

Regular Council Meeting—January 12, 2016

The meeting of the Council of the Town of Altavista was held in the Council Chambers of the J.R. Burgess Municipal Building, 510 Seventh Street on January 12, 2016 at 7:00 p.m.

1. Mayor Mattox called the meeting to order and presided.
2. Pastor Mitch Etherridge, Motley Baptist Church, gave the invocation.

Council members
present:

Mayor Michael Mattox
Mrs. Beverley Dalton
Mr. Charles Edwards
Mr. Tracy Emerson
Mr. Timothy George
Mr. Jay Higginbotham

Council members
absent:

Mrs. Micki Brumfield

Also present:

Mr. J. Waverly Coggsdale, III, Town Manager
Mr. Daniel Witt, Assistant Town Manager
Mrs. Tobie Shelton, Finance Director
Mr. Dennis Jarvis, Economic Dev. Director
Mr. David Garrett, Public Works/Utilities Director
Mr. John Eller, Town Attorney
Mrs. Mary Hall, Administration

3. Mayor Mattox asked if there were any questions regarding the agenda.

A motion was made by Mr. Edwards, seconded by Mr. Emerson, to approve the agenda as presented.

Motion carried:

VOTE:

Mr. Michael Mattox	Yes
Mrs. Beverley Dalton	Yes
Mr. Charles Edwards	Yes
Mr. Tracy Emerson	Yes
Mr. Timothy George	Yes
Mr. Jay Higginbotham	Yes

4. Recognitions and Presentations

- a. Avoca Museum—Mike Hudson

Mr. Mike Hudson, Director of Avoca Museum, gave the annual report stating 2015 was a year of sufficient advances for the museum; educational programs have been expanded, buildings have been improved and facilities are handicap accessible. The museum is a first rate gathering place for the community. He stated approximately 9,000 visitors attended the museum in 2015 for special events and tours adding \$100,000 to the local economy and positive exposure.

Mayor Mattox offered thanks to Mr. Hudson, the Board, his staff and the volunteers for their work making 2015 a spectacular year.

5. Public Comment

Mayor Mattox asked if anyone would like to speak on anything not listed on the agenda.

Mr. Gordan Bratz, Chairman of the Altavista Chamber of Commerce, addressed Council and invited them to the Altavista Chamber of Commerce annual dinner scheduled for January 23 at 6:00 p.m. at the Altavista Elementary School.

6. Consent Agenda

- a) Minutes- Regular Meeting December 8th; Work Session December 22nd –The Council approved the minutes of the Council meeting and work session.
- b) Monthly Finance Reports-Council approved the monthly reports
 - i. Invoices
 - ii. Revenues & Expenditures Report
 - iii. Reserve Balance/Investment Report

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c) Departmental Reports-Council approved the departmental reports

A motion was made by Mr. Emerson, seconded by Mrs. Dalton, to approve the items as listed on the consent agenda.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

7. Public Hearings

- a. ~~Proposed Issuance of General Obligation Public Improvement Bonds of the Town in the estimated maximum principal amount of \$2,750.00.~~ (POSTPONED UNTIL January 26, 2016).

8. New/Unfinished Business

- a. University of Iowa Request—Berm in WWTP EOP

Mr. Coggsdale advised the Town has been considering the request by the University of Iowa in regard to the construction of a berm in the WWTP's Emergency Overflow Pond. The University of Iowa is interested in research activities regarding the degradation of PCBs and would like access to high concentration areas for their work. He noted last month a response was received from EPA Region III in regard to the process by which to report "research/development" projects. Mr. Coggsdale advised Dr. Schnoor has inquired as to the status of the request, in order to include it in his annual progress report to his funding agency (NIEHS).

Mr. Edwards stated the opportunity to have one of the most renown scientist come in and research this project is a once in a life time opportunity at little to no cost beyond the construction of the berm. He stated Dr. Schnoor knows what he needs or what is best for his project.

