

## REGULAR MEETING

The Town Council of the Town of Weber City met in a regular meeting at 7:00 p.m. on Tuesday, October 19, 2021. The meeting was held in the assembly room of the Weber City Town Hall. Interim Mayor Greg Smith called the meeting to order. Pledge of Allegiance by all in attendance. Eileen Deckard led the council in prayer.

**PRESENT:** Interim Mayor- Greg Smith  
Town Attorney: Michael Carrico  
Council Members: Justin Addington, Eileen Deckard, Casey Kinkead, Teresa Tilson,  
Larry Wagner

**ABSENT:** Steve Smith

### **APPROVAL OF MINUTES:**

Motion to accept the August 17, 2021 regular monthly meeting minutes, was made by Justin Addington, the motion was seconded by Teresa Tilson the motion passed with 4 voting AYES: none voting NAY: 1 Absent; 1 Abstention.

Motion to accept the August 2021 Financial Report was made by Casey Kinkead; the motion was seconded by Larry Wagner; the motion passed with 5 voting AYES: none voting NAY: 1 Absent.

Motion to accept the September 2021 Financial Report was made by Casey Kinkead; the motion was seconded by Eileen Deckard; the motion passed with 5 voting AYES: none voting NAY: 1 Absent.

### **Public Presentations:**

Marti Whitt addressed the board to question what answers was found out from her previous meeting's request regarding the VA State Police. Mike Carrico stated he had spoken with Jason Jinkins, Jeff Lewis as well as Dan Fellhauer. Essentially what happened was Jason had taken the report, the report involved a previous administrative employee and the mayor, the report was provided to the to the commonwealth attorney and the report had been reviewed by the commonwealth attorney and elected to not prosecute the case. Marti Whitt stated Mr. Carrico had to be kidding, it was to know you can take money from the town and not be held liable stating she felt this was not right and wanted to say for the record it was not the mayor as she herself was here when the information regarding the theft was found.

Keltie Kerney requested if this issue can be revisited with the commonwealth attorney with more complaints? Asking what would be the steps needed. Mr. Carrico stated he can ask to have this be looked at again a new Commonwealth attorney would be in place in two weeks.

Marti Whitt also questioned regarding the road intersection at Church and Clonce Street, VDOT has stated they do not have plans to do anything more than the larger stop sign they have already changed out. Questioning if the town can take action on its own. Interim Mayor Greg Smith stated we do not own the road so we can only go by what decisions they make, and after discussion by the town Attorney and Casey Kinkead it was stated maybe the town can contact the county supervisor Darrell Jeter to express the concerns. Larry Wagner suggested to contact the newspaper ask them to take a look and maybe run the story.

Keltie Kerney stated she lives on Locust Street and agrees with the safety concerns addressed by Mrs. Whitt. Mrs. Kerney wanted to address the board as a concerned citizen to express her opposition to the rumor involving the Town of Weber City giving away any property to a council member or resident of the Town. As a tax payer she is deeply concerned with anything to be given away by the town. She stated that

if anything was considered it would in her opinion be a conflict of interest however if it was indeed the plan to do it would have to go through the proper formalities to be handled legally. Stating a precedent was set years ago regarding Mrs. Rose and a property located near the fire department. Mrs. Kerney questioned if this was indeed the plan to give property away.

Mike Carrico stated that the town can not give away town property as it belongs to the citizens of the town. This question came up in the August meeting a council member asked to be given an unopened street. Mr. Carrico stated he himself is not aware if the property has ever been conveyed to the town, the street is part of the King subdivision and is listed on a plat but he wasn't aware if Mr. King has ever given the property away. If the town wanted to give away the property the legalities would consist of a publication would be required and public hearings would be required according to Virginia Law before it could be considered. If the Town asked for his advice regarding the matter his advice would be No not to give the property away. He stated Mr. King had came to the council before in opposition when this matter was addressed before.

Keltie Kerney also wanted to bring up an issue on Church street with a Wooden box sitting along the road that she stated is a very sore eye to the area in her opinion. Mrs. Whitt stated it was in fact her trash box. Keltie Kerney also addressed a large metal storage container located close to her home and questioned the ordinances for this. Mr. Carrico stated the town is working on Zoning for the town and it is almost ready for town citizen input. Major concerns with zoning issues are how the town commercial properties and residential areas are combined which makes this more difficult stating this has not been an easy task.

