



SOUTH HILL TOWN COUNCIL

REGULAR MEETING MINUTES

MONDAY, JANUARY 9, 2023, 7:00 P.M.

The regular monthly meeting of the South Hill Town Council was held on Monday, January 9, 2023 at 7:00 p.m. in the Council Chambers of the South Hill Town Hall located at 211 S. Mecklenburg Avenue, South Hill, Virginia 23970. The meeting was also available livestream via YouTube at <https://www.youtube.com/@southhillva/live>. Town Clerk Anna Cratch took minutes of the meeting.

1. CALL TO ORDER

The Honorable Mayor Dean Marion called the regular meeting to order at 7:00 p.m.

2. INVOCATION

Mayor Marion rendered the invocation.

3. ROLL CALL

Mayor Marion welcomed new Councilors Hardee and Smith and thanked them for attending the VML Training for Local Elected Officials on January 4. As it was National Law Enforcement Appreciation Day, Mayor Marion thanked Chief Bowen and his staff for the fine job they do for the community. He called upon Town Clerk Anna Cratch to call the roll, which was as follows:

A. Council Members

Ashley C. Hardee	Gavin Honeycutt	Delores Luster
Mike Moody	Shep Moss	Michael Smith
Joseph E. Taylor, Jr.		

Councilor Feggins-Boone was absent from the meeting.

B. Staff in Attendance

Stuart Bowen, Police Chief	Kim Callis, Town Manager
Anna B. Cratch, Town Clerk	Sheila Cutrell, Dir. of Finance and Admin.
C.J. Dean, Dir. of Municipal Services	David Hash, Code Compliance Official
Kristine Martin, HR Manager	Michael Vaughan, Fire Dept. Admin.
Howard P. Estes, Jr., Town Attorney	

4. APPROVAL OF AGENDA

A motion was made by Councilor Taylor, second by Councilor Moody, to approve additions to the agenda for January 9, 2023 of Item 7. Closed Session, A. Section 2.2-3711 A(8) Legal matter involving consultation with counsel for guidance regarding Town Code interpretation, and Item 8. Open Session. The motion carried unanimously.

A motion was made by Councilor Honeycutt, second by Councilor Moss, to approve an addition to the agenda for January 9, 2023 Item 17. Other Business, A. Policy and Procedures – Councilor Smith. The motion carried unanimously.

A motion was made by Councilor Honeycutt, second by Councilor Moss, to approve an addition to the agenda for January 9, 2023 Item 18. Closed Session, B. Section 2.2-3711 A(1) Personnel matter involving grievances. The motion carried unanimously.

5. APPROVAL OF MINUTES – DECEMBER 12, 2022 REGULAR MEETING

A motion was made by Councilor Honeycutt, second by Councilor Moody, to approve the minutes of the regular meeting held on December 12, 2022 as distributed by Town Clerk Anna Cratch. The motion carried unanimously.

6. FY22 AUDIT PRESENTATION BY ROBIN JONES

Robin Jones with Creedle, Jones & Associates, P.C. thanked Sheila Cutrell and her staff for their assistance with the Annual Comprehensive Financial Report for year ended June 30, 2022. Ms. Jones reported the audit went well and the Town is considered a low-risk auditee.

A motion was made by Councilor Honeycutt, second by Councilor Moody, to accept the audit from Creedle, Jones & Associates, P.C. The motion carried unanimously.

7. CLOSED SESSION

Legal – Pursuant to Virginia Code § 2.2-3711 A(8)

Pursuant to Virginia Code § 2.2-3711 A(8) - Legal and on **motion** of **Councilor Moody** and **second** of **Councilor Honeycutt**, the South Hill Town Council entered into **Closed Session** to discuss a Legal matter involving consultation with counsel for guidance regarding Town Code interpretation. The motion carried unanimously. The Mayor announced publicly in the meeting that the South Hill Town Council was now in Closed Session.

In addition to the Mayor and Town Council members, Council requested the presence, in the entirety of the Closed Session, of Stuart Bowen, Kim Callis, Anna Cratch, David Hash, and Howard Estes.

8. OPEN SESSION

A motion was made by Councilor Taylor, second by Councilor Luster, that the Closed Session be adjourned and that the South Hill Town Council reconvene its meeting in **Open Session**. The motion carried unanimously. The South Hill Town Council reconvened in Open Session.