Mayor Mattox questioned which request.

Mr. Edwards commented to build the berm

Mayor Mattox questioned if Dr. Schnoor had stated that he didn't need a berm.

Mr. Edwards stated he didn't read it that way.

Mr. Higginbotham questioned if every Council member should be in attendance before discussing this matter because of its importance.

Mayor Mattox advised it is in the Charter to move forward with the work as long as there is a quorum.

Mr. Higginbotham presented Council with a power point presentation regarding the requested berm. He noted:

February 2014—Dr. Craig asked the Town of Altavista if they wanted to be part of the University of Iowa Research Program; Iowa was seeking a partnership.

April 2014—the Town sent a letter requesting to be part of the University of Iowa. Mr. Coggsdale confirmed in an email to Dr. Just the partnership with the University of Iowa.

2014—worked with Dr. Sowers and SediMite; a process that is ongoing.

2015—Dr. Lowman, Institute of Advance Learning and Research, planted switch grass in pots which produced good results.

June 2015—the Town participated in the IALR conference in Danville, Virginia with Schnoor, Sowers, Robertson, Licht, Rock and other key players in attendance.

August 2015—University of Iowa received funding, \$107,000 annually for five years.

July/August 2015—Council asked Mr. Coggsdale to obtain permission from the EPA to move forward with the University of Iowa.

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October 2015—Dr. Schnoor requested a berm across the pond. He stated, “the berm would service the University of Iowa research team well”.

Mr. Higginbotham noted IALR is still in Phase 1 of their project and if the berm is built it will support Phase 2 when the IALR starts planting switch grass on the sludge. The berm will support future work. IALR’s Phase 2 is subject to grant monies.

Mr. George questioned in order for IALR to continue they have to have the proposed berm.

Mr. Higginbotham stated the berm also supports Dr. Sowers’ SediMite. This berm would separate the hot side from the cold side. Mr. Higginbotham stated Dr. Lowman had pointed out during his reclassification that the thickest sludge was on the north side of the pond. The thicker the sludge the better for the roots to grow into; the thinner sludge would be better for the SediMite. Mr. Higginbotham stated he spoke to Dr. Lowman who suggested the location of the berm if one is built.

Mayor Mattox asked if Dr. Lowman is advocating the building of a berm.

Mr. Higginbotham stated Dr. Lowman, being a state employee, could not advocate the building of the berm but if the Town was building the berm it should be build between Rows D& E.

November 2015—the Town presented to DEQ its progress. Mayor Mattox, Vice Mayor Dalton, Mrs. Brumfield, Mr. Higginbotham, Mr. Coggsdale and Mr. Eller were in attendance. In an effort to stay in the voluntary remediation program a three prong approach was presented to DEQ; Low/Sow/Iowa. DEQ will advise their decision within 90 days of November 30 as to whether the Town will be in or out of the VRP. He noted the DEQ VRP decision has no impact on the University of Iowa research.

Mr. Higginbotham referred to various questions raised previously by Council members. In November 2015, Mr. Coggsdale received answers back from Dr. Schnoor:

University of Iowa does not involve air monitoring, toxic transformation should not be an issue, health and safety should be fine, University of Iowa is willing to forward their results to the EPA (every year the University of Iowa has to write a summary of what they have accomplished). Dr. Schnoor has confirmed the roots will not be a threat to the clay liner. University of Iowa will present their goal of projected future rate of degradation.

Mr. Higginbotham stated Mr. Coggsdale has received acknowledgement from the EPA that the Town could move forward with the University of Iowa.

Mr. Higginbotham stated when you think of Dr. Schnoor you have to think of “plants” because it is phytoremediation. The hot spots will not go away without accelerating the degradation process. He noted in the six acre lagoon one inch samples were taken; he stated it is probably a shot in the dark but not because you are taking one inch samples about six inches long. The general trend is the concentrations went down. Mr. Higginbotham felt the Town was truly blessed to have Dr. Schnoor associated with this project. Dr. Schnoor’s research not only has the potential to help the citizens of Altavista, but on a national and global level.

