



Minutes of Council Meeting
Work Session
Buchanan, VA

August 18, 2022

Present: Mayor Craig Bryant
Vice-Mayor Chris Witt
Councilmember James Manspile
Councilmember Marlon Rickman
Councilmember Chris Petty

8 citizens were present.

Mayor Craig Bryant opened the August 18, 2022 Council work session at 6:00 p.m. Town Manager Susan McCulloch took roll call. With five Council members present, a quorum was established. Mayor Bryant thanked everyone for coming to the work session. He reminded everyone that there is no public comment at the work sessions. Mayor Bryant asked that proper decorum is followed. Mayor Bryant stated there is a hefty agenda, but some councilmembers have other plans, so if we can hold the meeting to 7:45 or 8:00, that would be great. If not, we will have to dismiss some councilmembers and continue without them. Mayor Bryant stated that Mr. Doug Hudgins was late due to traffic issues on I-81, so that discussion would be moved on the agenda.

The first item of discussion was the Waste Water Treatment Plant floor. Town Manager McCulloch stated that the floor has been patched for years. Now there are areas that are weak and people's feet are going down into the subflooring. The floor has become an emergency issue. Town is renting a temporary office space. The floor has been patched several times since this issue began occurring, however, they are sinking in areas that have not been a problem before. We started asking for quotes back in April. 2 of the contractors have renewed them. These are 3 quotes for council to consider for the waste water treatment plant floor. Vice Mayor Witt asked if this should be discussed in a closed session. Councilmember Manspile stated that you cannot discuss spending money in a closed session. Mayor Bryant asked for thoughts and discussion on the bids. Councilmember Manspile stated that Curtis Deacon is the cheapest, and they do good work. Councilmember Rickman stated that would keep the work here in Town as well. Mayor Bryant stated that was all we need to have done, proper insurance? Town Manager McCulloch stated that yes, he is a class A contractor. Mayor Bryant asked if everyone agrees, could the phone line be disconnected? Council is 5 minutes into the meeting and no one has joined by telephone. Council agreed. Town Manager McCulloch stated that the waste water

treatment plant floor could be covered by ARPA funds. Councilmember Manspile asked if Town has ARPA funds that would cover this. Town Manager McCulloch stated that Town does. Mayor Bryant asked if there was a consensus to send this to Council for a public vote. Council agreed.

Next item for discussion was the proposed 2023 Calendar of events. Town Manager McCulloch stated that this was handed out, and emailed to Council in the hopes that Council could review it. If there are any immediate concerns or questions, please get back to me. It can either be considered again at another work session, or it can be voted on at the next Council meeting. We have been asked to approve the events calendar for the next year sooner so that we have more time to promote it, and citizens have more time to share it. We have already done that for the Civil War history weekend. At that time, Vice Mayor Witt stated that it would be a good idea to do this for the other events. Councilmember Manspile stated it definitely gives us a date that everyone can plan for events. Mayor Bryant stated it does not lock us in so that we can't modify for whatever reason, safety or staffing, but lets vendors know we are in agreement with this calendar and lets them start planning. Councilmember Manspile stated when it is voted on it can be changed from proposed to tentative. That will leave it open if a date needs to be changed. Vice Mayor Witt stated that he is glad that the Calendar has been presented this early. He would like to see 2024 now if possible. This helps vendors get prepped for next year, and hopefully we will see a change by having more vendors and better turn out for the events since people can plan ahead. Mayor Bryant asked if Council needed different verbiage that states approval of the calendar of events with dates subject to change due to extenuating circumstances. Consensus is to have this ready to vote on next Council meeting. Council agreed.

Next item for discussion was the Main Street banner discussion. Town Manager McCulloch stated that in the past, the Town used to be able to hang event banners across Main Street. Normally this was done by the Fire Department. For some reason, it was stopped. We did learn Dominion Energy asked us to stop because the wind caught a banner and moved the pole. We are revisiting it because of a request by Board of Supervisors member Amy White. Town Manager McCulloch stated that she spoke to Dominion in early June. Dominion Energy stated that a banner cannot be hung from a Dominion pole to a Dominion pole, and the policy doesn't mention that it can't be hung to a different company's pole. However, if something happens, if we do start the program up again, Dominion will ask the locality to stop hanging banners. Because there is a potential liability to the Town, she felt there is need for more vetting and discussion of what type of program the Town wants. Town Manager McCulloch stated she has a proposal if Council wants to move forward. Mayor Bryant asked if she had highlights of her proposal available. Town Manager McCulloch stated that in the proposal, the banners would stay up for two weeks per banner. The applicant will be responsible for hanging the banner and taking it down, as well as the cost of the banner. Non-profit, Town events, or community events such as New Freedom Farms or the Botetourt County Fair would be allowed to hang a banner. Any other requests would have to be vetted by Council. The banner would be hung in the same location in front of the Fire Department as was done in the past. Applications must be turned in to the Town 30 days prior to hanging the banner. Any applicants that are not in Town limits will have to be vetted by Council. The VDOT permit, if it is not waived, would be the responsibility of the applicant, not the Town. They must install and remove within the allotted time. No extensions will be permitted. One banner only in Town limits. The banner must contain vents for wind. VDOT allows 30 days, but we recommend 2 weeks. Councilmember Manspile asked if Town Manager McCulloch stated vents for wind were required. Town Manager McCulloch stated she did. Councilmember Manspile stated that was the biggest issue in the