David Castle addressed the board to question why Waste Management is no longer picking up more than one trash can. Interim Mayor Greg Smith stated the contract has not changed. The last two years have been very challenging he wasn't sure if it was because of the pandemic but now the trucks are only making it about half the route before they have to go dump the trucks due to more trash. He understands another issue is the county has taken away the Moccasin Gap trash dump available to the Weber City citizens this was done when the road construction had begun. Now that it is finished the county has yet to replace the dumpsters.

Mr. Castle wanted to also discuss potholes questioning if this is handled by the town or VDOT, Interim Mayor Greg Smith stated the town only owns about a dozen streets within the town that the town would be liable for repairs. Mr. Castle stated that Victory Street is getting bad, he also stated when the water department has made repairs the roads was not filled in properly.

Mr. Castle questioned the council as to why the town is not handling snow scraping anymore. Interim Mayor Greg Smith stated the town had someone last year and the current contract is set to expire the end of 2021. The new contract is scheduled to be discussed later in tonight's meeting.

Mr. Castle questioned why the town has stopped weeding along the railroad. Mr. Carrico stated this is not a town property it belongs to the railroad.

Daniel Dean addressed the council regarding the previously discussed issues of water drainage along Hwy 23 and his property as well as surrounding neighbor's properties. Stating that VDOT how now informed him they are wiping their hands of the issue. However, VDOT has previously cleaned out the tile in question and the drainage is clearly coming from the road. He was willing to repair the tile however VDOT has advised him if he does so he would be held liable for the responsibly if something happened, he can't take that risk. Mr. Dean stated the town had proper water rights and he didn't believe VDOT had done so. Mr. Carrico stated water cannot intentionally be diverted to the lower land owner, if a pipe is coming on to his property that sounds to be intentional. Discussions were back and forth between Mr. Carrico and Mr. Dean and the council regarding the issue on how best to move forward regarding the issue, it was questioned who put the pipe in Mr. Dean was not aware at this time.

Phil Owens questioned if the town could simply put in a drain. Mr. Carrico stated no, this would be considered private property.

Keltie Kerney questioned the council if it was a town property how would the town handle the situation? Mr. Carrico stated he would suggest to contact the State, suggesting the town can send a letter on behalf of the resident to the delegate and senator.

With no further questions Interim Mayor Greg Smith closed public comments.

**Finance Committee:** No report

**Fire Department:** Fire Chief Bruce Cross addressed the council to advise the Fire Department Trunk or Treat will be on October 30<sup>th</sup> beginning at 3PM at the old Food City Building now to be known as the future home of the Weber City Volunteer Fire Department he would like public to participate. Everyone is welcome.

Mr. Cross stated if the town is interested in making a municipality building, he is open to sitting down and discussing with the council. He at this time would like to have the meeting privately Mike Carrico stated due to sunshine laws he would need to do that with the mayor and a council member or the mayor could appoint a committee to look into this. Mr. Cross feels that with the purchase price of the building and renovations the total cost is about 1.2 million. He would have about 11,000 square feet available to the Town of Weber City if they wish to pursue the idea. Marti Whitt tried to ask a question to Mr. Cross, Attorney Mike Carrico stated the public presentation was over they would need to discuss privately. Mr. Cross finished up the discussion by stating the Fire Hall is for the community, He will be glad to answer any questions he was just doing as instructed by his board to bring the option to the town. Mr. Cross showed the town council a drawing from the architects of the projected plan for the new building.

**Legal Affairs.** Mike Carrico stated the Zoning would need to get feedback from the citizens he would suggest public presentation to discuss possibility of zoning from the citizens. He also stated he believed the council would need to go into a closed session to discuss legal and personnel issues.

**Maintenance Committee:** Casey Kinkead stated he had been out sick and had been working on the quotes for the new teller window and door area. Two quotes have been obtained awaiting a third quote hopefully will have this before the next meeting.

**Mayors Report:** Interim Mayor Greg Smith stated on September 1<sup>st</sup> he had went to the county board meeting and discussed the street signs as well as the inspection fees, its available on YouTube if anyone would like to view. Vice Mayor Justin Addington intervned and advised his uncle Tim Addington used to be the 911 coordinator and he pulled to paperwork at Justin's request the contract states the town is responsible for the signs. This was done with the understanding the town would be responsible for the sign maintenance. Interim Mayor Greg Smith stated the town residents pay the same tax rates as residents out in the county he felt weber city residents should be treated the same as the rest of the county residents they pay the same tax rate. The town should not in his opinion be charged any rate whatsoever. Mr. Smith stated in the board meeting Bill Dingus advised the permit fees had not been adjusted in many years, therefore the towns are paying a fee to cover the expense.

