

**Narrows Town Council Meeting**  
**November 14, 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, Cindy Laws, Terry Nicholson, Landon Patteson, Benji Ratcliffe, and Debbie Thomas.

The attorney present was Mike Bedsaul.

Pastor Jerry Sawyers from the Narrows First Baptist Church gave the invocation.

Council and audience recited the Pledge of Allegiance.

**Presentation**

Delegate Jason Ballard presented a resolution celebrating the life of Clayton Davis to his family that were in attendance. The resolution reads as follows:

***HOUSE JOINT RESOLUTION NO. 273***

*Offered February 22, 2022*

*Celebrating the life of Hubert Clayton Davis.*

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*Patrons-- Ballard; Senator: Edwards*

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*WHEREAS, Hubert Clayton Davis, the distinguished former mayor of the Town of Narrows in Giles County, died on January 2, 2022; and*

*WHEREAS, Clayton Davis was born on January 23, 1930, and was the second of William Toy and Tiny Carlotta Davis' three sons; and*

*WHEREAS, during his youth, Clayton Davis enjoyed driving on the region's curvy, country roads, riding motorcycles, and playing cards with friends and family; from Rook to Pinochle to Spades to Bridge, card-playing became a lifelong source of enjoyment and passion; and*

*WHEREAS, after high school, Clayton Davis attended Emory & Henry College and went on to graduate from National Business College in Roanoke; and*

*WHEREAS, Clayton Davis captured the heart and hand of his high school sweetheart, Patsy Sue Sutherland, and in 1954, they moved to Pearisburg to raise their family; and*

*WHEREAS, with no extended family and very little money, Clayton and Patsy Davis pursued their American Dream and opened a small business of their own, The Fashion Shop, which soon became a successful ladies' and children's clothing store; and*

*WHEREAS, Clayton Davis lived in Southwest Virginia his entire life, first in the Town of Haysi in Dickenson County, then in the Towns of Pearisburg and Narrows in Giles County; wherever he went, he strove to be a dedicated community leader, while always putting his family first; and*

*WHEREAS, Clayton Davis followed several career paths throughout his life; after serving as postmaster of Pearisburg, he joined the New York Life Insurance Company and eventually owned and operated several small businesses, including gas stations from one end of Giles County in Pembroke to the other in Narrows; and*

*WHEREAS, among his proudest achievements, Clayton Davis was elected and served as the mayor of Narrows for 14 years from 2002 to 2017; and*

*WHEREAS, during the Obama administration, Clayton Davis secured stimulus money that led to the construction of the Randall W. Fletcher Memorial Bridge, a bridge across*

*the New River that united, both literally and figuratively, the two sides of town and its townspeople; and*

*WHEREAS, a devout Baptist, Clayton Davis enjoyed fellowship and worship with the community as a member of First Baptist Church of Narrows, where he served as a deacon; and*

*WHEREAS, Clayton Davis touched countless lives in Narrows and throughout Giles County, leaving a lasting legacy of excellence that will be felt for many years to come; and*

*WHEREAS, Clayton Davis passed away on his favorite day of the week, Sunday, just three weeks shy of his 92nd birthday, having lived a life committed to servant leadership; and*

*WHEREAS, Clayton Davis was predeceased by his parents, William Toy and Tiny Carlotta Davis; his beloved wife, Patsy Sutherland Davis; his first-born son, Roger Clayton Davis; two wonderful grandsons, Jeremy Barna and Travis Davis; and two beloved brothers, William Toy Davis, Jr., and Stacy Edgar Davis; and*

*WHEREAS, Clayton Davis will be fondly remembered and greatly missed by his children, Becky Barna Smith, Steve Davis, Beth Ellis, and John Davis, and their families, including 18 grandchildren and 44 great-grandchildren; now, therefore, be it*

*RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Hubert Clayton Davis, a highly admired public servant and loyal friend to the residents of Giles County; and, be it*

*RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Hubert Clayton Davis as an expression of the General Assembly's admiration for his commitment to the Giles County community and the Commonwealth.*

Mayor Spangler said they will now discuss the public works director's report since John Davis wants to spend time with his family. How did they find out that the additional water meters were needed?