past. The banners did not have vents in them for the wind. Mayor Bryant stated that he had one concern. If it isn't a Town sanctioned event, the applicant would have to come to Council for approval. Town Manager McCulloch stated that this is all proposed. It is all up for debate and edits. Mayor Bryant stated that he would have a concern with that practice. Town sanctioned events allow the advertising and Town staff to be used. If we get into anything else, it would put the Town and Council in a position of having to make decisions that may not be on factual or equitable stand points. Town Manager McCulloch stated that she thought it had to do with the Iron Man Race. Councilmember Manspile stated that since there is an issue with the pole to pole, you can only go Dominion to a different vendor pole, what about putting another billboard on the other side of Town. If we put a billboard near Dollar General, we could have matched signage. Councilmember Rickman stated that you wouldn't have to worry about it falling down. Councilmember Manspile stated the County Fair got rave reviews for having the signage on the hay wagons because there was one on each side of Town. Mayor Bryant asked if the billboard would have to be Town owned. Vice Mayor Witt stated that it would have to be because you would have to have a special use permit. It is against planning and zoning ordinance to have a billboard in Town limits. Councilmember Manspile stated that there was an agreement made several years ago that saved the billboard we have. Vice Mayor Witt stated that one is grandfathered in. Mayor Bryant stated the remaining billboard gets a lot of attention. Councilmember Manspile stated he would like to see one on the south side of Town. Town Manager McCulloch stated it is non-conforming, but it does get changed out. Vice Mayor Witt stated that he agrees, but he wanted to bring that up. Councilmember Manspile stated that there is a problem if the Town cannot do it for the betterment of Town because of zoning. Mayor Bryant asked if legal should review doing the pole-to-pole banners? Vice Mayor Witt stated that it should be limited to Town events, Town sanctioned events, or Town supported events. If you open it up to others such as businesses, it is going to get sticky. Legal should definitely be asked what the Town's scope is for the banners. Councilmember Manspile stated that when the banners were being used, the only ones that were hung were for Town events. Mayor Bryant stated that this should be vetted by our legal team before we move forward. Should we take this to the next work session, or table it? Councilmember Manspile stated that it should go to the next work session. Talk to legal counsel and see what else needs to be done. Vice Mayor Witt stated that Town should have something that is not relying on someone else's material. Vice Mayor Witt asked what everyone thought of a digital billboard? Councilmember Manspile stated with one of those you could sell advertising for. Vice Mayor Witt stated that it could be utilized for upcoming events, images of events, and school activities. Councilmember Rickman stated San-Mar-Co may be able to quote us a price for one. Councilmember Manspile stated Lamar may be able to quote a price on building a sign. Vice Mayor Witt stated there is a possibility for getting grant money for one. Mayor Bryant stated that since there was a specific request for the pole-to-pole banner, we get more information from legal, and we explore more options and return to this discussion. Vice Mayor Witt stated that at some point, everything on those poles will be underground. There won't be a pole to hang the banner from. Councilmember Manspile stated that he is worried about the poles being compromised. Mayor Bryant asked Town Manager McCulloch to talk to legal about the pole-to-pole, explore options for signage, and ask legal about Town discretionary decision making for who can hang banners.

The next item for discussion was the Factory Flats presentation by Doug Hudgins of CHA. Mr. Hudgins apologized for being late. Traffic on I-81 had issues. Mr. Hudgins stated that CHA was asked by Town to come up with some options to serve the Groendyk, or Factory Flats property public sewer service. There are concerns either way we go due to existing capacity and the existing system due to old pipe