Mr. Higginbotham listed some facts:

The berm was proposed by Draper Aden in 2002

Draper Aden proposed the berm be built in the middle of the pond. Dr. Lowman suggested building the berm at the interface somewhere between the hot and cold. The berm will allow access/exposure to the island. The berm will allow water to be lower on the north side exposing the island.

Sludge is deeper in the northeast corner lending itself to more plantings. Ideal spot for Dr. Lowman to plant more switch grass. He didn’t feel Dr. Lowman would have to have the berm to do this. If this berm is built, it will give him a place to plant.

South side has thinner sludge which lends toward SediMite treatment. He stated he didn’t know what it would cost to do the SediMite treatment but we are making progress. He didn’t know if the Town could afford to do the entire south side but felt the town could afford to treat some of the hot spots on the south side.

The berm must have time to stabilize before accessing the island. He explained when this berm is being built, a trench box is inserted and the water is pumped out; the clay is put in and packed with the backhoe, stair stepping

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across the pond. Mr. Higginbotham advised Dr. Schnoor has asked for access to the hot spots in the island by the end of February.

Mr. Higginbotham stated Council needs to leverage the previous investment of phytoremediation. There are trees planted in the pond now (a bush type), the branches are cut off at the end of February and planted. These whips will root. He felt sufficient clay and topsoil are stockpiled on site. English Construction has offered its available equipment for use at no cost to the town. He mentioned the Town has more equipment available in the wintertime. Mr. Higginbotham asked if the Town could afford to build the berm and noted he had confirmed the PCB reserve is \$600,040.82. He advised the estimated cost of labor for 3 people at 15 days is approximately \$7,900. The equipment estimate could be zero but felt there would be some material cost. Mr. Higginbotham noted Dr. Schnoor has \$535,000 of research money to spend over the next five years and has asked for a berm to plant.

Mr. Emerson asked if the cost to build the berm is down to \$10,000 or so.

Mr. Higginbotham responded yes.

Mr. Emerson asked what Council could anticipate to hear back from the DEQ.

Mr. Higginbotham responded “flip a coin, heads we are in, tails we are out.”

Mrs. Dalton stated this really doesn't fit the model. The town doesn't fit the model when the Town was put in.

Mr. Emerson asked with everything presented in Richmond would the DEQ come back and say with everything the town has done and has attempted to do; if you sit there it may take care of itself.

Mayor Mattox stated this was a possibility; noting DEQ did not like the trees.

Mr. Emerson asked if the University of Iowa has been approached in regards to paying half on the construction of the berm.

Mr. Higginbotham responded he had asked Dr. Schnoor and he commented that he barely had enough for the research.

Mr. George stated Dr. Schnoor had indicated that he could get by with samples that don't involve planting trees. He felt the berm is an unproven technique; a smaller berm was built. Mr. George noted he has a problem with planting trees in the berm; he has never heard anybody say it was a good idea. He stated the information he has the planted trees grow to be 80 feet tall with a deep root system. He was not sure what Dr. Schnoor was basing his opinion on (Dr. Schnoor says once the roots hit the liner they wouldn't penetrate the liner). Mr. George felt this was incorrect. He presented Council with pictures of the berm at the pond.

Mr. Higginbotham advised this berm was built with a long reach track hoe and explained the clay was laid in the water. The proposed berm would be built using a trench box.

Mr. George stated well over \$300,000 has been spent on all the experiments and a lot of effort has gone into this. He referred to a letter from 2005 saying the Town doesn't have to do anything. He did not feel this would be something that would be resolved in our life time. Since 2002 the degradation has been 90% by itself. Trees were planted six years ago and to date there is no data that says they have done anything that he is aware of. Special trees, hybrid poplars and mulberries, were planted and they had to be replanted because they died. Mr. George referred to the pictures stating the trees are healthy and thriving on the berm and around the edge of the pond where there are no PCBs; they are thriving in dirt not under water.

