the very next day to follow up on this. Chris Stump did not understand why the amendments hadn't been adopted or signed. In the principal agreement itself that was provided by Fire Recovery USA, he drafted another document called the client amendments to that agreement that made amendments to the master agreement. Chris Stump called Fire Recovery USA and reviewed the amendments and said they were happy to sign them at that time. The only one they asked to be taken out was a sentence in the original amendment stating they would work out of the State of Virginia and Fire Recovery USA works out of California. He felt that could be removed because it was an amendment he inserted, not one that council was concerned about. He sent Chris Stump the revised amendments, this was just last week. He copied Susan Kidd and Councilman Conley on the email and said he didn't have any issues with removing the one amendment and that Fire Recovery USA could sign the amendments at that time. He is guessing that the reason the amendments have not been signed at this point is because Chris Stump wanted to see what council had to say tonight.

Jon Butler said he would like to address council on this whole situation. He takes full responsibility about the miscommunication within the fire department about the amendment list that was sent to him by Mike Bedsaul on December 13th and he forwarded it to Chris Stump. They didn't even realize they were missing anything until last week when the whole situation started. As soon as he talked to Chris Stump last week about it they realized they had screwed up and needed to fix it. That is in the process now and they are waiting to see what happens tonight.

Councilman Mills asked Mike Bedsaul the status of the document right now?

Mike Bedsaul said as of right now the agreement that is in place is the original agreement without any of the changes that were required by council and recommended by him. Chris Stump said Fire Recovery USA is still agreeable to sign the amendments now.

Councilman Mills said they are operating under a document that does not contain the amendments.

Mike Bedsaul said that is correct.

Councilman Mills said that is obviously a problem. The fire department members are stand-up people and the worst thing that has happened is a mistake. He is glad Councilman Conley dug into it and exposed it to council but he does not believe that Jon Butler or any of the fire department members are deceitful. This has to be corrected immediately.

Jon Butler said the fire department has turned in three calls to Fire Recovery USA but they have not received any funds.

Councilman Mills said everything they deal with is complex and it is easy to have stuff get lost in the shuffle. He asked Mike Bedsaul what the worst thing was that could take place?

Mike Bedsaul said in his opinion this is an easy fix. Fire Recovery USA has always said they would sign the amendments now and that will affect the agreement from when it was signed moving forward. A worst-case scenario would be a request for reimbursement that the fire department had Fire Recovery USA handle between the date the original agreement was signed, which was December 29th, 2021, until the amendments are signed.

Mayor Spangler said he believes they all remember the conversations they had concerning this and council's biggest concern was to make sure that the public didn't get a bill for any services.

Jon Butler said that was the fire department's concern also.

Mayor Spangler said they need to get the amendments signed asap and if there were three claims they need to contact those three individuals and make sure they understand that if they get a bill from Fire Recovery USA they need to contact someone.

Jon Butler said it is in the original agreement that Fire Recovery USA will not send a bill to the individual.

Councilman Conley said he feels like Councilman Mills and maybe they should suspend turning in any calls to Fire Recovery USA until after the amendments are signed.

Councilman Goorskey asked what could go wrong in the handling of the claims?

Mike Bedsaul said he believes the concerns, at least what he is hearing from council, are that the language council asked to be in the amendments beefed up the restrictions. If the fire department went out on a call and the amendments were not in place yet there may be the risk that Fire Recovery USA could take more aggressive collection action than what the client amendments contain.

Councilman Goorskey said he is understanding that Fire Recovery USA could sign these amendments tomorrow.

Jon Butler said that is correct.

Councilman Goorskey said this was a good catch and it will be corrected.

Mike Bedsaul said when he spoke to Chris Stump he was under the impression that the amendments had been signed.

Councilman Mills said for them to wait and vote on this at their budget meeting on Wednesday.

Mike Bedsaul said he had already drafted the amendments.