collapses and other issues. Both of these options, half of the cost would be associated with replacing old sewer to the intercept, and half would be for the new construction. Mr. Hudgins stated that CHA looked at crossing Main Street to a 30-or-40-foot-wide parcel that we could use to get an easement from and cross down from Main Street to follow Lowe Street. There are existing sewer lines, but there are some concerns with its capacity and integrity. CHA continued the line all the way down Lowe Street replacing the existing line to the interceptor. If there is good system on Lowe Street, it would be half the cost to service Groendyk. Mr. Hudgins stated that he had included in the cost estimate jacking and boring under Main Street. VDOT might let you open cut it, but they are pushing utilities to jack and bore under streets because of long term maintenance and traffic concerns. This really increases the cost. Mr. Hudgins stated VDOT may not have a problem with open cutting, but for the preliminary estimate we wanted to use the most-costly option. Mr. Hudgins stated that the advantages of this option are that it is more cost effective, it upgrades and renews the sewage lines on Lowe Street, and eliminates infiltration and inflow (I & I) along the existing sewer. This also eliminates crossing any creeks. This is called the Lowe Street Option. The other option, which goes toward the west, you want to go across Main Street, then follow just off the right-of-way. There is an existing sewer line that comes under the train trussell and goes into the creek. You can visibly see the sewer line in the creek. There is some concern about its integrity. The fact that it could be letting in some I & I, and some capacity issues. Due to a bluff here, we want to bring the line through the creek on the river side of the road, cross the creek, and then get the current sewer line under the creek out of there. The old line would be abandoned which, anecdotally we have heard is in bad shape. This project is more extensive, with a couple of jack and bores proposed, and reroute it to the interceptor. The advantages of this option are to replace the old line and abandon it, and possibly add other hook-ups to the line to add revenue. This option is more expensive, and the permitting process going through creeks has become much more challenging. It has become a 4-to-6-month process. There would have to be more easements granted as well. Mr. Hudgins stated he would answer any questions. There are some grant opportunities out there, but the timing of those can take several years. There are options to bring the developer in to the process. Mayor Bryant asked what would need to be put in new on the Lowe Street option. Mr. Hudgins stated that the crossing of Main Street and then down Lowe Street, there are some clean outs, and some 6" pipe there that would be renewed with the existing line to the interceptor. Councilmember Manspile stated that where he did not get a chance to meet with Mr. Hudgins in the field, where Mr. Hudgins is talking about clean outs, is across where the double wide trailers are is 8" pipe but it is shallow. On the other side where the brick apartments are, it is 6". That is the line that the church and the 2 houses. Councilmember Manspile asked if they can talk now. Town Manager McCulloch stated that was covered during the phone call. Councilmember Manspile stated that you can talk till you are blue in the face, but putting feet on the ground is when you see something. The thing he has a problem with is going up there and having to get an easement from the church to go through the church lawn. The state passed a law about taking private property for private good. Councilmember Manspile stated that you would be taking an easement there for the Groendyk developer. That sewer line would catch them and Williams Lane, and it would take property from the church, for the benefit of the developer. If you go to the other option, like Mr. Hudgins said, you don't know if VDOT will allow open cutting of Main Street. If you use the Lowe Street Option, jack and bore can be an issue because that is where the high-pressure water line that supplies Lowe Street. If you turn and go down Main Street, there is \$343,000.00 difference in the 2 projects. With what you would get out of removing the pipe from the creek, there is easement already there that may be used, but it is a difference going to the landowner for the good of

the Town because you are picking up that sewer line coming under the train tunnel. But from Route 11 down to the big interceptor on the river is where we have had problems. Councilmember Manspile stated that he looks at things differently than others, but \$343,000.00 difference, if we blow the line in the creek, next week, next year, or five years from now, and it spills raw sewage into the river, you won't replace that line for \$343,000.00. That creek runs year-round. The hollow on Lowe Street does not. That's the reason he thinks it's money ahead for the Town and the developer. Town may have good enough rapport with VDOT because Buchanan milled and paved these roads to the yellow line when they did the last water project. You had a good road surface here. A lot of places do not do that and that is why they have gone to this jacking and boring. Mr. Hudgins stated that again this is a preliminary alignment subject to survey, but it may be better to put it in the road if we can get permission. But they will make you mill and overlay the entire lane, that can get expensive as well. We can price that out as well. That would eliminate some of the easements as well, but VDOT has been pushing to stay out of the pavement. VDOT does not like to make any commitments until you have a set of design plans to start discussions. Councilmember Manspile stated Town may be able to stay out of the pavement once we are past the curb and gutter. Mr. Hudgins stated that there are other utilities and that we may have to make adjustments for those too. Councilmember Manspile stated that the one thing about going that way, if we can cut the road and put a paved ditch down through there to carry the water, there are no Town utilities through there. There are a couple storm drains, and I would suggest taking the ditch line right to the creek with it. What you are getting out of that for \$343,000.00 it needs to be looked at. If something happens and that line ruptures and we have DEQ and EPA involved, there will be big fines. That eliminates it and puts it in the ground. Mr. Hudgins can tell you that an exposed line in flowing water is a big no-no. Mr. Hudgins stated that either in this project or a future project, it is definitely something Town will have to address either now or in a future project. You can stand on the road and see the pipe in the creek. Mayor Bryant stated that is probably not the only place. Mayor Bryant asked for any questions. Town Manager McCulloch stated that the parcel beside the church had been purchased by the developer. There is no need to acquire an easement from the church any more. Mr. Hudgins stated that there is a 30-to-40-foot-wide property that is beside the church that they were looking at for the easement. Councilmember Manspile stated that is where the 6-inch water line for Lowe Street is buried. That is one of the first water projects that was done. That is the ditch line. Mayor Bryant stated that no matter which option we choose, the work is going to have to be done. Pay now or pay later for all of it. Town Manager McCulloch stated that is true. Councilmember Manspile stated that by the day nothing is getting cheaper. Mr. Hudgins stated that there is a chance, if you do some investigation, you may be able to line it instead of open cutting it to save some money. Mayor Bryant asked where the pipe is visible in the creek. Mr. Hudgins stated that the pipe is visible in a couple of places. Councilmember Manspile stated that there is one area where the manhole cover keeps blowing off. Mayor Bryant stated that for the future, because we have a very important development for the Town now, why not look at the longevity of the project. I think there could be some future activities and recreational opportunities for the property between Lowe Street and the river. Why not think futuristically. When you hit Lowe Street, since there is no problem with the easement, why not make sure that intersection is big enough to accommodate abandoning the creek altogether? Can it be designed to connect from the tunnel to Lowe Street? Councilmember Manspile stated that you are running upgrade to do that. Mr. Hudgins stated the pipe would have to be very deep. Mayor Bryant asked if you could put in a pump station there? Councilmember Manspile stated that you have to keep in mind you want a direct line to the big interceptor down at the river. You wouldn't have to worry