John Davis said that was completely his fault. When they were placing the order for the meters they went by the information that was turned over by Tasha Riddle in the computer system. He didn't know about the oversized meters they would need. The meter at the campground won't have to be replaced because Tom Powell with Fortiline said they could simply place an antenna on it. That meter originally cost around \$3,600. They will need larger meters for places such as schools and any business that uses a lot of water.

Mayor Spangler said if the meters that need to be replaced are not replaced they will have to be read manually.

John Davis said that is correct.

Councilman Mills asked if there were ARPA funds to cover this.

John Davis said yes.

Terry Nicholson said he and Debbie Thomas prepared a spreadsheet showing the balance of ARPA funds that remain. There is an amount of \$602,346.54 that is still unencumbered so there are funds to pay for the meters.

Councilman Conley said these meters have to be replaced.

Councilman Mills said he agrees.

**Councilman Conley made a motion to appropriate the funds to cover the cost of the meters. Councilman Mills seconded the motion.**

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

**Nays: None**

**Motion Carried 5-0**

John Davis said they ran the numbers on the new water meters that have been put in and there have now been 471 meters installed. They have also been working on some sizeable leaks in town.

Councilman Mills said there are going to be some huge tasks facing Giles County and everyone needs to work together.

Terry Nicholson said they are now taking nightly readings of the tanks between 1-3 a.m. and comparing them day to day to spot differences. After the leak was fixed the level of leakage from the tank went down significantly.

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

**Councilman Goorskey seconded the motion.**

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

**Nays: None**

**Motion Carried 5-0**

### **Joint Public Hearing**

Mayor Spangler opened the joint public hearing concerning the special exception permit application by Jimmy and Kathaleen Higginbotham.

Terry Nicholson said a copy of the application has been given to council. The residence itself is at 702 Westview Street but the address for the special exception is 705 Moon Lane and that is because it's a garage apartment that is behind the property. The garage apartment has its own mailing address. This property has been a long-term rental for many years and now the applicants are requesting it be approved as a short-term rental. The adjacent property owners were notified by certified mail on October 18, 2022, and the property was also posted. The current zoning for the property is R-2 which is General Residential District. Tourist homes are not allowed as a permitted use but can be allowed as a special exception. All of the adjacent properties are zoned as R-2 General Residential District and future land use leaves them in that R-2 designation. Slide 8 shows the intent of the general residential district. The applicant was provided with a copy of the town's Transient Lodging Tax ordinance which council approved in May of 2022 and they are complying with that. There is also a slide showing what special exceptions are allowed within the R-2 General Residential District. Boarding houses, tourist homes, and bed and breakfasts are special exceptions. Off-street parking is required for this property and there is a driveway adjacent to the garage apartment that meets the standard of 1.5 parking spaces per bedroom because it is a one-bedroom apartment. The garage apartment has been a long-term rental for many years and they have been operating it as a short-term rental for several months. The town was contacted by the county stating the Higginbotham's were paying taxes for the short-term rental. They were sent a letter and came to the office immediately and filled out an application for the special exception. When approving past special exception's for short-term rentals, it is often requested that the special exception be reviewed for compliance one year after the approval and that recommendation will be made again tonight. Are there any questions about the staff report?