RESOLUTION CERTIFYING CLOSED SESSION

A motion was made by Councilor Honeycutt, second by Councilor Moss, that the minutes of this meeting reflect that no formal action was taken in the Closed Session and further moved that a Resolution Certifying the Closed Session be adopted and reflected in the minutes of this meeting as follows:

WHEREAS, the South Hill Town Council convened in Closed Session on this date by an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act:

NOW THEREFORE, BE IT RESOLVED, that the South Hill Town Council does hereby certify that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies, and (2) only such public business matters as were identified in the motions by which the said Closed Session was convened were heard, discussed, or considered by the South Hill Town Council. The motion passed via **roll call vote** as follows:

Councilor Feggins-Boone-Absent	Councilor Hardee-Aye
Councilor Honeycutt-Aye	Councilor Luster-Aye
Councilor Moody-Aye	Councilor Moss-Aye
Councilor Smith-Aye	Councilor Taylor-Aye.

There was no action taken in Open Session on the Legal matters.

9. CITIZENS TO ADDRESS COUNCIL

Comments are limited to three minutes (five minutes if on behalf of a group).

A. CiCi Carroll – Use of the South Hill Exchange as a Pre-Tournament Meeting Location for the B.A.S.S. Nation of Virginia

On behalf of the B.A.S.S. Nation of Virginia and as Advisor of the Brunswick Academy Vikings Fishing Team, CiCi Carroll requested the use of the South Hill Exchange as a pre-tournament meeting location on March 31 and April 28 from 4:00 p.m. to 7:00 p.m. Kim Callis commented the dates are available on the calendar. Registration forms are available at the Town Hall. Ms. Carroll was encouraged to work in cooperation with the Chamber of Commerce.

B. Wade Crowder – Various

Wade Crowder addressed Council regarding his appreciation of not changing the parking, his desire for a new Town Manager, and his concern regarding potholes around Town that need to be patched especially in front of Felton Brothers Transit Mix, Inc. Councilor Moss requested an update in February on the situation at Felton Brothers.

Near the end of the meeting, Kim Callis gave an update from the Superintendent of Infrastructure that the Town crews are waiting for a utility ticket to clear on Plank Road at Felton Brothers. A culvert pipe under Plank Road must be installed and several hundred feet of ditch work has to be done. It is on the agenda to begin at the end of this week.

10. PUBLIC HEARINGS

Comments are limited to three minutes (five minutes if on behalf of a group).

A. SE 2023-1, Request by AJP Group, LLC and Pomp Boys Enterprises, LLC to utilize 200 and 316 W. Danville Street, 208 S. Brunswick Avenue, and 207 S. Lunenburg Avenue for automobile assembling, painting, upholstering, repairing, rebuilding, body and fender work, truck repairing and overhauling, and for automobile sales and service (retail dealer) – David Hash

David Hash informed Council that notice of a Public Hearing was published which asked for comments regarding the request of AJP Group, LLC and Pomp Boys Enterprises, LLC to utilize the properties owned by PB Capital, LLC at 200 and 316 W. Danville Street, 208 S. Brunswick Avenue, and 207 S. Lunenburg Avenue for automobile assembling, painting, upholstering, repairing, rebuilding, body and fender work, truck repairing and overhauling, and for automobile sales and service (retail dealer).

At its January 2, 2023 meeting, the South Hill Planning Commission recommended approval with the stipulation that any vehicles subject to repair shall be kept inside the building.

Mr. Hash opened the Public Hearing.

The following spoke in favor of the special exception request.

- Tony Pompliano, Pomp Boys owner
- Allen Thompson
- Shane Grissom, Pomp Boys employee
- Vivian Pompliano, Pomp Boys owner

The following spoke against the special exception request.

- Doug Facchina
- Vernon B. Oakley, Jr.
- Jason Wright, Red Rabbit Coffee owner, Roanoke Rapids

Mr. Hash closed the Public Hearing.

A motion was made by Councilor Moody, second by Councilor Taylor, to defer action to a future meeting. The motion passed via **roll-call vote** as follows:

Councilor Feggins-Boone-Absent	Councilor Hardee-Aye
Councilor Honeycutt-Aye	Councilor Luster-Aye
Councilor Moody-Aye	Councilor Moss-Aye
Councilor Smith-Aye	Councilor Taylor-Aye.