about anything if the flea market property is developed it will go straight to the 18-inch pipe down at the river. Other than what you have in Town, the interceptor from Lowe Street down to the river, the one-way alley picks up some of Main Street, and everything that comes down from Albemarle all the way down 15th Street goes through that interceptor. There are 3 laterals that were put in when the line was laid in the 1970's. That is one, the one in the creek, and one at Good Time's Café. As far as problems, inspect it and see what you have. What gets you at the tunnel is that year-round flow. One is the I & I, and two, if you pop a manhole lid during high flow or have a stoppage. It is a big difference dumping raw sewage on dry ground than a stream of water. Mayor Bryant asked Council for their thoughts. Mayor Bryant asked Town Manager McCulloch what is needed from Council for next steps for the proposed development of the Groendyk property. Town Manager McCulloch stated that she needs to know which option Council wants to pursue, funding needs to be discussed. The developer has some ideas about funding. Town Manager McCulloch stated that she was not ready to discuss funding until we got through this. Mayor Bryant stated that Council needs to nail this down fast, quick, and in a hurry. Councilmember Manspile stated that Council needs to know what the developer is going to put on it is a piece of the pie. For us to sell it to the constituents, of doing something for them besides just the developer. That is why I say go the creek option. Regardless, if you go Lowe Street, someone is going to get blasted for spending all that money for the developer when we have to spend \$750,000.00 because we have sewage running into the creek. Yes, I want to see us work something out with the developer, because we knew we had the water, the sewer is the problem. This would kill two birds with one stone. Vice Mayor Witt stated that it is no secret that our sewage lines are in shambles and is in dire need to have work done to it. With this project, inspect the lines for both options that are proposed, whichever one needs the most work, that is the direction we need to go. Knock out a sewage project, and get the development hooked up. I think we all know which one is in the most disarray, but having an engineer state what needs the most work would be best. If it is the one that goes through the tunnel, that services 50 houses. The one on Lowe Street picks up about 12. Either way, if the sewer line is in such disrepair, it needs to be done. Town Manager McCulloch stated that the developer may have a tighter time line than the creek option. Since permitting can take up to 4 months, the developer wants to finish in a year. The time lines may not coincide. Mayor Bryant asked if a certain section will be all new line. Mr. Hudgins stated that was correct. Mayor Bryant stated that the sewer line, regardless of the new development, either option, needs to be replaced. Why can't we just start planning on it. We do what we have to for the Groendyk development, for our citizens. But go ahead and find funding for both. The time line to get them connected, we don't have to worry about the easement. We wouldn't have to dig up along Route 11. But we know that the line at the creek is an issue. Mr. Hudgins stated that CHA has submitted a SERCAP grant for Town that could be used to hire a camera crew to camera both lines for evaluation. Once that is done, it can be evaluated and we can make recommendations based on the findings. The biggest concern for the other line is access. There are not a lot of man holes so a Town employee may have to work with the camera crew. Councilmember Manspile stated that there is a caveat that has been discussed but dropped. If you go by 11, and you work with the engineers, to put this deep enough right at Groendyk, you have that much done on the other side of the railroad track for development instead of that piecemealing, down under Main, under the sidewalk and down the alley. You wouldn't have to turn. You would have new capacity right there at Groendyk. You could come to that manhole with what is above the railroad track and have new system to put it in. You are putting new infrastructure in place. If you set the manhole and sewer line in front of Groendyk, if it was deep enough, and went south on Main Street to the creek, you would have future connections