Councilman Mills said he has a letter from Chucky and Vanessa Williams in objection to the special exception. It reads as follows:

*To Whom It May Concern:*

*We would like to ask that the Narrows Town Council and Narrows Planning and Zoning Committee reject a request to allow a short-term rental, tourist home, VRBO, AirBnB in our neighborhood on Westview Street in Narrows. We do not believe it is in the best interest of the neighborhood to have a business operating that could potentially have people from all over the world staying there, just a few doors up from our home. We would know nothing about the renters, nor would the owner of the tourist home. We feel that would be a deterrent to future home*

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*buyers in the neighborhood that may fear the safety of such a business being in close proximity. And we are concerned that it would only be a couple of blocks away from the elementary school, which is also a part of the neighborhood.*

*We have lived on Westview Street for over 25 years. A lot of school buses and children walking to school come up and down the road in front and back of the home at 702 Westview Street. We have seen a lot of improvements happen with houses being updated and remodeled, and some torn down. We have wonderful neighbors and know a lot of them on a first-name basis. We have every respect and expectation that Mr. and Mrs. Higginbotham would do everything possible to maintain safety, but there is only so much you can do. I have talked with Mrs. Higginbotham several times in passing and realize she is a wonderful and caring person. However, once a business like this is approved, there are sure to be others to follow. We agree that places to rent in this area would be nice, but not in the middle of a neighborhood of single-family homes and so close to our elementary school.*

*We also still have many questions... What are all the rules and regulations the Town has established for a tourist home? Will there be signage put up and/or advertisements to come stay in our neighborhood placed on the internet for the world to see? What, if anything, would cause the special exception to be revoked? How would it be possible to take any legal action that might become necessary if the person in the tourist home was from another state, or another country? Would the town have to pave the road leading up to the business and/or install stop signs with the additional traffic coming and going on a dirt road? Has the town established a minimum insurance coverage for this type of business? Why not consider a designated area for tourist homes outside of our established neighborhoods?*

*The Town of Narrows is a special small-town place to live. We feel like opening it up for tourist homes within our neighborhoods would take that away. We hope Narrows decides to remain the special small town that it is, and resist opening up tourist homes in our neighborhoods.*

*Thank you for your time and consideration.*

Councilman Mills asked if there were any others that would like to speak on this issue?

Tom Garrett said he lives at 704 Westview Street and is a neighbor of Jimmy and Kathaleen Higginbotham. He supports the special exception for the short-term rental. He sees no concerns that makes a short-term rental more of a risk than a long-term rental and actually sees the traffic being less. He asks that council approve the special exception.

Kathaleen Higginbotham said she lives at 702 Westview Street and is the one interested in doing the Airbnb. She and her husband have lived at this address for almost 30 years. They have the garage apartment in the back which has been used for a studio, when their family comes to visit, and as a rental. When it was used as a rental they found themselves in the courthouse at Pearisburg many times taking care of issues with tenants who had good intentions to begin with but they fell short. If a space is not used it falls by the wayside and gets neglected. She and her husband did quite a bit of research on Airbnb's and decided this would be a nice way to supplement their income since they're both retired. They know how much money they are allowed to make since they're on social security. They decided there will be no more than 2 people allowed to stay in the Airbnb, no parties, no smoking, no pets, and no drugs. She is concerned with her neighbors that are adjacent to the property so that is why they decided to maintain strict standards. They've only been doing the Airbnb since September and have had a retired nurse, a retired principal, and people that wanted to visit this area because they had a sick relative and nowhere to stay at the Airbnb and all of them have stayed no more than 2 nights. She enjoys and loves people and wants to help her community. She respects council's decision and is open to questions.

Jonathan Creger said he lives at 109 Orchard Drive and has lived in Narrows for about 12 years. He didn't grow up in Narrows but his mother was raised here. Narrows continues to grow and the short-term rental is a great idea. This will bring people and income to Narrows.

James Ellison said he lives at 700 Westview Street and is in support of the short-term rental. When people stay there he doesn't even know they're there unless he sees a car in the driveway or a light on at night.

Masood Haffan said he was in support of the short-term rental.

Councilman Mills said he will let Mayor Spangler close the public hearing and the Planning Commission will recess to the back room to discuss the special exception and bring back a recommendation to council.