Debbie Thomas said a copy of the amendments to be signed are in council packets.

Mayor Spangler said, as he understands it, the only involvement that the fire department has with Fire Recovery USA is if and when they submit a claim.

Jon Butler said absolutely.

Mayor Spangler said however long it takes to get this document signed, whether it is a day or a week, as long as they don't submit any claims they don't have to worry about anything.

Jon Butler said they don't submit claims until the end of the month.

Councilman Conley said they need to suspend all claims until the amendments are signed.

Mike Bedsaul said he believes council is asking no claims be submitted until the amendments are signed.

Councilman Mills said they are only talking about a couple of days.

Jon Butler said Fire Recovery USA has been great to work with and the amendments will be signed tomorrow.

Councilman Mills said if the amendments are signed tomorrow and Mike Bedsaul says it is ok it will be voted on Wednesday and everyone can go back to business.

Mayor Spangler said if for some reason Fire Recovery USA drags their feet on signing the amendments please let someone know there is a delay.

Jon Butler said sure.

Mike Bedsaul said he contacted Fire Recovery USA on signing the client amendments and they had their legal counsel look at it and he received a response within a day.

Councilman Mills said he doesn't believe anyone is questioning their competency or honesty. He is certainly not going to question Jon Butler or any of the fire department members.

Jon Butler said he did hear the word "deceitful". He was pretty offended by that.

Councilman Mills said he didn't hear it from him.

Councilman Conley said he heard it from him.

Jon Butler said yes he did. The fire department members were also offended.

John Davis said the fire department members volunteer their time.

Jon Butler told Councilman Conley he was jumping through hoops for him. They aren't being deceitful about anything.

Councilman Conley said they wanted the personal information to be redacted.

Jon Butler told Councilman Conley he didn't need to know who signed the document. He asked him if he wanted to join the fire department.

Councilman Conley said no.

Jon Butler asked Councilman Conley if he ran the fire department.

Councilman Conley said no.

Jon Butler told Councilman Conley then he didn't need to see who signed it.

Jeff Spicer said Councilman Conley didn't want them to have a Christmas dinner either. They will remember that.

Councilman Mills said he respects the sensitivity because words mean things. Sometimes they choose the wrong word. They need to go forward and get this thing fixed and get the fire department back in business.

Mike Bedsaul said council can approve the client amendments tonight.

Mike Bedsaul said once he received a copy of the client amendments that have been signed by the Narrows Volunteer Fire Department and Fire Recovery USA he will distribute them to council.

Jon Butler said once the client amendments are signed they will have the names redacted as well.

Mike Bedsaul said he can understand why they would need to protect personal information of people they serve but he doesn't know why they would have to protect the names of people that sign the agreement. It would be nice to have a signed copy.

Chris Stump said the names were redacted because he didn't want anyone to see that he had signed the document and say that something was his fault.

Mike Bedsaul said he doesn't see a confidentiality issue with that information.

Councilman Goorskey said he can understand wanting to redact the names on the copy he is looking at, especially if someone is going to stand there and be called deceitful. He doesn't see what the deceit would be about. This was just a simple mistake. He has heard comments from Councilman Conley like that in the past about town employees and he would personally like Councilman Conley to refrain from calling town staff, the fire department, or anyone on council deceitful without being able to show him what that was about. He listened to everything he had to say and everything he presented and he understands a mistake was made. He does not see any deceit and would like that amended.

Jon Butler said he, the fire department, Susan Kidd, John Davis, and several members of council have worked very hard for several years to develop a good working relationship and that has been ruined by one council member.

Mayor Spangler said it is unfortunate that an oversight and miscommunication happened but he believes moving forward they need to get the amendment signed and get it in place. He believes council is going to need Mike Bedsaul to see a signed copy with a legible name to prove to council that everything was signed. He is fine with not seeing it as long as Mike Bedsaul sees it.