available. Mayor Bryant stated that regardless, we would still have the Lowe Street Issue. Councilmember Manspile stated that they both need to be checked. It has never been done. Mayor Bryant asked what the time line is to get that done? Mr. Hudgins stated there are a couple of firms who do that. The one that is most cost effective are down in Tappahannock doing a job for us. If we could get access, they could be here in October or maybe sooner. Councilmember Manspile stated that what has to be done at Groendyk, I don't see any reason we can't get that done before they are ready to flush the first toilet or take a shower. Vice Mayor Witt stated that, in the developer's defense, he wouldn't develop a property until I know I have water and sewage. Councilmember Manspile stated that Council needs to know what amount of money the developer is going to put into this. Whether you take bonds or borrow the money, the taxpayers are funding the rest of the project. That is why I push for the creek. You are doing more for the Town itself than the Lowe Street option. Vice Mayor Witt stated that is why we need to find out which option needs the most work. Councilmember Rickman stated he agrees with that. Mayor Bryant stated that this will have to be discussed more. We will have to understand the developer's intent here. Regardless of which option we do, I want to help as many citizens as I can. In terms with working with the developer, what does it mean to go from Groendyk to Lowe Street as their responsibility. Vice Mayor Witt stated that even though it might be 12 houses, there is an apartment building there. There is more water flow and usage in that area. Mr. Hudgins stated that investigating both lines would be best. We know there are problems in each one, but one may be worse than the other. Vice Mayor Witt stated that one line has had repeat issues even before he joined Council. Councilmember Manspile stated that the problem on Lowe Street is usually a connection because the old way it was connected would protrude connections into the sewer line. Mr. Hudgins stated that the companies that can camera will cut any protruding lines. Vice Mayor Witt asked for a refresher as to why we aren't coming down Main Street and going down the alleyway where the existing sewer line is. Town Manager McCulloch stated that Councilmember Manspile stated that wouldn't work. Mr. Hudgins stated the grade wouldn't work. Councilmember Manspile stated that the pipe would be too shallow. Vice Mayor Witt stated there have been issues on that main as well. Mayor Bryant stated that there should be more discussion with the developer as to what they are willing to pay especially for new line. Mr. Hudgins stated that he could break out the cost for the new line as well as replacement. There are several clean outs that would have to be replaced anyway. The developer would not be able to connect to a 6-inch line. They would have to hook into an 8-inch line. There can be up to 6 connections for a 6-inch pipe per Virginia Code. Mr. Hudgins stated that he can break out what would Groendyk's responsibility be to take it to 8-inch pipe, from his cost estimate on both options versus renewing the old pipe. Mayor Bryant stated that would be good information for us to have. Councilmember Manspile asked if 6 is the limit on 6-inch, what will 8-inch hold? Mr. Hudgins stated that you could probably put the whole Town on 8-inch pipe. Vice Mayor Witt asked if the developer is in possession of the parcel of land from Main to Lowe. Mayor Bryant stated to recap, we need prices for having the camera work done, get more narrowly focused on what we propose the developer invest in this project. Councilmember Manspile stated that if we go the Lowe Street option, I don't see a problem with doing a cost share. There are 3 houses on Williams Lane that must be added to the mix either way. If we go south on 11, the further we go, the more it is Town's responsibility. Mayor Bryant stated that with either option, Town has responsibility. It is a matter of where do we want to get them connected to the appropriate section of Town sewer. We do not want to rush this, but we can't drag this out either. There is an opportunity for a Brownfield area to be fixed. We don't want to let this slip through our fingers. Mr. Hudgins stated he should be able to get quotes by next week. Town Manager McCulloch

stated the next work session is September 1, would that be, ok? Mr. Hudgins stated he would do the breakouts for the costs. Mayor Bryant asked if County could be a resource for funding? Town Manager McCulloch stated that County has researched for us. They mentioned a SERCAP loan. They are helping the developer with some energy efficiency credits and an Industrial Revitalization Fund (IRF) loan.

Next on the agenda was the Town speed limit. Vice Mayor Witt stated that we can put up whatever signs you want to, but if you don't have enforcement, it isn't going to change. We could make the speed limit 25 mph within Town limits and leave it there. When you come from the bridge side, you have the 25mph sign before the bridge. You have the bridge to slow you down coming into Town. If you come from the south side of Town, unless you are from here, they are still doing 35 mph. There are still houses all along Main Street. If people can't see the signs and obey them, Botetourt County Sheriff's department will have a lot wider range to clock speeds. Councilmember Rickman stated that the issue was right there at Good Times Café. Councilmember Manspile stated that the Town will dry up if you make the speed limit 25 mph all through Town limits. The problem is that the speed limit drops to 45 mph, then goes back up to 55 mph before dropping to 35 mph. We should petition to drop the speed limit to 45 mph all the way from the Town limit to the 35 mph limit. You do have the doctor's office, Limestone Park with the pool and RV park, James River Terrace, and Good Times Café. Changing it to 45 mph should not be that bad. We have the flashing signs that can be moved around Town, and we can get more from San Mar Co. Mayor Bryant asked if we would have to have VDOT do a traffic study first? Town Manager McCulloch stated that she had contacted Ashley Smith at VDOT when this was brought to Town's attention. Ms. Smith wrote back they would have to consider crash history including the number of crashes and type (bumper to bumper, pedestrian, or car to car), adherence to the current speed limit, and the geometrics of the roadway. If the road is designed in a way for people to safely drive at that speed, there isn't much justification to lower the current speed. Ms. Smith suggested a speed study for a specific stretch. But, lowering the speed limit to 25 mph within the Town limits is unlikely. Mayor Bryant stated that VDOT looks at it from a data standpoint. We look at it from citizen feedback. Based on the data and feedback from citizens, we need to request that the study be done. Vice Mayor Witt stated that the most feedback he gets is from speeding on Main, Lowe and Culpepper have been discussed with the Sheriff's office. The speed limit sign is not visible on the south side of Town. Councilmember Manspile stated that if we can get a consistent speed limit, and then move the 25mph sign further down the road so that it is visible before you get to the rock wall. Vice Mayor Witt stated that we need to remember why this was brought to us. This was brought to our attention by a citizen because of a fatal car crash in front of Good Times. If I am not mistaken, speed was not a factor of the incident. Mayor Bryant stated that it brought to light issues. With the James River Terrace intersection, Good Times Café, and a bus stop, with other recreation things being considered, the study is the next logical thing to do so that we have the data to add to that. Vice Mayor Witt stated that it needs to be a year-round study so that we get traffic information during season and out of season. Councilmember Manspile stated the best feedback is going to come when the interstate traffic is diverted to Main Street. Vice Mayor Witt stated that we will soon have the bridge work to contend with, people will be avoiding this bridge like the plague potentially for the next 2 years. Mayor Bryant asked that Town Manager McCulloch initiate the study with VDOT. Town Manager McCulloch asked which section would Council prefer? The section that is 55mph? She thought that it dropped to 45mph at Good Times. Councilmember Manspile stated that no, it stays 55mph from Mt. Joy Road down to KC Collections. Town Manager McCulloch stated that she will request VDOT look at the entire 55 mph stretch. Councilmember Manspile stated the 20mph speed limit drop is the worst thing.