B. South Hill Volunteer Fire Department (SHVFD) Fire Truck Equipment Loan – Kim Callis

Kim Callis informed Council that notice of a Public Hearing was published which asked for comments regarding a proposed \$1,300,000 loan to the SHVFD. The loan proceeds will be used to pay for a heavy rescue truck (Rescue 7) and related firefighting equipment. As with other similar fire department purchases, the Town will guarantee the loan payment. The loan is for a 15-year period.

The SHVFD received three bids. First Citizens Bank was the low bidder at 4.64%. The other bidders were Benchmark at 5.34% and Touchstone at 5.72%.

Mr. Callis opened the Public Hearing. Wade Crowder spoke in favor of the loan request. No one came forward to speak against the request. Mr. Callis closed the Public Hearing.

A motion was made by Councilor Honeycutt, second by Councilor Luster, to approve the First Citizens Bank \$1,300,000 loan to the SHVFD for the purchase of a heavy rescue vehicle and related equipment and to guarantee the loan repayment with a pledge of the Town's full faith and credit. The motion carried unanimously.

11. TOWN MANAGER REPORT

A. Citizen Notification Systems

Kim Callis reported staff has worked with the Southside Planning District Commission and independently to obtain information on capabilities and pricing of citizen notification systems. Staff reviewed presentations and proposals from three companies that offer notification systems – GoGov, TextMyGov, and Voyent Alert. The proposed pricing for each product is:

- TextMyGov - \$5,250 (first year) and \$3,500 annually thereafter
- GOGov - \$3,900 annually
- Voyent Alert - \$2,790 (\$3,100 annually with an initial 10% discount through our Southside Planning District Commission affiliation)

While all three products would likely meet Town needs to notify citizens of critical and important matters, staff recommends the Voyent Alert product. The distinguishing factor is Voyent Alert can reach a broader audience as it provides for voice calls to landlines in addition to mobile phone notification capabilities. All of the systems require citizens to subscribe to the service. The only charge to citizens would be charges from their providers for services such as text messages. Administrators would include Department Heads and the Town Clerk.

To avoid any budgetary surprises, Councilor Moss requested additional information regarding subscriber tiers and associated costs. Mr. Callis reported Council action can be delayed and the request can be included in the current budget process.

Council took no action on the appropriation request for a citizen notification system.

12. FINANCE REPORT

A. Additional SHVFD Appropriation for Extrication Stabilization Struts

Sheila Cutrell reported that as part of the Town's FY22-23 budget, the SHVFD requested, and Council approved, funding in the amount of \$55,000 for the purchase of Paratech HVEK Heavy Vehicle Extrication Stabilization Struts. The price for this product has increased and the quoted price is now \$60,032 or \$5,032 more than was requested for budget purposes. As it is not expected that this amount can be absorbed by the total Fire Department budget, Council will need to appropriate the additional funds so that the purchase can be made.

A motion was made by Councilor Honeycutt, second by Councilor Luster, to appropriate \$5,032 from the General Fund balance to cover the additional cost of purchasing the struts which were approved in the FY22-23 budget. The motion carried unanimously.

13. MUNICIPAL SERVICES REPORT

A. Temporary Easement Agreement for Microsoft Access from Parking Area

C.J. Dean reported the Town owns property on Tunstall Road where an elevated water storage tank is located. Microsoft purchased the Industrial Park property at the termination of Tunstall Road. A parking area was developed at the intersection of Tunstall Road and N. Mecklenburg Avenue. Microsoft is requesting an easement across the Town property, outside of the water lot fencing, for access for the workers from the parking lot to the job site.

A motion was made by Councilor Honeycutt, second by Councilor Moody, to grant a temporary easement to Microsoft, after approval of the easement agreement language by the Town Attorney, and for the appropriate Town official to execute the easement documents and return them to Microsoft. The motion carried unanimously.

14. REPORTS TO ACCEPT AS PRESENTED

For efficiency, the following reports for January 2023 were presented as a group to accept as presented.