Mayor Spangler closed the joint public hearing.

### **Public Hearing**

Mayor Spangler opened the public hearing for the approval of the Broyles Lease at the Rec Center. This has been an ongoing arrangement for a while now but the lease wasn't available until recently. Terri Broyles was able to comply with the lease agreement with insurance and other items that may pertain to the rental. If anyone has any comments or questions concerning the public hearing they are welcome to do so.

Councilman Conley asked Landon Patteson and Lindsey Caudill if they had any problems with this?

Landon Patteson said absolutely not. This will be really good for the Rec Center as the building will be used. Terri Broyles has been great to work with.

Mayor Spangler said Terri Broyles will be using the space to hold paint parties. He closed the public hearing. They need to entertain a motion to approve the lease.

**Councilman Conley made a motion to approve the Broyles Lease for the Rec Center as written. Councilmember Bowles seconded the motion.**

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

**Nays: None**

**Motion Carried 4-0**

### **Approval of October 10<sup>th</sup> Meeting Minutes**

Mayor Spangler said council is being asked to approve the October 10<sup>th</sup> meeting minutes.

**Councilman Turner made a motion to approve the October 10<sup>th</sup> meeting minutes. Councilmember Bowles seconded the motion.**

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

**Abstain: Turner**

**Nays: None**

**Motion Carried 4-0**

### **Consent Agenda**

#### *Library Report*

No comments.

#### *Parks & Recreation Report*

Councilman Goorskey asked if Landon Patteson and Lindsey Caudill had received any feedback on the skating rink?

Landon Patteson said it was unbelievable. If it keeps going the way it is they will have to have a bigger one next year.

Councilman Goorskey asked when it will officially open.

Lindsey Caudill said hopefully the weekend after Thanksgiving. Parks and Rec has a meeting this week and they will decide the date and the costs.

Councilman Conley said everyone in town is talking about it.

Councilman Goorskey said he noticed the change in registration fees in the Parks and Rec report. Have they received any negative feedback?

Landon Patteson said no.

Lindsey Caudill said the registration fees now include a shirt which was paid separately in the past.

#### *Police Report*

Councilman Conley said in the police report there was \$844.68 in vehicle maintenance and repair. Which vehicle was that?

Police Chief Ratcliffe said around \$500 was for tires and they also had to replace a tie rod. Both of these were on Chris Reynolds' vehicle.

#### *Financial Report/Treasurer's Report*

Debbie Thomas said taxes should be mailed by this Friday. They had a time getting the taxes uploaded and then there were several adjustments that had to be made to tickets once the taxes were uploaded.

Mayor Spangler asked if they could ask for someone else to upload the taxes.

Debbie Thomas said she was going to do that but she was given the same person as last year.

Terry Nicholson said they wasted a lot of time today alphabetizing bills because the software will not alphabetize personal property bills. How ridiculous is that?

Debbie Thomas said for the original billings real estate prints in alphabetical order but personal property doesn't. When delinquent bills are printed real estate doesn't print in alphabetical order but personal property does.

Councilman Mills said Debbie Thomas and Terry Nicholson need to tell Edmunds that council is very unhappy with this situation.

#### *Town Manager's Report*

Councilman Goorskey asked what DCR wants from the town?

Terry Nicholson said they are saying the town needs a 'Conditional Letter of Map Revision' which is needed if you expect your project to cause a rise in base flood elevation greater than zero and less than one foot. The architect, engineer, and building official do not believe the town needs to do it. Terry Nicholson as the floodplain administrator does not believe they need to do it but DCR said they do. The town has contacted Thompson and Litton and is working with the architect. They are trying to find someone that knows more about this conditional letter because up until now no one has been able to tell him what triggers it to be done.

Councilman Goorskey asked what the conditional letter entails that will cost \$20,000?

