

**Narrows Town Council Meeting
March 10, 2025**

Mayor Tom Spangler called the meeting to order. Council Members present were John Hale, Sara Bowles, Jonathan Creger, John Mills, and Joe Goorskey.

Staff members present were Eric Burton, Melissa Cohen, John Davis, Ryan Hughes, Cindy Laws, Terry Nicholson, Noah Ramsey, J.W. Sartin, Roger Shepherd, and Debbie Thomas.

Attorney Mike Bedsaul was present.

Councilman Jonathan Creger gave the invocation.

Council and audience recited the Pledge of Allegiance.

Approval of February 10th Meeting Minutes

Councilman Mills made a motion to approve the February 10th meeting minutes.

Councilman Creger seconded the motion.

Ayes: Hale, Creger, Mills, and Goorskey

Abstain: Bowles

Nays: None

Motion Carried 4-0

Councilman Mills asked Mayor Spangler if they could have ‘Communications, Concerns, and Requests from the Public’ as the next item on the agenda. There were people that wanted to speak and he wanted to let them go ahead so they could go home.

Mayor Spangler said next was Communications, Concerns, and Requests from the Public. Carolyn and Doug Kirby were present concerning a sewer backup.

Communications, Concerns and Requests from the Public

Carolyn Kirby thanked Mayor Spangler and council members for allowing her to speak. She also introduced her husband, Doug Kirby. She said on the evening of February 15, 2025, Giles County received over three inches of rain. That evening, her home located at 300 Elworth Street experienced significant flooding due to a sewer line backup. For more than three hours, water ran out of the toilet bowl of their basement toilet and flooded the entire full-size basement damaging all appliances, some articles of clothing waiting to be washed, items stored in cardboard boxes on the floor, and other valuables. The water rose to six inches in their basement and due to the amount of sewer water mixed with storm water they were forced to remove all the paneling in their basement, gut their bathroom including the sink and bathtub, and have the concrete floor pressure washed and then sprayed with microbial cleaner to kill the bacteria. This was not the first time they had experienced this type of disaster, but it was by far the worst. A couple of years ago a similar incident occurred. Their neighbor Benny Wheeler, who is an insurance agent, graciously came and helped them clean up the mess. Unfortunately, at that time they were not covered for the sewer damage but Benny made sure to add that to their policy so their insurance fully covered this event, other than their deductible of \$1,354. In the time since then, they installed a sump pump that runs to their yard as it is legally required to do so. It was her understanding there were some pumps in their area that run into the sewer line that impacts the pressure that was put on an already outdated and worn out system. She had lived in her current home for about twenty years and it had only been in the last five years they had experienced these issues. This told her a few things: this was a problem with the town sewer system that the Town of Narrows was fully aware of that was not occurring at the time she and her husband purchased their home and there were other issues affecting the sewer lines causing this issue to damage their personal property. She and her husband spoke with Town Manager Terry Nicholson on February 18th regarding this issue and he stated the town was not legally responsible to them because it was a weather-related event and the town's insurance was not liable to cover their damage. It had been suggested that they install a backflow valve in their line that would close off the flow of sewer water to their house in the event of future catastrophes such as the one on February 15th. She spoke to Terry Nicholson before the meeting and he said

the town had been in discussion and would probably do that for them. She came to council as a citizen of the Town of Narrows. She was born and raised here and was also an avid volunteer in this community with a spouse who dedicated forty years of service as an employee. She and her husband contributed to worthy causes like the bridge light project, town beautification, and she is personally a member and vice-chair of the Planning Commission. She requested that the town pay for the installation of the backflow valve to her home and their insurance deductible. As stated previously, the problem did not always exist in the twenty years they had lived on Elworth Street. It had been suggested that they close off their basement bathroom and not have it at all. However, when they purchased their home twenty years ago, they purchased a home with two bathrooms because they were planning a family, and the second bathroom was part of the appeal to their house, and it had been used from the time of purchase. Why should they have to give up something that added value to their property because there was a problem with the town sewer line. Second, as a member of the Planning Commission, they were constantly reviewing residential codes, business codes, and even enforcing said codes. Why as a town were they not holding themselves accountable when it came to making sure their citizens homes were safe from such catastrophes like her family had experienced. Maybe it was the way their situation was presented to the town's insurance that the town was not legally responsible to the damage they incurred, but what about the moral obligation. The town had known for some time that their sewer system had problems. Had it not been for the amazing volunteer fire department they had who came with a water pump and pumped out water from their house for more than five hours she expected the damages would have been more extensive. She talked to Kenny Smith who did their neighbors backflow valve system a few years ago and he already charged them \$300 to run a camera down through their sewer line to find out where the best place would be to put the backflow valve and then a \$1,700 estimate for installation of the backflow valve. She talked to John Davis earlier and the town would install a backflow valve for them if that was in agreement with Town Council. She mentioned the \$300 because they had already paid that and were committed to Kenny Smith because they did have him come in, not knowing the town was looking at doing this for them. She asked the Town of Narrows to consider covering the cost in light of the damage their home received, the taxes they paid, the time they had committed to this community, and the knowledge that the town had this problem. They asked for a sum total of their deductible and the \$300 that Kenny Smith had already charged them to cover the cost for this. The estimated cost that would be billed to their insurance for the cleanup and replacement of lost items was more than \$15,000. This was a nominal cost to the town and considering the ongoing knowledge of this problem it was their feeling that was the very least the town could do to compensate them for the physical damage and mental toll they had endured. She thanked council for their consideration.