Mr. Higginbotham stated this is redox (part of the process); the trees were planted in sludge no topsoil to see what they would do. Had this area been raised up with topsoil the results would be different. The purpose of the experiment was to see if the trees would grow on the sludge without topsoil and the answer is no; topsoil promotes the tree growth.

Mr. George asked what has been learned from the other plots; how many PCBs have been remediated.

Mr. Higginbotham stated if you go to the area on the south side that was tested by Dr. Lowman the highest concentration was 250 parts per million. Some of the slides show the entire parameter covered with canary reed grass.

Mr. George stated his point is \$80,000 was been spent on trees; Dr. Licht has visited three separate times and announced to the media that where he has planted trees there are no PCBs. He did not feel these were true statements. A

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lot of scientist put statements out to justify their grants. He felt it was curious that the trees grow to 80 feet tall and that they would need to be pruned. He asked who would go out in the swamp and prune these trees; the town employees or the scientists.

Mr. Higginbotham responded the scientist will cover everything for the next five years.

Mr. George asked if the tree roots penetrated the liner, who would be liable.

Mr. Higginbotham responded the scientist said that would not happen.

Mr. George stated a lot of money has been spent and nothing has been learned. He referred to a comment made that the Town has asked to partner with University of Iowa and noted the letter states “we are happy to offer site access and can accommodate modest needs for your research” and “But, we acknowledge and are willing to contribute some staff time to facilitate the research endeavor.” He felt like this meant opening the gate to let the scientist in or letting them use a row boat. He did not feel it was necessary to build the berm or safe to have Public Works building the berm. Mr. George felt the taxpayers of Altavista did not need to pay for federal research.

Mayor Mattox stated he was elected in 2002 and that’s when all the PCB concerns started. It distracts Council; it takes funds away from the taxpayers of Altavista. He noted he traveled to Richmond and found out there isn’t a problem. He stated they think the pond is leaking PCBs, it’s not leaking PCBs, there’s no evidence. Mayor Mattox stated he came back thinking we are not a point source, why are we on the list. They couldn’t answer that question. The EPA themselves have said the town is not a priority; it’s not a big deal. A letter from Dr. Schnoor was received saying a berm is needed. He can conduct his research with the existing site. Mayor Mattox stated it bothers him that this is a five year project; five years of similar discussions like this every month. He asked Mr. Garrett about Town of Altavista employees going out there building the berm. They have put their lives at risk for the past 14 years and before then never even knew it. Is this a low risk or a high risk project for them to go out there with a loader or whatever they are going to do and go on clay or wet soil? Is there a risk to losing the operator, injury, equipment or something like that?

Mr. Garrett responded piling dirt up on water and trying to get a piece of equipment up there could cause the equipment to fare up or submerge in the dirt or get hung up in the middle of the pond. If Council directs that the berm be built, Mr. Garrett stated he would tread lightly working from the edge and if he saw that it was not working he would not risk his employees to go out further. He noted he also would not want to lose a piece of equipment.

Mayor Mattox stated on a previous experiment we almost lost a piece of equipment; it almost tipped into the pond. He felt we were 90% there. Mother Nature is taking care of the problem. No one is pushing the issue at all; we can let it sit where it is and everybody is happy as long as we fence it up. Mayor Mattox stated he did not want to tie Council or future Councils up with a continued negotiations discussion about PCBs when many other better things in our community that have more value for the citizens of Altavista can be done and not force staff to go into an area that is toxic to conduct these experiments. He asked who’s going to go over there and cut down the trees and who’s going to go over there and pump the water out when the berm fills up? Who’s going to, for the next five years? He stated he believes in the research and Dr. Schnoor has got a great idea but didn’t feel we need a berm.