A. Town Manager Report

i. Facilities Reservation Calendar

Kim Callis presented Council with a calendar of activities and reservations at Centennial Park, Parker Park, the South Hill Exchange, and other Town facilities. Staff anticipates that local youth baseball and softball leagues will begin preparing for the 2023 season in February

ii. Budget Planning

Mr. Callis reported that staff has begun working on the Town’s budget for FY23-24. Preparation materials have been distributed to the Mayor, Council members, Town staff, and community organizations that traditionally request funds. So that all Councilors will have the opportunity to hear the same information earlier in the budget process, in lieu of committee meetings held in previous years, staff recommends three Council budget work sessions that have been scheduled for March 29, April 5, and April 12, each covering different parts of the proposed budget. The required budget Public Hearing is scheduled for the May 8 Council meeting with adoption and appropriation scheduled for the June 12 Council meeting.

Staff will carefully monitor federal and state legislative issues and other developments and adjust our plans accordingly.

iii. Rules of Order and Procedure Amendments

<Report not accepted by Council.>

B. Finance Report

i. Monthly Financial Report

Sheila Cutrell submitted the financial report as follows:

General Fund	- \$ 6,955,049.07	Total Investment Accounts	- \$24,743,334.76
Water and Sewer Fund	- 3,601,687.54	Total Police Dept. Savings	- \$ 33,211.46
Cemetery Fund	- 18,925.45	Total Taxes Due Thru 12/31/22	- \$ 1,240,561.32
Total in Checking	- <u>\$10,575,662.06</u>	(Real Estate and Personal Property, all years)	

C. Police Report

i. Monthly Report

Chief Bowen submitted the police report. He reported there were 417 activity incidents, 52 reportable criminal offenses, 1116 calls for service, and \$34,205 property recovered. Other miscellaneous included 16 court hours, 2 training hours, 42 warrants issued, and 0 inoperative vehicles tagged.

He reported the following administrative news:

- Corporal Tony Solomon was promoted to Sergeant. Officer Tyler Spillane was promoted to Detective. Detective Brandon Campbell transferred back to Patrol at the rank of Corporal.
- Sergeant Tony Solomon instructed Taser Training to Chief Brown of the LaCrosse Police Department.

ii. Annual Report

Chief Bowen presented the Annual Police Report for 2022. Chief Bowen informed Council there were 2,936 activity incidents, 563 reportable criminal offenses, 13,532 calls for service, and \$170,246 property recovered in 2022. Other miscellaneous included 185 court overtime hours, 893.5 training hours, and 527 warrants issued.

D. Municipal Services Report

i. Projects Report

C.J. Dean submitted the projects report as follows:

- The Public Works Crew is working on the sewer line replacement on Northington Street. The sewer work should be completed so that a repaving of this street can occur this spring.
- Mid Atlantic Broadband has contracted with a company to bury fiber optic lines to serve the Microsoft sites. The contractor continues to install the fiber optic lines from Powell Drive to Country Lane in two separate routes. Another route has been added for fiber, from Tunstall down N. Mecklenburg to High to Raleigh to W. Atlantic (Highway 47). The Town wants the public to be aware of the ongoing work and to be careful in the work zones. The work is anticipated to have some impact on vehicular traffic.
- The windy extreme cold conditions negatively impacted the crews. Downed trees, power lines, phone lines, wayward Christmas trees, frozen pipes, generator problems, and other issues kept the crews busy during the Christmas Holiday.
- Engineers have begun to complete the initial design work on several projects. The hope is for the Town to get the required easements and approvals for a spring bid so construction can begin very soon.

ii. South Hill Volunteer Fire Department (SHVFD) Report

Chief Vaughan submitted the fire report. Chief Vaughan reported the SHVFD responded to 128 total alarms with an average of 16 volunteers present per call. The current volunteer roster is 48. Calls responded to in Town were 73, within the county district were 39, and involving fire were 11. Mutual aid given was 11, and automatic aid received was 36. Training included apparatus

familiarization, aerial operations, and search and rescue. Fundraising efforts included Rescue 7 t-shirt sales, which are going great.

He reported the following administrative news:

- The return of Truck 7 is still on track for sometime in February, barring any other delays in parts. The loaner truck continues to be a huge asset.
- Approximately 95% of the additional equipment purchases for Rescue 7 are in now. Unfortunate news has been received as some items have increased in price since ordering, and some are delayed until March of 2023. The Capital Expenditure for the Paratech Rescue Struts should be arriving any day.
- The SHVFD is ending the mid-point on the Brush 76 refurb project. Several members have traveled to the shop and are very happy with the progress. They cannot wait to share the upgraded unit.
- The body and cab of Rescue 7 have been painted on the interior and exterior. The chassis is currently in production. The SHVFD expects to travel to Wisconsin sometime the end of this month and/or early February for mid-point inspection.
- The Volunteers have seen a very traumatic month of December. Call volumes continue to rise with no end in sight. None of this would be possible if not for their dedication and the Town of South Hill who supports the SHVFD daily.