Councilman Mills said Doug and Carolyn Kirby were great neighbors and he knew Carolyn was telling the truth. As he had said many times, what was legal and what was right was not always the same. Council would be talking later on this evening about this situation and would come up with something. He thanked Doug and Carolyn Kirby for their time and attention.

Mayor Spangler asked if anyone else had any comments at this time. Hearing none, they would now hear from Christopher Bennington.

Christopher Bennington thanked mayor and council for allowing him to speak concerning his sewer backup problem. Their basement flooded two times since they had lived there since 2016. He also lived on Elworth Street. They had a shower and a toilet in their basement. The last time it came up in their shower and flooded their basement and that was in 2018. The next time was not as bad because he was able to catch it and plug the shower. The last rain event it came out of their toilet and their shower and until the last minute he was able to plug the toilet to get it to stop overflowing but he had about two inches of sewage water in his basement. He had to spend Saturday evening and Sunday cleaning his basement, pulling stuff out, and throwing stuff away. It was just aggravating that they had to take their days off to try to clean up a mess like that. It did not cause a lot of damage so he was not so worried about that. He just wanted something to be done about the backflow to prevent that from happening again.

Mayor Spangler thanked Christopher Bennington for speaking and told him this would be discussed later this evening. He said they would now discuss the consent agenda.

Consent Agenda

Library Report

Councilman Mills said Cindy Laws continued to do an excellent job as far as he was concerned.

Councilmember Bowles said paint night looked like it was a huge success.

Parks & Recreation Report

Councilman Mills said it looked like parks and recreation were doing a great job as well.

Farmers Market Report

A report will not be available until April 2025.

Police Report

Councilman Hale thanked Melissa Cohen, Police Chief Ratcliffe, and their colleagues for what they continued to do to support and protect their community. If Melissa Cohen would kindly mention to Police Chief Ratcliffe that he appreciated his mention of the traffic lights in town, not the signal lights but the overhead street lights, that were malfunctioning he would appreciate that.

Councilman Mills said he wanted to thank Melissa Cohen for being up on his hill. He had received several positive comments and one gentleman stopped by his house specifically to express his gratitude for the police presence on their hill. Police officers do not always have to hand out a bunch of tickets to get results. He asked Melissa Cohen to introduce the new police officer that was present at the council meeting.

Melissa Cohen said this was their new hire Noah Ramsey and he had been with the police department for a few weeks. He would be going to the police academy the end of May and they had very high hopes for him. Noah Ramsey was a Narrows native and his grandfather was actually the Narrows Chief of Police in the late 90's.

Councilman Mills said he went to church with his grandfather. Noah Ramsey came from good metal so they will expect a lot out of him.

Financial Report/Treasurer's Report

Councilman Hale said it appeared to him that sales tax receipts come in and continue to come in really strong.

Terry Nicholson said they were doing better than they had anticipated.

Councilman Hale asked Terry Nicholson if the business and occupation license being at 30% for year to date surprised him.

Terry Nicholson said no, because they do not send renewals for that until late January or early February.

Town Manager's Report

Councilman Hale thanked Terry Nicholson, Joe Goorskey, and others for working toward resolving the issues with the youth athletic league for football. That was important to all of them. He had a question regarding the road work that may be done or was planning to be done in Camp Success. Will this include cleanup of the gravel and milled asphalt in the drainage ditch in front of that property.

Terry Nicholson said the town guys are working on that and Jeff Perdue spent some time down there this week working on that. That will eventually get done. He had not spent a whole lot of time doing that yet because the town was waiting on FEMA to actually help pay for restoring the road. The town will consider paving that road as a mitigation grant but were not sure if they would be able to do that, but they were going to pursue it. That would address a lot of issues if it could be paved and be below grade so that water washing over it would not take it out in another flood. At the very least they would put it back with geo fabric so that would be laced together so that it would stay in the event of a flood. They will put out an RFP for that probably in the next couple of weeks.