Mayor Bryant stated that it was 7:30, do we want to talk about one more discussion then move the other 3 issues to the September 1 Work Session. Council agreed.

Next on the agenda is the Southview follow up. Town Manager McCulloch stated that the discussion had left off with asking Town Attorney Jon Puvak if the Town is responsible for protecting the water lines extending from Main Street down Southview. Town Attorney Puvak stated that yes it would make sense for the Town to gravel it. That is where we left off. There have been some side-bars about paving it. Town Manager McCulloch stated she is preparing to get quotes for paving other areas. She needs direction from Council as to what they want done. Councilmember Manspile stated that whether you do concrete or asphalt, you will have to do more than gravel to protect what we do to the ditch. When water is running down the ditch, if it overflows, it will undercut the concrete. The ditch line will have to be put in and build the side of the road to keep from undercutting the ditch. I have to stay out of the fight because of a conflict of interest. Concrete would be great. But you have to take into consideration there are several driveway entrances that cross the ditch. Anything he does, he does for the neighbors. Councilmember Manspile lives on the other side of Southview that is smooth. The road is steadily elevating to the ditch. When Pace put the lines in, they did not go in the road, they used the ditch. It is steadily running it into the ground out there. Councilmember Manspile stated that he spoke to Michelle Gamblin, a homeowner on Southview. She has gotten to the point that when she purchases tires, she gets the lifetime alignment going through the ditch. Councilmember Manspile stated that for him to turn in the dump truck, you get in the ditch or you are up on the bank. Leonard Fitzgerald has gotten hung up twice in the snow. Johnny Wells has trouble getting his truck through it. Councilmember Manspile stated that he has done some filling in as a stop gap measure since he knew this was being discussed. He can show you emails from 2016 before he was on Council that Cathy Jones sent the previous Town Attorney that when she was in college the road was paved. Councilmember Manspile stated that Town Attorney Puvak said there are 15 landowners on Southview. He wants Town Attorney Puvak to put that on paper because he doesn't know 15 landowners down there. Mayor Bryant asked where the water line was before. Councilmember Manspile stated that it was 3/4" galvanized on each side of the road. It is now a 2" pipe. Mayor Bryant asked if Town has a right-of-way or easement on Southview. Councilmember Manspile stated that was a caveat that he has said all along. The Town knew that was a Town alley. You don't bury water and sewer without an easement unless it is your own street. Mayor Bryant stated that the next thing to talk about is what is the Town's responsibility. Town does need to protect its infrastructure. But, just like with the Groendyk property, the citizens shouldn't have to bear responsibility for areas that they shouldn't have to. What do we do with it? Do we get quotes to pave it? Do concrete? Or ask that if there is an issue with the infrastructure, we partner with the land owners to grade it or pave it or whatever needs to happen? Councilmember Rickman stated that Town should get quotes for both paving or concrete. Mayor Bryant asked for the whole road or the ditch or what? Councilmember Rickman stated that he had been down there quite a few times and the road is pretty rough. Councilmember Manspile stated that another caveat the Town or contractors are in that road every day of the year. A way of cost savings would be getting the ditch fixed and surface treat the road. I don't know what Boxley did when they milled and paved Main Street out there but Southview is getting bad flow of water. Mayor Bryant asked if Town should have an independent person come out and give us options of what needs to be done. Councilmember Rickman stated that was a good idea. Councilmember Petty stated that we need to fix the problem with the water coming off Main Street first. Town Manager McCulloch asked if they want to do that versus quoting? You said independent person, do you mean contractors for recommendations that are going to quote anyway?