E. Code Compliance Report

i. Report of Activity

David Hash submitted the report of activity as follows:

Inspections Completed	-		20
Permits Issued	-		10
Fees Collected	-	\$	1,339.07
UEZ Exemption	-	\$	0
Rehab Exemption	-	\$	0
General Exemption	-	\$	30.60
Work Value	-	\$	225,863.00

There were no new businesses in December.

ii. Dilapidated Properties

Along with the list of completed dilapidated properties, a report on the status of approximately 69 dilapidated properties was also presented.

F. Business Development Report

Brent Morris submitted the business development report as follows:

- Work is continuing with investors who have purchased downtown properties on prospective new businesses that would be a good fit in the community. One of the properties that is currently under contract will add additional housing downtown.

- The Finance Director and Mr. Morris successfully completed the reporting and finalization for the Resurgence Grant that the Town received. These funds were used as part of the match for the Façade and Upfit program in the downtown area.
- The push for the development of housing and new retail continues. Retail Strategies and Mr. Morris are continuing to send information out to larger retailers that would be a great fit in the community.
- Mr. Morris is working with the Chamber board and staff on the development of a new event/festival for 2023 that would attract people to South Hill.

G. Human Resources Report

Kristine Martin submitted the following administrative news:

- Ryan Powell obtained his initial pesticide certification.
- David Hash and Robert York, Code and Compliance Department, attended the Virginia Building and Code Officials Association (VBCOA) Regional Meeting in Richmond on December 13, 2022.
- Robert York continues his education towards Residential Inspector Certification by recently completing two pre-requisite core programs, Evolution of the Codes and Managing Your Career with DHCD and VBCA.
- The Town is currently interviewing for two Maintenance Operator positions in the Parks and Grounds Department.
- The Town is currently interviewing for three additional part-time Maintenance Technicians for the South Hill Volunteer Fire Department. These candidates will be added to the current pool of part-time technicians.
- Bailey Ross and Heather McCall joined the South Hill Police Department as Police Officers effective December 28, 2022.
- Kendall Foster was recently promoted to the rank of Detective with the Police Department effective December 3, 2022.

Under Item A. Town Manager Report, ii. Budget Planning, Councilor Moody asked why Council members were not contacted regarding scheduling the three budget work sessions. Kim Callis stated Mayor Marion who appoints committees was informed. Staff felt it is important that all Councilors have the opportunity to hear the same information earlier in the budget process. It was therefore recommended that the work sessions be held in lieu of committee meetings at a time that would work for both Councilors and staff. Councilor Moss commented Council still has committees in effect, and Council runs the Council. Councilor Taylor stated the consultant at the Council Retreat recommended holding meetings with the full Council rather than individual committee meetings. Mayor Marion reported the committees have been assigned. Right or wrong as far as the method, if Council decides to do away with the committees, Council needs to be committed to the time it is going to take. In answer to a question from Councilor Moody, Sheila Cutrell stated that during her tenure in Emporia, the budget meetings with the full Council proved successful. Councilor Taylor commented his frustration with the committee system is that it really has no power and is non-functional. Council members expressed acceptance of the dates of the three work sessions **A motion was made by Councilor Honeycutt, second by Councilor Taylor**, to do away with all committees moving forward. The motion passed via **roll-call vote** as follows:

Councilor Feggins-Boone-Absent	Councilor Hardee-Aye
Councilor Honeycutt-Aye	Councilor Luster-Aye
Councilor Moody-Aye	Councilor Moss-Aye
Councilor Smith-Aye	Councilor Taylor-Aye.