Councilman Hale thanked Terry Nicholson and John Davis and his team as well.

John Davis said the Department of Game and Inland Fisheries maintains one section of that roadway down to the boat ramp. They should be here one day this week and bring around 150 tons of gravel to fix the one road down to the boat ramp and the little bit of parking area down in that area.

Councilman Goorskey said he would hate to see something put in there and then have to be removed and wasted.

Terry Nicholson said if they did not get something in there now they would not be able to use Camp Success when the season starts.

Public Works Director's Report

Councilman Mills said he was exceptionally pleased to see John Davis and crew at the council meeting. They were a hardworking bunch and he was proud of them. There was a gentleman that contacted him to let him know about the great job the town crew did at the flower shop.

Terry Nicholson asked Mayor Spangler to go back to the sewer backup and talk about that. There was not an item in the agenda where a decision needs to be made on that.

Mayor Spangler said it was very unfortunate for everyone involved to have to deal with that. Terry Nicholson contacted the town's insurance company and they said the town was not responsible so they would not cover anything. The town may have rather had them cover it but it is what it is. He guessed everyone involved knew, but if council agreed the town would install a backflow valve for residents that were affected by sewer backup and provide the labor to do that.

Councilman Mills said Mayor Spangler was not speaking out of turn because that was what they needed to do. This work would come with understanding that the town was not liable but would be doing this because of what they felt was correct in their hearts.

Terry Nicholson said after Doug and Carolyn Kirby met with him right after this event happened he got the public works crew together and they talked about what happened and what the problems were. As he said in his report, he wanted to thank these guys because they were out for two solid days in the pouring rain making sure those lines were not clogged anywhere. They did not have clogs; it was that the system was just overwhelmed with the amount of water that was coming into the system.

Councilman Mills said this would eventually happen again.

Terry Nicholson said that was true. They talked about backflow prevention in general and he told Doug and Carolyn Kirby that the town would not put those in their system because they were clog points, and if they run a jetter through one of those valves it grabs it and you cannot get the jetter back in without digging down to that and taking the valve apart in order to get it out. They would not put them in the public side of the system. In this case, they were willing to put them in the private side on private property and turn it over to the property owner to say it would be their responsibility to maintain it and if it clogs it would be their responsibility to pay a plumber to clear it out. That was the reason the town did not want them in their system because they tend to

clog especially if they have relatively level lines which in these cases they will. Part of the reason this problem was happening was they have plumbing that was lower than the manhole cover, which the manhole cover was the vent of the system and was the overflow point, but if there was a point somewhere that was lower than that it was going to come out, and that was what happened. If their floor drains or their toilets were below road level this was why this was happening. John Mills was a neighbor of the Kirby's and then a resident on the other side of John also had the problem but John did not and it was because John does not have plumbing in his basement level. They recognized this was a problem in the system, but he was not saying that the town was taking responsibility for that. The town had come up with a cost to put those in and they will use town crews. They figure it will cost probably \$250 to \$300 for the actual parts and then a half day's labor for the crews to go in and put them into each home that was affected. They felt like that was a reasonable cost they could bear and that was what they were proposing.

Councilman Mills said the only caveat he had was that he wanted Mike Bedsaul to come up with a contract. He hated saying that but they were talking about what if this happened again five years from now. He wanted everyone involved to clearly understand what they were proposing and what they were accepting if they accepted it.

Terry Nicholson said he wanted to clarify as well that these backflow valves were very simple; it was just a flap and if water was flowing out of the sewer system that flap opened and it drained out, but if the system was backed up it would be pushing back the other way, and that flap goes down and the water would push up against the flap. It would prevent what happened to them from happening again. The tradeoff was if it did clog for them, then they were going to be responsible for that, so that is what they might have to address in the legalities of what they would get the homeowners to sign and allowing the town to do the work.

Councilman Mills said they were still trying to be good neighbors, but they had to have documented agreements so everyone knew what was happening and that was just the way it was in the world.

Councilman Goorskey said there were different types of backflow preventers. Some had a cover and you could take them off to make them easier to access. If he had one like that he would like to have it inside his house or in the floor of his house so he would not have to dig up his yard to find it.

John Davis said they put them in a box. They already had the boxes and the backflow preventers. For the ones that did not have a clean out by the road they would put a clean out in them for the homeowner on the public side of their line. On the private side of it they would put the backflow valve.

Councilman Goorskey said he wanted to make sure they were not giving them a greater problem.