Mayor Bryant stated he wasn't sure who would be an independent consultant. Councilmember Petty asked if David Fowler still did that work. Councilmember Manspile stated that he did. Mayor Bryant stated that from the Town's perspective, we need to protect our infrastructure. That is our obligation. That is what has been advised by our attorney. Town should not be in the position of taking a road beyond how it was originally designed and built. I think someone who is non-biased could say here is the situation you have, here are some recommendations to address protecting your infrastructure. Which would mean they would need to know all the information. But I don't know who it would be. Town Manager McCulloch stated that she did not know either. Councilmember Manspile stated that David Fowler does some of the work, AR Coffey is up 43. Town Manager McCulloch stated that AR Coffey is a contractor. Councilmember Manspile stated that AR Coffey has built more road around here than about anybody around here and poured more concrete than anybody around here they had their own concrete trucks and mix plant. Randy Hostetter is out of Lexington. Mayor Bryant stated that a civil engineer would be better. Town Manager McCulloch stated that CHA has a civil engineer on their team. Mayor Bryant stated he knows all the contractors mentioned, great people, but a civil engineer has a little different lens. I think that is what we need to hear. Councilmember Petty stated that the state may listen to a civil engineer better than a local person as well. Vice Mayor Witt stated that the elephant in the room is clarifying is this a Town owned road or a private drive. Mayor Bryant stated that Town Attorney Puvak determined that this is a private drive in his opinion. Town Manager McCulloch stated that was correct. Although there are differing opinions, in Town Attorney Puvak's opinion, this is a private drive. Vice Mayor Witt stated that is why it is the elephant in the room. The attorney is saying it is a private drive. If in fact it is the case, and the attorney is guiding us that way, there are a lot of private drives and roads. If we pave one road because of what VDOT has done, granted our infrastructure is there, improving a private drive beyond what it currently is, will be hard to push the rest of the tax payers explaining that. There are other ways to protect our infrastructure. Councilmember Petty stated that goes back to what Town Attorney Puvak said, that is the case where gravel is acceptable to protect our infrastructure. Councilmember Manspile stated you have a lot of work to do to get it back to what it was before Pace put the water line down there. If you stand there with a transit and a grade stick you have 18 to 20" to do. That is how deep and how saddling it is getting. That road was level before Pace came down through there. The water migrated down the whole road surface instead of concentrating in a 2-foot-wide ditch. Vice Mayor Witt stated that all 3 of you have alluded to getting a civil engineer in there. They will come in with their equipment and say here is the issue and your best course of action. Let the engineer give us the best course of action. Whatever we do, whether concrete or asphalt, if it is going to get undercut, we will need a civil engineer to tell us the right way to do it. Otherwise, we will continue to throw money at the issue. Councilmember Petty agreed it would be a waste of money, time, and effort. Councilmember Manspile stated that it is not your average private drive. The Town doesn't go down every private drive every day. I have tried to explain this to Town Attorney Puvak, Town has an easement from the pump station to Southview right there in the curb at Dorothy Howes. The easement does not convey to Main Street. It conveyed across the personal property of Joe McCullough and Dorothy and Mitch Howe to Southview. That is as far as the easement goes. That speaks a lot of what was believed in the past. Councilmember Manspile stated if anyone has any questions, please ask him. Mayor Bryant asked for anything else about this? Councilmember Rickman asked if Town could get a civil engineer to look into it. Mayor Bryant stated that Town Manager McCulloch would be taking care of that.

Mayor Bryant asked if Council was ready to adjourn. Vice Mayor Witt stated that Council could probably knock that one out pretty quickly.