Councilor Smith asked for more information regarding Item A. Town Manager Report, iii. Rules of Order and Procedure Amendments. Mr. Callis stated there is a brief section in the Town Code on Rules of Order and Procedure (Chapter 2 Administration, Article II Town Council, Division 2). The consultant at the Council Retreat suggested and shared what was done in Lynchburg, which is more exhaustive than South Hill's but could be pared down to a reasonable standard that would fit South Hill's needs. Mr. Callis has been working with Town Attorney Estes to create a draft for presentation to Council in the coming weeks for consideration. Councilor Smith felt Council should be involved in that conversation. Attorney Estes stated these are simply items for consideration. Council can add or remove consent items at their will. The draft would be used as a starting point. Councilor Moss commented Council has adopted Robert's Rules of Order and that is how meetings are run. Mr. Callis mentioned the Capital Improvement Plan was included in the budget memo to incorporate in this budget cycle. Direction hasn't come from the Council regarding other items. Councilor Smith expressed concern that the Town is at \$51,000 of the \$75,000 budget for legal fees.

Under Item B. Finance Report, Councilor Moss inquired about the Capital Outlay expense of \$11,610.93 under Facility Maintenance. Mr. Callis stated it is related to the new Public Works building.

A motion was made by Councilor Luster, second by Councilor Taylor, to Accept the Reports as Presented for January 2023. The motion failed via **roll-call vote** as follows:

Councilor Feggins-Boone-Absent	Councilor Hardee-No
Councilor Honeycutt-No	Councilor Luster-Aye
Councilor Moody-No	Councilor Moss-No
Councilor Smith-No	Councilor Taylor-Aye.

Attorney Estes stated it is a matter of accepting the reports. There is no decision being made based on the information in them. There are materials being presented for future consideration by the Council. There are reports included that need to be accepted for transparency purposes, e.g., the financial report. **A motion was made by Councilor Moody, second by Councilor Moss,** to Accept the Reports as Presented for January 2023 except Item A. Town Manager Report, iii. Rules of Order and Procedure Amendments. The motion passed via **roll-call vote** as follows:

Councilor Feggins-Boone-Absent	Councilor Hardee-Aye
Councilor Honeycutt-Aye	Councilor Luster-Aye
Councilor Moody-Aye	Councilor Moss-Aye
Councilor Smith-Aye	Councilor Taylor-No.

Councilor Smith asked for more information regarding Item A. Town Manager Report, iii. Rules of Order and Procedure Amendments. **A motion was made by Councilor Smith, second Councilor Honeycutt,** that order and procedure items for Town Council meetings be discussed with Council instead of spending tax dollars on counsel. The motion passed via **roll-call vote** as follows:

Councilor Feggins-Boone-Absent	Councilor Hardee-Aye
Councilor Honeycutt-Aye	Councilor Luster-Aye
Councilor Moody-Aye	Councilor Moss-Aye
Councilor Smith-Aye	Councilor Taylor-No.

15. COMMITTEE REPORTS

There were no committee reports.

16. APPOINTMENTS

A. South Hill Industrial Development Authority

Mayor Marion reported the four-year IDA appointment of Jerry D. Reynolds expires on May 5, 2024. After serving on the IDA for 17 years, due to several personal factors, Mr. Reynolds has stepped away from his seat. We thank him for his service. Randy Crocker has been contacted and is willing to serve out his term if Council so desires.

A motion was made by Councilor Honeycutt, second by Councilor Moss, to appoint Randy Crocker to serve out the four-year IDA term of Jerry Reynolds beginning January 10, 2023 and ending May 5, 2024. Motion carried unanimously.

17. OTHER BUSINESS

A. Policy and Procedures – Councilor Smith

Referencing page 57 of the Employee Handbook (Chapter 11 Business Conduct, Section 11-6 Rules of Conduct, Item 2), Councilor Smith asked Attorney Estes how the reference got into the handbook that Town employees are not permitted to reach out to Council members. Councilor Smith mentioned he and Councilor Hardee attended training the prior week and reference was made to Council members talking to Town staff. Attorney Estes stated he has seen this language in other jurisdictions; it is not unusual. He stated that it is important to maintain the chain of command. By the Virginia Code, Council's only direct employee is the Town Manager. Everyone else is supposed to work within the organizational structure. Human Resources is available for staff to address concerns, and there are protections provided for public employees.

18. CLOSED SESSION

Legal – Pursuant to Virginia Code § 2.2-3711 A(8) and Personnel – § 2.2-3711 A(1)

Pursuant to Virginia Code § 2.2-3711 A(8) - Legal and § 2.2-3711 A(1) - Personnel and on **motion of Councilor Moody and second of Councilor Honeycutt,** the South Hill Town Council entered into **Closed Session** to discuss Legal matters involving consultation with counsel for advice on a potential claim and Personnel matters involving grievances. The motion carried unanimously. The Mayor announced publicly in the meeting that the South Hill Town Council was now in Closed Session.