John Davis said they looked at several of these and a couple of the houses do not have cleanouts so it was going to take a little extra time. That half a day may turn into a whole day by the time they locate some of the lines. They would also add a layer to the GIS to show where all of the backflow preventers were.

Councilman Mills said it sounded like the town had done their homework and he was pleased with what they came up with.

Councilman Goorskey said just as a matter of due diligence he did not know anyone that would turn down putting these in but if they did and they had a house that filled up quite a bit of water and the next house down only got a couple of inches and they got the backflow preventer and the other one did not they may get more in there next time because this one had a relief point. They will document that they did offer it to them. It could create a situation where they get more than they would have gotten. They could come back to the town and say the town caused this because they put the backflow preventer in that one. It was available to everyone that was willing to accept it. The other thing was that they knew very well how often people will do work without getting permits and do things like install sump pumps and no one knew they were there. Did the

town have any data from back when they smoke tested these lines that would show anything like that. He remembered they smoke tested and remembered that the town fixed the cleanout that was on his side of the line. He did not remember seeing if they tracked down things like that.

John Davis said it had been several years since they did smoke testing. They met with Thompson and Litton Friday of last week and that was discussed with Terry Nicholson and the public works crew. They were going to get back into some of this smoke testing, especially in the rougher areas. They knew storm drains were a problem and they knew sewer lines were a problem. Sump pumps were terrible for inflow and infiltration. They also understood that the sewer lines and water lines had been under the ground for 60 years. They had done a couple of sewer projects on some of the worst lines they had in town. Three hundred feet of sewer line costs the town just about \$300,000 so it was almost \$1,000/foot to get this work done. They understood the problem but getting funding to fix the problem was the issue. Council had approved for the town to start fixing water lines instead of just repairing. Council stood behind the town 100% to begin fixing these things. They were trying to get the problems resolved but it would not happen overnight nor in the next ten years.

Councilman Mills said John Davis was correct. For some unknown reason in the 60's and 70's, contractors had a horrible concept of introducing stormwater to their sewer system. He knew it was not right and so he had a sump pump put in and shot it to the grade. There were a lot of sump pumps in town that none of them had anything to do with.

John Davis said that was another problem they would have to address sometime. To make council aware how well these things have worked through the years, there was a house straight across the street from the Kirby's where the Dunbar's live. He had gone to their house on many occasions and pumped out their basement. About five years ago, they had Kenny Smith install a backflow preventer in their sewer line and when it rained this time they did not have a bit of trouble. That showed they do work and it would be a good investment.

Councilman Mills said they could handle this a couple of ways. He knew this bunch and has worked with them and they will do the right thing. They could vote to approve this based on Mike Bedsaul's work and making sure they were okay with the contract or if council desired they could wait until Mike Bedsaul got the paperwork ready but he trusted him completely.

Councilmember Bowles said she understood the insurance deductible portion of it and she would like for council to honor the \$300.

Mayor Spangler said he guessed it would be determined who qualified for a backflow preventer and who did not.

Terry Nicholson said they had a pretty good understanding of which houses were affected by this by the fire department pumping them out.

Mayor Spangler said the design of the sewer system was correct. The problem was created because of the design of the plumbing in the residence itself.

Terry Nicholson said the fact that it was lower than the street level made it susceptible to the backup.

Councilman Creger asked how many they were talking about doing.

Terry Nicholson said less than 12 that they knew of right now.

Councilman Creger said he wanted to help as many people as they could right now. Where would they draw the line at some point.

Terry Nicholson said that was one of the things he and Mike Bedsaul had talked about. This was not an open invitation to everyone to have a backflow preventer installed in their house just because they wanted it.

Councilman Mills said they just had to have the spine to say that. They had this recent event documented well because he saw it with his own eyes. They had to judge each situation on its own merit and there would be times when they would have to say no.

Terry Nicholson told Councilman Creger the resident would have to show evidence that the event caused flooding in their basement. The town may even ask to go in and look at the plumbing.

Councilman Creger said the town was talking about paying for the backflow preventer and the labor. They estimated that to be \$250 for the backflow preventer and then an estimate of half a day's labor.

Mike Bedsaul said this was some language he had in mind to address what Councilman Mills brought up about the liability issue and it not being considered an admission if they do this. It would be something to the effect that the installation of the backflow valve was not to be considered an admission of liability, but to provide aid to citizens in the area of Hopkins and Elworth Streets disproportionately impacted by flooding over President's Day weekend 2025. That in essence would be what he would include in the agreement, something to that effect. The agreement would provide for permission to come on the property to do the work and they would know who would be responsible for maintenance versus installation. The town would be responsible for installation and the property owner would be responsible after installation for maintenance.

Councilman Mills said what Mike Bedsaul did was establishing for posterity the unusual nature of this event.