Mr. Smith stated VDOT still doesn't have streetlight plans ready so he is working with ex colleagues with AEP to get a plan together in hopes he can get someone at VDOT to just sign off on the plans so therefore can finally get a quote for the project.

Moccasin Gap trash dumpsters have yet to be reopened for the residents. Bill Dingus advised Interim Mayor Greg Smith he did not think the county would reopen the moccasin gap station. The lot was owned by VDOT and was not sure if was going to allow the location to reopen, and he questioned Mr. Smith if the town would be able to provide a waste station location. Attorney Carrico stated the county had purchased land for other waste stations out in the county. Greg Smith had given a couple of suggested spots to Mr. Dingus and so far he has turned both of those down.

**Personnel Committee:** Request closed session. Deferred to later in the meeting.

**Police Department:** Chief of Police Matt Bishop stated he was very proud of his officers and the numbers that he has for activities; they have worked very hard. Mr. Bishop handed out a list of 194 incidents for August and September in total, 62 of that was tickets written under DMV speed grant time. People are reducing speeding in town. Courts are getting funds to the town he plans to document in court-assessed fines due to the town. Mr. Carrico stated he can check with both courts to get totals due to the town. Just now have 4 fully active full-time officers. Need officers recertified annual or semiannually in the past Weber City has always had to ask other agencies to assist with the recertification's creating liabilities to the other agencies. He is utilizing free classes at the academy. Extend services between Weber City and Gate City developing an emergency response team. Chief Miller at Gate City has applied for a grant for the equipment used and as long as the team is in place the equipment can be used if the team dissolves then the equipment would be returned to Gate City. Officer Harding is getting the certificate for officer of the quarter and stated both officer Hensley and Harding are very competitive with each other.

Chief Bishop advised that Matt Baker has a 1-year-old Belgian Malinois Dog that he is willing to donate to the town or individually to officer Hensley, he himself knew in the 1990's it was about \$20,000 to purchase a trained similar dog. The dog being offered has not been trained so that would be the expense to the town a two-week training would cost around \$8,000-10,000 for the dog would cost week Program through the department of corrections offers approximately 13-14 but that would require the officer traveling to assist with the training. Chief Bishop questioned if the council is interested in reviving the k9 program. Open discussion amongst the council regarding the k9 program, at this time the money is not in this year's budget they are willing to keep an open mind would need more information on all the actual cost and details involved. Mike Carrico stated to come back to the board with suggestions on how to move the money in the current budget to get the dog if desired. Chief Bishop explained to the council how the area has a high amount of drugs. The town will have a new council and mayor in two weeks.

**Street Committee:** Already discussed issues needed for street repairs many of which are VDOT streets. The town does have several issues as well Greg Smith stated the town needs to get on to those. No discussion was made.

**New Business:** Snow Plowing the current contract is to expire the end of 2021. Mike Carrico stated the town needs to have a contract ready for the start of 2022. The use of ARPA fund needs to be reviewed. Teresa Tilson requested a copy of the documentation be emailed to her for further review. A motion to extend the current contract for snow plowing was made by Teresa Tilson seconded by Justin Addington; the motion passed with 5 voting AYES; none voting NAY 1 ABSENT.

ARPA funding Teresa Tilson requested documentation to be sent to her for review prior to discussions.

Eileen Deckard requested quotes for a new sanitary water cooler to be placed at the town quotes are being obtained. Teresa Tilson suggested the touchless fountains due to covid.

**CLOSED SESSION:** Motion to go into CLOSED SESSION to discuss legal and personnel issues was made by Justin Addington and seconded by Eileen Deckard. Motion passed with all voting AYE; none voting NAY.

Motion to go out of CLOSED SESSION and back into regular session was made by Justin Addington and seconded by Teresa Tilson. Motion passed with all voting AYE; none voting NAY.

#### **CERTIFICATE OF CLOSED SESSION**

The Mayor, Council members and the Town's Attorney entered closed session.

After returning from closes session, the mayor and council members, hereby certify that only legal and personnel matters for which the closed meeting was convened were heard, discussed or considered in the meeting by the Mayor and Council members. Voting "AYE" were Interim Mayor Greg Smith, Justin Addington, Eileen Deckard, Casey Kinkead, Teresa Tilson, Larry Wagner; and voting "NAY" were: NONE.

**Action from closed session:** None

**ADJOURNMENT:** A motion to adjourn was made by Justin Addington; the motion was seconded by Teresa Tilson; the motion passed with 5 voting AYES: none voting NAY 1 ABSENT.

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Interim Mayor: Greg Smith

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Town Secretary: Rhonda Neeley