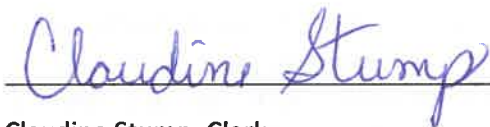
Next on the agenda was discussion of Charlie's place (Lot 65A(2)22B). Town Manager McCulloch stated that Town was approached earlier this summer by an heir of lot 65A(2)22B, which is on Main Street. Sometime in 2015 there was a water line, perhaps a main, installed, and VDOT has done some storm water management. In that process, she has a fire hydrant in front of what was the driveway, and there is a boulder in the driveway. She is asking the Town to regrade it back to the way it was. Town Manager McCulloch has asked Councilmember Manspile about it. He said it could be VDOT who graded it that way. Town Manager McCulloch stated that we do not have a good time line. She does not remember, and we are going by project dates. Vice Mayor Witt stated that since this has been brought up a couple of times, there is a rock in the middle of the driveway that I assume was a cornerstone of the wall beside the driveway. Town Manager McCulloch stated that is the theory. Councilmember Manspile stated that it could have been moved to prevent access due to vandalism. Councilmember Manspile stated that according to Darvon Tyree, the rock was taken out of the rock wall to put the hydrant there. There were people parking in the driveway, and nothing had been done with the property. I can move the rock if necessary. It may not be possible to do anything to suit. What hurts the Town, is Pace put the water meters in driveways. You can't take out the fire hydrant. The wall was taken out to put the fire hydrant there. There needs to be a measurement taken from the fire hydrant to see how wide the driveway is. It would behoove us to move the meter to the corner of the yard. Everything is there except the pipe to move it. Mayor Bryant asked what the owner was requesting. Town Manager McCulloch stated that the owner is asking the driveway be graded back to the way it was, possibly move the hydrant, and the boulder moved. The owner wants to restore the house. It is on the Town's blight list. She may pursue Tax credits to bring that back into use. This property has been unused for so long it doesn't even have a street number from the last time someone was there. Councilmember Manspile stated that a 71-year-old man in the audience that can barely remember someone living there when he was a kid. Mayor Bryant stated that the hydrant can't be moved there is no ask about the meter, does the hydrant block access? Town Manager McCulloch stated she didn't mention the meter, but it may come up. It is mostly accessing the house. You cannot turn right to go into the property, it is pretty narrow. The boulder could cause problems with hitting the hydrant. Mayor Bryant asked what is the challenge to help initiate the process? Councilmember Manspile stated that he had told Town Manager McCulloch that he will take his tractor up there and move the rock. Vice Mayor Witt asked if the photographs from 2007 that doesn't show the hydrant. Town Manager McCulloch stated that the photo shows the driveway grade and without the hydrant. Councilmember Manspile stated that VDOT took the pipe out because of drainage issues. All the driveways on that side of Main Street have problems because VDOT will not let them put pipes in that ditch. Mayor Bryant stated that the other issue is that is a right-of-way where the hydrant is located. State owns a certain amount of that property. Vice Mayor Witt stated that it is approximately 10 feet. Councilmember Manspile stated that the hydrant is probably 6-to-8" behind the right of way because the right of way is at the rock wall. If Town doesn't have it in the archives, I will send a copy to Town Manager McCulloch, I kept a copy of the 1937 maps from where they built the bridge all the way-out Main Street. The state did not purchase any more easement, but made Main Street 3 lanes. I think the rock wall is the easement. Mayor Bryant stated at a minimum, to help with this, the rock was probably moved for the hydrant installation. At least move the rock out of the way. What is the down side of doing that? Town Manager McCulloch stated that she did not know if that would open up a can of worms. Town Attorney Puvak asked that Council discuss it.

Councilmember Manspile stated that if push comes to shove, and the hydrant has to be moved as a last resort, you would not have to dig up Main Street. You would have to bust all the concrete out around the hydrant, take out more of the rock wall, and move the hydrant farther up the rock wall. But that hydrant is now part of all the homeowners in that area's insurance. Councilmember Rickman stated that if the hydrant is moved in the other direction, someone would hit it. Councilmember Manspile stated the rock wall protects the hydrant. Mayor Bryant stated the hydrant benefits the entire community. Right now, unless there is something presented to us differently, Town does not want to move the hydrant. Town can move the rock. Councilmember Manspile stated that if Council wants the rock moved, he will make it disappear. Town Manager McCulloch stated that is an ask. Town is not the cause of the driveway's topography change. Vice Mayor Witt stated that Town is saying that VDOT changed the grading. Town Manager McCulloch agreed. Mayor Bryant stated that the only thing with the rock, is we put an indent in the property there no matter how easy, we did it. Councilmember Manspile agreed. Vice Mayor Witt recommended having a waiver of liability to move the rock. Move the rock. If she wants to keep the rock, move it where she wants it. Then give her guidance to contact VDOT about the grading. Even if Town did it, that has not been a driveway for 70 some years. It looks like a wall that fell. The grading, we did not change that. It is not Town's responsibility to fix the grading. That is a VDOT ask. Town did put in the hydrant and we did move the rock. Councilmember Manspile stated that the hydrant is not in the roadway. Vice Mayor Witt stated that we have a Waiver of Liability, move the rock, and direct her to VDOT for the grading. Mayor Bryant stated that Council does not need to do a resolution for that. Town Manager McCulloch stated that Council did not, she needed direction from Council to take care of it. Vice Mayor Witt stated that if Town did something to someone's property, it is only fair that we make it right. Mayor Bryant stated to a certain degree. Councilmember Manspile stated that statement needed the qualifier or he would start back on Southview. Vice Mayor Witt stated that with something simple as a rock, if we can open up that driveway and fix a blight property, that is a win, win, win.

Mayor Bryant stated there are three other items for discussion, Tree Program, Budget update, and Adjournment. I am going to have to step out. Councilmember Manspile made a motion to move those items to the September 1, 2022 Work Session, and a Motion to Adjourn. Councilmember Petty seconded the motion. Mayor Bryant asked for further discussion. With no further discussion, the motions were carried by a vote of 5 – 0.

Adjournment was at 8:06 pm.

Respectfully submitted,



Claudine Stump, Clerk



Craig Bryant, Mayor