A motion was made by Mr. George, seconded by Mrs. Dalton, to go with Plan B.

Mr. Coggsdale explained Plan B is that Dr. Schnoor would work with the samples taken by Dr. Lowman at IALR and noted Dr. Schnoor is working under a timeframe as he needs to submit a report back to the National Institute of Health.

Mr. Higginbotham asked Mr. Coggsdale if Dr. Schnoor wants the berm built.

Mr. Coggsdale stated if Dr. Schnoor had his preference he would want the berm but he can work without it.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	No
	Mr. Tracy Emerson	Yes
	Mr. Timothy George	Yes

Mr. Jay Higginbotham

Abstained

Mrs. Dalton stated she totally respects all the efforts that have been put into this from the Councilpersons, to Scientists, to staff and all others that have been involved in the past 15 years. If she was funding the berm herself she would probably be more in favor of it because as a citizen of the Commonwealth and of the world we need an answer to the PCB question but in this role she represents the taxpayers of the Town of Altavista. The taxpayers of Altavista need a pond that is free of the PCBs and this appears to be happening with nature degradation and the projects that are going on there. Dr. Schnoor seems to have a way to move forward without the berm. She noted Mr. Higginbotham has come up with a greatly reduced price; between \$10,000 to \$15,000. Mrs. Dalton stated as a representative of the taxpayers she would like for the scientists to pay for the science and for the taxpayers of Altavista to pay the degradation.

b. Proposed Chicken Ordinance

Mayor Mattox advised staff has come up with some recommendations which were presented in the Council packet. He asked if there is anything Council would like for staff to investigate further. No comments were made. Mayor Mattox asked for staff to move forward with implementing their recommendations into an ordinance that can be presented to Council at the next Council meeting.

Mr. Emerson asked who would enforce this ordinance.

Mr. Eller referred to the general provision in the code which states failure to comply with the ordinance is a misdemeanor; each day in violation is a separate offense.

c. Project 1B Bank Bids

Mr. Coggsdale advised due to an advertising error the second required advertisement on the potential issuance of debt service for Project 1B did not run in the paper. The public hearing has been rescheduled for Tuesday, January 26, 2016 at 5:00 p.m. during the Town Council's Work Session. Mr. Coggsdale stated due to the fact the new schedule will only give staff and the bond counsel a very short period in which to assemble the closing documents, it would be beneficial if Council could discuss the borrowing options and tentatively decide which of the three terms (10, 15 or 20 years) would be the choice, should the Council decide to issue the debt following the public hearing. Mr. Coggsdale presented Council with a sheet setting forth the bank bids that were provided; which was distributed at the December Town Council meeting.

Mrs. Dalton stated it would be her preference to go with the 20 year term as long as it can be prepaid with no penalty and there is the ability to pay off this debt at any time.

Mayor Mattox added staff should continue to look at the possibility of refinancing the other project.

Mr. Coggsdale mentioned staff is currently exploring that possibility.

It was the consensus of Council to move forward with a 20 year plan.

9. Reports

a. Town Manager's Report

Bedford Avenue Waterline Project (Project 1A)

Final items are being completed, so retain age can be released.

Main Street Waterline Project (Project 1B)

Bids Awarded by Town Council.

Contract has been executed, start date set for January 18th.

Council considering bank bids for financing of project.

WWTP EOP – PCB Remediation

Town attended the DEQ’s Informal Fact Finding (IFF) Proceeding in Richmond on Monday, November 30, 2015. The Presiding Officer will make a recommendation to DEQ’s Director and the Town will be informed of its status in the Voluntary Remediation Program (VRP) within ninety (90) days.

Canoe Launch

Town staff met with Campbell County staff regarding Town Council’s request for participation by Campbell County. County staff has indicated that they intend to place this on the February Board of Supervisor meeting agenda for consideration of “in-kind” services.

Staff is exploring grant opportunities for this project.