Councilman Hale asked Mike Bedsaul if that would cover the town for Sarah's suggestion about the \$300 reimbursement.

Mike Bedsaul said his thought was to develop a form contract that John's crews or Terry can take around to the different property owners. He thought the \$300 was something that was unique to the Kirby's. He could certainly include something in their particular agreement if council would like to concerning the \$300. He was trying to create something that they could take around to these twelve impacted properties and have them look at it.

Terry Nicholson said Mike Bedsaul could create one just for the Kirby's that dealt with their deductible and the \$300 they paid.

Mike Bedsaul said he wanted to point out to council that they had two people in attendance that spoke to them but there could be others that may have other deductibles. He thought it was important to consider the precedent that they may be setting by approving funding their deductible when they may have ten more property owners that have \$1,300 deductibles.

Councilmember Bowles said her feeling on the \$300 was they were trying to be proactive to get something installed before they knew that this was an option or that was how she understood that timeline of events. They were looking for a resolution and that was an investment.

Councilman Mills said he would go along with \$300 for the Kirby's but they could not use taxpayer money like that across the board. He was fine with doing the installation of the backflow preventers and he was in favor of someone that could prove that they spent \$300. That was the limit he was going to vote for.

Carolyn Kirby said if \$300 was what they got she was perfectly content with that but she had to ask.

Councilman Creger told Carolyn Kirby it seemed she was getting a backflow valve and installation and that was not nothing. He understood her request and she certainly should always ask.

Doug Kirby asked what could the town do to make this situation right altogether.

Councilman Creger said the town was doing the backflow valves and that was what they could do now. He understood they spent the \$300 and he thought it was a bad precedent to be honest. He knew they asked for \$300 and he gets that and they should have asked but if they approved that he thought they were really opening the door for more \$300's and a thousand or whatever people want and they cannot really do that in good conscience. At some point they did spend \$300 but it was their house and they were responsible for it and should take some action for it.

Doug Kirby said the town had issues with the sewer water.

Councilman Creger told Doug Kirby their basement had been flooded before. The town works on the sewer and the water all the time. The money was simply not there to do it all at once and nor did they have the manpower. The town crews were always working on it but the Kirby's were already getting a \$250 valve plus the labor of three or four guys and that was a few hundred bucks there that they were not paying that should help them. They could have spent the money and not received this help and would still be out that money. He agreed with the valve and the labor but he would be hard pressed to just give money. They had insurance and that was a blessing a lot of people do not have insurance. It was their responsibility because it was their house. If someone's house had never been flooded and the people around them were getting flooded now would be the time to start looking at what they could do instead of waiting until it gets flooded. They could get the town to put a backflow preventer or now there was even a water intrusion prevention system they could have installed. They were expensive but they do work because he had one. That in conjunction with a sump pump that addresses the groundwater and the backflow preventer would address the sewer. It was the homeowners house and the homeowners were responsible for that. That was why they had homeowners insurance.

Carolyn Kirby said for the first fifteen years they lived in their house they did not have this problem so the problem was occurring because of the outdated and worn out sewer system that existed. She appreciated what the town was proposing and they were doing their due diligence to look for a solution but the problem did not exist the first fifteen years they lived in their home.

Councilman Creger said the system likely degrades but this had already been marked down as a significant weather event.

Carolyn Kirby said they did not know that this solution was going to be brought to them and they were working on a process to get something done.

Councilman Creger said he thought they should and agreed that was good. If he had a problem in his house that was what he would do. If someone came to him to help him he would accept that help.

Doug Kirby said his thought was for the whole hill. This problem could get worse forever.

Councilman Creger said he knew that but how were they going to afford giving everyone \$300 and the valve and the labor. They had these people working all the time.

Doug Kirby said he understood that.

Councilman Goorskey said the only point he wanted to make on what Councilman Creger was talking about with the \$300 was that he did not feel like it was just giving money away. Say they had installed it completely and they were months delayed and then decided they were going to go in and put in backflow preventers. Now everyone else had gotten something that they paid for themselves and he would feel at that time that they would be due a reimbursement.

Councilman Creger said in that case he would reimburse them the average cost of the valve and the labor and nothing more. The valve that the town installed for the other people.