Terry Nicholson said it certifies there is no rise so there is a no-rise certificate. Paperwork will have to be filed with FEMA and then they have 90 days to review it. There are some other things the engineers have to fill out as well. If it's determined there will be a rise, the letter must be done.

Councilman Mills said all of these people are scurrying around in an attempt to push this project forward so he wants to know what Hill Studio has done.

Councilman Goorskey said Hill Studio has mentioned more than once that any other engineering or design services the town needed they would provide. What are they providing?

Councilman Mills said he's almost at a point to have Hill Studio speak with Mike Bedsaul.

Terry Nicholson said once Thompson & Litton has reviewed what they sent to DCR the plan is to have himself, John Davis, John Ross, the architect from Hill Studio David Hill, and Thompson & Litton to meet to determine the next steps. They may be able to provide documentation to DCR and FEMA to say they are taking the position that they don't need to do that. The administration of this is at the local level and all of the local people agree they are taking the right steps. They have done everything that has been asked of them.

Councilman Mills said on the local level they can grant variances.

Terry Nicholson said they technically don't need variances but are being told they need a conditional letter of map revision. Every document he can find from FEMA that talks about floodproofing any structure does not mention a conditional letter of map revision or a letter of map revision. That is not a part of FEMA's language on how to floodproof a building so they were blindsided by this. The management team met today to talk about the funding and that will need to be figured out when they determine how they will proceed.

**Councilman Mills made a motion to approve the consent agenda. Councilman Turner seconded the motion.**

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

**Nays: None**

**Motion Carried 5-0**

### **Communications, Concerns and Requests from the Public**

Renee Tucker said she is concerned about the ducks at the duck pond and would like to bring a healthy balance to the duck pond. She would like to take the following steps:

- ❖ Determine which ducks and geese should stay and which ones should be rehomed
- ❖ Capture ducks and geese to be rehomed
- ❖ Relocate the ducks and geese to their new homes

These steps should reduce feces at the duck pond and ensure proper care of ducks and geese in their new homes.

She was responsible for managing approximately 200 ducks, geese, and chickens on her family's farm. She would like council's approval to perform the above objectives.

Councilman Goorskey said he believes this is a great idea.

### **Communications from Mayor and Council**

Councilman Mills said the lead and copper mandate was discussed at the last PSA meeting. The PSA board voted to pursue grants concerning this. This will be a very arduous task and all county entities will need to be involved. There has also been an issue at the county with the water-plant operator. They've had to make temporary arrangements with a third party to come in and help with that because they have to have a Class 3 operator according to state guidelines and at this time they don't have one. The collection of past-due bills is something that bothers him because the amount owed is around \$435,000. They have turned it over to a professional agency for collection, not the treasurer's office, and they haven't collected anything. The only way the agency is paid is if they produce so they haven't been paid anything.

Councilman Turner said he would like to congratulate Joe Goorskey and Bobby Lucas on winning the election as council members. He hopes he served the Town of Narrows well. He has enjoyed his time on council and believes the town is headed in the right direction.

Councilman Goorskey asked if there had been any feedback on the letter they sent to the school board?

Terry Nicholson said no and they had discussed putting it on the town's Facebook page and website. Council will receive a copy as well.

Councilman Goorskey said one of their concerns in the letter was the school board is not divulging all of their FOIA requests. In the packet he received it looks like all of the information was not received. The reason he says that is because there are very few emails in there and the last one in the packet was dated 2017 but there are reports from 2022. How do they address that and move forward?

Mike Bedsaul asked Terry Nicholson if there was anything in the letter he received from the school board that stated they were withholding any information?

Terry Nicholson said no. Council received the packet in its entirety and the original was paper clipped together.

Mike Bedsaul said when a FOIA request is submitted and someone notices there is information that was requested that is not given a follow-up request needs to be sent. If for some reason the information is not received an action can be filed with Giles County Circuit Court. There should be some indication that if the information that is requested is not given there should be documentation showing that.