Councilmember Bowles said she appreciates due process on this and she appreciates the fire department. As long as Fire Recovery USA is offering grace and still honoring this that is huge.

Jon Butler said he is taking the responsibility: it was his mistake.

Councilman Mills made a motion to approve the client amendments between the Narrows Volunteer Fire Department and Fire Recovery USA and that no other claims will be processed until the client amendments are signed by both parties. Councilman Turner seconded the motion.

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

Nays: None

Motion Carried 5-0

Matters for Consideration by Council

Mayor Spangler said the next item on the agenda is to consider assistance with the Narrows Volunteer Fire Department ambulance service. They all have a list of items to supply the ambulance.

Susan Kidd said this list was provided by Chris Stump and she wanted council to have it tonight so they could discuss it at the budget meeting on Wednesday.

Chris Stump said the total is \$31,242.00. The Lifepak and accessories to go with it cost \$22, 549.00.

Mayor Spangler said the items they said could be cut out were not worth cutting out because the cost of those was not that high.

Councilman Mills said he is 100% for supporting the fire department. They should wait until Wednesday and discuss this at their budget meeting. He is not sure they could foot the entire amount but they should be able to do something.

Councilmember Bowles asked if there was a legend to show them how the items are listed as far as importance?

Mike Bedsaul said, according to color, what are the high-priority items versus the low-priority items.

Councilmember Bowles asked if the red items were the most important?

Chris Stump said yes.

Councilman Mills said they will discuss this at Wednesday's budget meeting.

Mayor Spangler said next on the agenda is to consider the transient occupancy tax ordinance changes.

Mike Bedsaul said council has a copy of a draft of a new transient occupancy tax that show changes in state law. They thought it would be simpler to repeal the current transient occupancy tax and replace it with a new one. The changes that this will accomplish are mainly three main things. There were changes in state law to primarily address what he would consider to be intermediary retailers. An example would be an Airbnb retailer for accommodations. Under previous law, when someone would rent a home through an Airbnb-type provider the transient occupancy tax only applied to the portion of the cost that related to just the room itself or just the accommodation itself. For example, if someone goes through an Airbnb and rents a house for the weekend and it was \$100. There may be a fee, such as an administrative fee, that could be charged and say it was \$50. By the old law, the tax could only be applied to the \$100 but with the new law, if adopted by an ordinance, it would apply to the total of \$150. It would expand the town's transient occupancy tax to the additional fees charged by the intermediaries. The second thing that could change is that the intermediary would be required to collect the tax and remit it to the locality rather than the owner of the property itself. The last thing, and it was already provided by state law, is that a locality can adopt a registration requirement. For example, if someone owns a home and wants to list it with an Airbnb and rent it out they are required to register with the town so the town knows they are conducting that type of business. This is a way for the locality to track who is offering the service. There are people that list places for rent that do not use an Airbnb but the tax applies to them too. If council wants to adopt these changes he suggests they have a public hearing. This would not be because the tax rate is changing but because they would be expanding the tax to apply to the intermediaries.

Councilman Conley said he sees in the draft the word 'campground'. Would this apply to the campground across the river?

Mike Bedsaul said yes.

Mayor Spangler said they needed to schedule a public hearing to discuss this and vote on it.

Councilman Mills made a motion to schedule a public hearing at the May 9th, 2022, council meeting. Councilmember Bowles seconded the motion.

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

Nays: None

Motion Carried 5-0

Councilman Goorskey made a motion to go into executive session to discuss real property (public service building) (Sec. 2.2-3711.A.3). Councilman Goorskey 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

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. Councilman Mills seconded the motion.

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

Nays: None

Motion Carried 5-0

Councilman Turner made a motion to recess this meeting until Wednesday, April 13th at 6:30 p.m. Councilman Goorskey seconded the motion.

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

Nays: None

Motion Carried 5-0

Clerk, Debbie Thomas

Mayor, Tom Spangler