Councilman Goorskey said it was not just a free \$300. They do have to locate the right place to put the valve and that was a cheaper option instead of digging up the yard. It was something they did not realize the town was going to go ahead and do. It was not paying for something extra it was reimbursing for something that the town retroactively decided they were going to do after they already started the process. It stopped at deductibles. It was not just this situation there were many other types of scenarios he could imagine where deductibles could come into play and they could hang themselves out to dry for millions of dollars over the course of twenty years. They needed to be careful on that but if they were going to say yes they were going to throw out a benefit to anybody that was in these areas that was subject to this type of backflow. They were going to offer a onetime deal that stated if they had been affected by this the town was going to give them a backflow preventer. That was above and beyond what the town needed to do so he would make sure that everyone received that evenly. If they had already paid into that, in order to make it even in his mind, the town needed to pay that back and then give everyone the same thing.

Councilman Mills said that was his logic.

Mike Bedsaul said he would ask council to consider two motions, one of which would be a motion to approve the backflow preventer and installation by the town crew for the folks that were affected in the Hopkins and Elworth Street areas, subject to the preparation of the agreement by him. That would be one motion and then do a second separate motion on the \$300 that was specific to the Kirby's.

Councilman Mills made a motion to approve the backflow preventer and installation by the town crew for residents that were affected in the Hopkins and Elworth Street areas, subject to the preparation of the agreement by Mike Bedsaul. Councilman Creger seconded the motion.

Ayes: Hale, Bowles, Creger, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Councilman Creger made a motion to reimburse Doug and Carolyn Kirby the \$300 they paid to have their sewer line checked for blockages. Councilman Mills seconded the motion.

Ayes: Hale, Bowles, Creger, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Mayor Spangler said his opinion was they were not setting a precedent for someone to go out and do what the Kirby's did and expect the town to reimburse them. It was a one-on-one situation and if the Kirby's were approved to get that it did not mean someone else would.

Councilman Mills said he agreed with that statement but he could speak strongly and say the Kirby's took care of themselves and they took care of business and that meant something in his heart. He agreed that they do not want to set precedence that everyone who comes to council gets money off of the town.

Councilmember Bowles said she felt like it was how they handled a situation when someone had a water issue. When they come in if it showed negligence on their part council would deny that.

Councilman Mills said each case was judged on its own merit.

Councilman Goorskey said they do that already with water leaks and late water bills.

John Davis asked what they would do if a couple of people did not call the town or anyone when they had their basement pumped out but then they called and said they did not know the town was going to do this and they had already put \$2,000 in a backflow preventer in their yard.

Councilman Mills said he was sorry that was tough luck. He knew that sounded terribly callous and maybe even cruel but these people took it on themselves to do that.

John Davis said what if they were being proactive and had put \$2,000 into this, was the town going to pay them that \$2,000.

Councilman Mills said he would look at both of them and tell them he loved them but the town would not reimburse them.

Councilman Creger said he was understanding them to say that they were talking about a limit essentially if they were ever to consider it again of \$300.

Mayor Spangler said this was specific to this event. There was no precedent established and they were dealing with individuals and this was a one-time deal as far as he was concerned. Tomorrow could be a different day and they could say no to everyone. If they judge each case on its own merit and fairly they will be okay.

Councilman Creger said he did agree that they helped a lot with the water bills. He believed what he was understanding was if they had not done this they would eventually have had to do it anyway with their install. They would have had to scope the line, was that correct. The Kirby's paid part of the cost the town would have done.

Councilman Mills said that was his observation.

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

Ayes: Hale, Bowles, Creger, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Communications from Mayor, Council, and Staff

Mayor Spangler said next was communications from mayor, council, and staff. First was the PSA report.

Councilman Mills said he was not able to attend the PSA meeting so he would let Terry Nicholson give the report.

Terry Nicholson said the main thing that they looked at last month was still looking for a location for the convenience center that was currently located on Lurich Road. They were continuing to operate the one on Lurich Road and they would do that until the new site was chosen and up and running. They did elect a new chairperson. Todd Meredith had been elected the chairperson of the PSA and they elected Colin Munsey as the vice chair. Everything else was just general business.

Councilman Mills said one thing that was still going on was they were still trying to hammer out an agreement with the treasurer's office over the billing but he thought they were closer than they had ever been. He asked Terry Nicholson if he agreed to that.

Terry Nicholson said yes.

Mayor Spangler said they would now discuss the school speed limit signs.

Terry Nicholson said he put an email from Michael Brown to him in council packets about the school speed limit signs. He said last month when Dr. Brown talked about this, he had asked him if the town would be willing to bear the cost of installing the cellular capabilities for each of the signs, which would be a cost of about \$2,000 a year. He said no, and said he did not really think they needed that for what they were trying to accomplish. The school board then went back and talked about it. However, they decided they really would like to have that cellular capability so

that they can turn the signs off and on based on the school schedule, so they were going to pay for that capability. That was what the email was about. They did add a caveat in to say that if the town were to do photo enforcement of those signs and generated more than \$2,000 a year in doing that photo enforcement, they would ask the town to take over the cost of that cellular capability for the sign. He thought that was reasonable.