Broadband Grant Award

Governor McAuliffe announced that the Town of Altavista was one of several communities to receive a grant to the Virginia Telecommunications Planning Initiative (VATPI). The VATPI program provides funding for communities to develop a comprehensive community-based telecommunication plan. The Towns award, as a Tier III recipient totals \$30,000.

Staff is developing the Request for Proposals that is part of the Planning Grant and submitting for review.

Initial stakeholder meeting will be held on Wednesday, January 20th at 5:30 p.m. (Town Hall).

RFQ/P Process for Annual Contract for Engineering and Related Services

RFQ/P was advertised with proposals due on Wednesday, January 20, 2016 by 2:00 p.m.

Mayor Mattox appointed a committee consisting of Mrs. Dalton and Mr. Higginbotham to work through this process. Mr. Higginbotham advised he would advise his availability.

Altavista Police Department

Police Chief Search: Currently 35+ resumes/applications for the position have been received and are being reviewed. The pool has been narrowed and the process continues.

Town of Altavista had one (1) officer voluntarily resign during the last month.

OTHER ONGOING PROJECTS

Lynch Road Sewer Line Extension Request
Waterline Improvement (alley behind Schewel’s)
Broad Street sidewalk and drainage issue

10. Informational Items/Late Arriving Matters

Mr. Coggsdale presented Council with a copy of the ACTS annual report for their review.

11. Matters from Town Council

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a. Correspondence/Articles

Mayor Mattox reminded Council of a dinner scheduled with Campbell County Board of Supervisors and Town of Brookneal Council members for January 19, 2016 at the Colonial Restaurant and the annual Chamber of Commerce dinner scheduled for January 23, 2016 at the Altavista Elementary School.

b. Calendars-January/February

Mr. Edwards stated he has been told by a citizen in the town that it appears the town doesn't have a way of ensuring the collecting of personal property taxes from renters as opposed to property owners. He asked if there is a way of knowing who the renters are and if they are being billed personal property taxes.

Mr. Coggsdale stated if someone believes this is going on they can contact the town office. He stated he has discussed this matter with the Commissioner of Revenue and the commissioner can be contacted as well regarding this matter.

Mayor Mattox stated a possibility would be to revert back to Town vehicle decals and noted this same topic was brought up at the December 22, 2015 work session. He notes some suggestions are looking at voter registration, town decals, utility bills, or landlords can notify when they have a new renter.

Mr. Coggsdale noted if someone goes to the DMV to transfer their licenses which is the mechanism that makes it all work; this is for owner or renter.

Mr. Edwards suggested a committee be formed to study this and contact some other localities.

Mayor Mattox appointed Mr. Emerson to work with staff to on this matter.

12. Closed Session

I move that the Altavista Town Council convene in closed session in accordance with the provisions set out in the *Code of Virginia*, 1950 as amended, for the following purpose:

Section 2.2-3711 (A)(5) regarding discussion concerning a prospective business or industry or the expansion of an existing industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

A motion was made by Mrs. Dalton, and seconded by Mr. Emerson.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Charles Edwards	Yes
	Mr. Tracy Emerson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

Council went into closed session at 8:37 P.M.

Notice was given that council was back in regular session 8:44 P.M.

Mr. Edwards left after the closed session.

FOLLOWING CLOSED SESSION:

A motion was made by Mrs. Dalton, seconded by Mr. Emerson, to adopt the certification of a closed meeting.

CERTIFICATION OF CLOSED MEETING

WHEREAS, the town council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

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WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the town council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the town council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the town council.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Tracy Emerson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

A motion was made by Mrs. Dalton, seconded by Mr. Emerson, to approve the incentives for Schrader-Bridgeport as presented in the closed session.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Tracy Emerson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

13. Adjournment

Mayor Mattox asked if there was anything else to bring before Council.

The meeting was adjourned at 8:46 p.m.

Michael E. Mattox, Mayor

J. Waverly Coggsdale, III, Clerk