Terry Nicholson said he believes what Councilman Goorskey is referring to is that emails were requested going back to 2016 and the only emails received were from 2016-2019 and nothing newer was received.

Mike Bedsaul told Terry Nicholson to send a follow-up email explaining that.

Councilman Goorskey said this is the second time he knows of that a FOIA request was returned with incomplete information. Some of the emails may be on an employee's personal email account and may not be accessible by a school board employee.

Mike Bedsaul said that information is still public information under the terms of FOIA. That information is not private just because it's in a private email account.

### **New Business**

Mayor Spangler said the next agenda item is request for proposals for engineering services.

Terry Nicholson said last month he spoke with council concerning the grant the town applied for. It would be to perform a feasibility study on the downtown area on the bank building. Part of that would be hiring an engineering company for general engineering services. When he spoke with Joy Rumley concerning this and she mentioned the possibility of rather than putting out an RFP specifically for that project to broaden the scope and put out an RFP for general engineering services where they could use them for other things and not have to go through the procurement process should they get the grant. Council has already done this with the water and sewer projects for Peed & Bortz and then Thompson & Litton was chosen as the secondary. They would like to do that same thing but do it with a broader scope to be able to bring an engineer in to do, for instance, the rec center study. With council's permission, Joy Rumley will help put an RFP together for general engineering services. He would like for 2 council members to volunteer to be on the committee to help choose those once they get the RFP's in.

Councilman Mills and Councilman Goorskey said they would volunteer to be on the committee.

### **Unfinished Business**

None.



## **Matters for Consideration by Council**

Mayor Spangler said council is being asked to consider the Planning Commission recommendation for the special exception for 702 Westview Street.

Councilman Mills said the Planning Commission met and voted unanimously to approve the request with the same attachments they did for the last one. There will be a review after one year and if there have been no significant issues that will be the end of their involvement.

**Councilman Turner made a motion to approve the special exception for Jimmy and Kathaleen Higginbotham with the stipulation that the special exception will be reviewed for compliance after one year. If town officials receive complaints or have problems that are not adequately addressed by the applicant the special exception may be revoked. Councilman Conley seconded the motion.**

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

**Nays: None**

**Motion Carried 5-0**

Mayor Spangler said council is being asked to approve the transfer of surplus vehicles to the Narrows Fire Department.

Terry Nicholson said the town has 2 surplus vehicles: one is a police vehicle that is being replaced and one is a Ford Explorer that is not being used. The fire department is looking for a four-wheel drive vehicle they could use to transport people to meetings and things like that. When they are put out to bid employees get the first option to purchase the vehicle and if they are not purchased by an employee the sealed bids are taken by the public. The common revenue from a surplus vehicle is between \$500 and \$1,500. He would like council to consider transferring the Ford Explorer to the Narrows Fire Department. It would stay on the town's insurance but they could use it better than the town could. The remaining police vehicle would be sold.

**Councilman Mills made a motion to accept the town manager's recommendation to transfer the Ford Explorer to the Narrows Fire Department. Councilmember Bowles seconded the motion.**

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

**Nays: None**

**Motion Carried 5-0**

Mayor Spangler read a thank-you note from the Mayfly Project for allowing kids to fish at the town park.

Councilman Mills said the town is losing a winner when they lose Rhonda Brown. He wants his feelings conveyed to her.

Mayor Spangler said Rhonda Brown is going to resign from the town on December 2<sup>nd</sup>.

Elwood Lambert said they have been discussing the ambulance all year and they finally have some good news. They will begin using the ambulance on January 1, 2023. On December 18 from 2-4 p.m. they will have an open house and have the ambulance as well as their facility open to the public. They will also have refreshments. They have 7 full-time EMT's and 3 in training that will graduate in December. They are also accepting applications for fire department members and EMT's. Without the town's support they wouldn't be able to do any of this.

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

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

**Nays: None**

**Motion Carried 5-0**