Councilman Goorskey said he thought that was really reasonable as long as it goes back the other way if they do generate more than \$2,000 revenue and took it over if they drop from \$2,000 in revenue the school board took it back over.

Terry Nicholson said yes. The school board said they would put together an MOU with that understanding in there.

Councilman Mills said he wanted to thank Terry Nicholson from the bottom of his soul for being tenacious and showing up. The school board had been magnanimous and willing to help the town, but that sorry bunch up there at Pearisburg could not get anything done. He was talking about the staff and he would tell them to their face if they were standing here right now, and he had told them to their face. It was just ridiculous that four months ago they agreed on this and they cannot get this done so it was done now, and he was thankful, but it should not have taken four months.

Councilman Hale asked Terry Nicholson how this arrangement compared to what was going on with the other schools.

Terry Nicholson said no one else was doing photo enforcement, so that was the trigger that would cause a change from any of the other schools. They did point out that they might consider doing photo enforcement at some of the other signage locations. Route 460 was one of their major concerns.

Councilman Mills asked who said that.

Terry Nicholson said Mike Brown said that.

Councilman Hale asked Councilman Goorskey what his suggestion was.

Councilman Goorskey said he thought it was a reasonable request that if the town started generating more than the \$2,000 amount to cover the \$2,000/year fee from the photo enforcement tickets then the town would take over paying for that fee because they would be getting revenue from those tickets on the sign that they are paying for. He did not mind allowing the ticket payers to pay for the sign and in his mind that worked great. He did not want to say as soon as they hit that \$2,000/year threshold the town took it over from now on.

Councilman Hale said he agreed with that because, in theory, people are going to learn. If they generate less than \$2,000 would that need to go to the school as well.

Councilman Mills said no.

Terry Nicholson said to Joe's point he thought they could word it so that if in a years' time they generated more than \$2,000 the town would reimburse \$2,000 towards the cost of the cellular capability. If they did not generate that much money they would not.

Councilman Mills said they were giving the town \$25,000, which they greatly appreciated. He agreed with John Hale that if they generated \$2,000 the town would pay the cellular bill but if they did not receive \$2,000 they did not have to pay.

Councilman Hale asked if those fees were assessed or collected.

Terry Nicholson said it was what the town would collect.

Mayor Spangler said he would assume the cellular addition to the signs would not cause any additional problem with installation or anything.

Terry Nicholson said no. It was basically a package.

Councilman Mills said they had to and always were reasonable about stuff. The school people want control over those things so they can get the hours properly so if there was a snow day or something like that they wanted the ability to program the signs. He believed that was a fair request from the school system.

Mayor Spangler said they would move on to the automatic transfer switch update.

Terry Nicholson said he placed in council's packets a more itemized cost for the change order that Mullins had requested for the installation of the automatic transfer switch. The total change order that they were talking about was still the \$31,822.34, which was the same number last month. They just itemized more clearly what those were. They did not specify a cost per foot of the wire, however, in the email Scott Bortz sent that revised the change order stated: ***in regards to the two ought copper wire reference that you mentioned was made by Council we would be replacing 100 foot pulling four wires in conduit. Google is showing \$4 per foot for that while the type N generator wire was quoted at \$31 a foot so that is \$3,150 just in wire.*** Scott Bortz wanted that explained to council. These connectors and receptacle plugs that they were talking about, or weatherproof plugs, they were very expensive items. He itemized each of those and labor for the electricians to do that. The handwritten part that he put on the bottom of the change order that he gave to council was the sum of each of the changes that they made on change order number four and the two variable frequency drives that the town would purchase themselves so that they can get them at cost. This also included the six-year warranties on each of those.

Councilman Goorskey said he had a lot of thoughts on this. He still did not think they had 100% information to know how great of a deal this is. Typically, change orders were not the cheapest thing and that was just how that worked. It was not like cutting it to the bone. This contractor had to earn a living and that was fine with what the cost was. Council had to eventually look at it and say had they had this information to begin with that was what they would have increased the bid by. The problem he still had today that he explained to Mr. Bortz was the town did not have the pot of money that they did to pull from.

Terry Nicholson said he was sorry to interrupt but Mike Bedsaul asked that they go into executive session where they could talk about this contract with him so he would ask him to hold those kinds of comments until they do the executive session and then they will delay a decision about approving this change order until they come back into public session.

Councilman Goorskey said there were a few comments about that he wanted to make in public session. There were some things he would explain and get everyone's approval. He wanted to voice them publicly. He knew that he could not just come out and say this was what they talked about but there were some things he had to say in public session.

Terry Nicholson said he would encourage him to do that. He was welcome to do that now if he liked.

Councilman Goorskey said he would wait until after executive session.

Mayor Spangler said they would move on to the DCR recreational trails grant program.

Terry Nicholson said last year John Hale spearheaded an effort for the town to submit an application to DCR for their recreational trails program. The town did submit an application and they actually scored very high but it was just below where they would have needed to have been to receive funding. This year the recreational trails program was only going to fund existing trails and improvements to those. There would not be any new trails in this pot of money which would mean the town would bump up even higher. They were encouraged last year to apply again so what he would like for council to do tonight was to approve John Hale and himself working together to tweak the application that they did last year based on the comments that they received from DCR about their application and resubmit it. The reason he wanted council to approve this in advance was because it did require a match. Last year they submitted for \$100,000 and it

would require a match of \$20,000. They were very comfortable last year that they could meet that \$20,000 with in-kind contributions, which would include labor from their work force doing some of the grading, and things like that in the parking lot. The purpose of the grant application was to carry out the plan that CDAC designed for the town for improvements to the trail head, such as putting the markings over the trail itself to direct where to go, signage along the trails, and improvements to the parking area at Mill Creek. The fact that they had added another 120 acres to the park this year would be another feather in their cap for the grant application. He felt like they could make a really strong application this year, so he asked for council's approval for them to pursue that grant funding.

Councilman Mills made a motion to approve John Hale and Terry Nicholson proceeding with the DCR Recreational Trails Program Grant application. Councilmember Bowles seconded the motion.

Ayes: Hale, Bowles, Creger, Mills, and Goorskey

Nays: None

Motion Carried 5-0

Mayor Spangler said he had a thank-you note he would like to read: Mayor Tom Spangler, Town Council, and town workers, we want to thank the town for all you did during the naming and dedication of the Ronald D. Sparks Memorial Bridge. The location for the ceremony couldn't have been more perfect. Thank you all for the kind words as our family and community came together to honor Ronnie. God bless all, the Sparks family.

New Business

None.

Unfinished Business

Councilman Hale said Terry Nicholson, himself, and others continued to work on the concern involving handicap parking access at the activity center in town and also at Ragsdale Field. They were continuing that work and they would be coming back to council to ask for their support on improvements that they felt needed to be made in the future.

Work on the 5K/10K event continued. At the last council meeting he indicated this would not be a fundraiser. What he should have said was fundraising was not a primary objective. Fundraising may well come out of this for some cause to be determined or agreed upon. The primary objective was to showcase the town and encourage people to come here that may not come here otherwise. He just wanted to clarify that.

In Terry Nicholson's report he spoke about the outfitters building and his work with DHCD. He just wanted to thank him for his diligence about trying to keep them between the white lines which he knew he was doing and trying to provide council with flexibility and, at the same time, trying to satisfy their obligation to DHCD.

Terry Nicholson said he spoke with Karen Turner about the dedication for Cindy Light and they did agree that naming the park was something the town was not able to do. They were going to purchase a bench to be located in that park, similar to the two benches another class from the high school had there. The town had figured out a possible location for it.

Matters for Consideration by Council

Mayor Spangler said consideration in approving the change order for the ATS switch at the WWTP would be discussed at the strategic planning meeting on March 17th.

Mayor Spangler said if there was no other discussion they needed a motion to enter executive session for the purpose of consultation with legal counsel, Section 2.2-3711.A.8 of the Code of Virginia to review the contract for the town's sewer improvements.

Councilman Goorskey made a motion to go into executive session for consultation with legal counsel, Sec. 2.2.3711.A.8 of the Code of Virginia (Review of Contract for Sewer Improvements).

Ayes: Hale, Bowles, Creger, Mills, and Goorskey

Nays: None
Motion Carried 5-0

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

Ayes: Hale, Bowles, Creger, 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 Goorskey made a motion to accept the certification. Councilman Creger seconded the motion.

Ayes: Hale, Bowles, Creger, Mills, and Goorskey
Nays: None
Motion Carried 5-0

Councilman Goorskey made a motion to defer consideration of the ATS switch until the Strategic Planning Meeting to be held on March 17th and also directed Terry Nicholson to collaborate with legal counsel to disbar Peed and Bortz from entering into this contract or any contract in the future because of them not providing services the town expected them to provide. Councilman Mills seconded the motion.

Ayes: Hale, Bowles, Creger, Mills, and Goorskey
Nays: None
Motion Carried 5-0

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

Ayes: Hale, Bowles, Creger, Mills, and Goorskey
Nays: None
Motion Carried 5-0

Clerk, Debbie Thomas

Mayor, Tom Spangler