In addition to the Mayor and Town Council members, Council requested the presence, in the entirety of the Closed Session, of Kim Callis, Anna Cratch, Sheila Cutrell, and Howard Estes.

19. OPEN SESSION

A motion was made by Councilor Luster, second by Councilor Moody, that the Closed Session be adjourned and that the South Hill Town Council reconvene its meeting in **Open Session**. The motion carried unanimously. The South Hill Town Council reconvened in Open Session.

RESOLUTION CERTIFYING CLOSED SESSION

A motion was made by Councilor Moody, second by Councilor Moss, that the minutes of this meeting reflect that no formal action was taken in the Closed Session and further moved that a Resolution Certifying the Closed Session be adopted and reflected in the minutes of this meeting as follows:

WHEREAS, the South Hill Town Council convened in Closed Session on this date by an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act:

NOW THEREFORE, BE IT RESOLVED, that the South Hill Town Council does hereby certify that to the best of each member’s knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies, and (2) only such public business matters as were identified in the motions by which the said Closed Session was convened were heard, discussed, or considered by the South Hill Town Council. The motion passed via **roll call vote** as follows:

Councilor Feggins-Boone-Absent	Councilor Hardee-Aye
Councilor Honeycutt-Aye	Councilor Luster-Aye
Councilor Moody-Aye	Councilor Moss-Aye
Councilor Smith-Aye	Councilor Taylor-Aye.

There was no action taken in Open Session on the Personnel matter.

Regarding the Legal matter, Councilor Taylor encouraged members to oppose the request made by the South Hill Volunteer Fire Department because it refers to a previously extended legal disagreement between the SHVFD and the Town. Referring to the SHVFD reimbursement letter, Councilor Taylor shared that the request was for the Town to reimburse \$18,200.94 for “Legal fees incurred beginning April 23, 2021, as a result of Attorney Missy York and Kim Callis’s decision to show up at the station with an analysis that was created without any input or discussion from the non-profit volunteer fire company. The refund is being requested due to: the funds were spent out of our general fire protection equipment fund. These funds should only be used to replace dated and aging fire protection equipment for the protection of life, limb and property. We are only requesting costs associated with protecting the SHVFD and its members.” Councilor Taylor reported the same request was made by the SHVFD in 2021. No legal pleadings were filed against each other in terms of the entities during their disagreement over labor regulations in 2020 and 2021. As a result, both separate entities, chose to hire counsel as was their prerogative. Paying the SHVFD legal fees is a concern because it would constitute perhaps an admission of guilt. Remaining supportive of the SHVFD and the services they provide to the Town, Councilor Taylor encouraged the SHVFD to approach Council with a direct request when they need equipment.

Councilor Honeycutt stressed the SHVFD represents all of the county, parts of North Carolina, and beyond. He reported that along with the Town, Mecklenburg County has heavily supported them.

In answer to questions from Councilor Moss, Chief Vaughan stated the legal fees have been paid as the invoices reflect that were provided to Council some time back. With COVID, the inability to hold fundraisers, and increasing costs, he reported the SHVFD cannot absorb the \$20,000 loss. He commented the Town walked into their home with an attorney and an analysis already prepared. The SHVFD was informed they broke laws, violated regulations, and ties had to be severed immediately.

Quoting the minutes from December 13, 2021, Councilor Moody read “Chief Vaughan presented copies of invoices from Kaufman & Canoles totaling \$18,200.94. He then stated that the SHVFD was not requesting reimbursement of these legal expenses.” Councilor Moody asked why a reimbursement was now being requested. Chief Vaughan answered no official request was presented at that time, but the SHVFD just doesn’t have it.

A motion was made by Councilor Honeycutt, second Councilor Hardee, on the Legal matter to reimburse the South Hill Volunteer Fire Department \$18,200.94 for legal expenses, as requested by Grady Waters, once paid receipts are received. The motion passed via **roll-call vote** as follows:

Councilor Feggins-Boone-Absent
Councilor Honeycutt-Aye
Councilor Moody-Aye
Councilor Smith-Aye

Councilor Hardee-Aye
Councilor Luster-No
Councilor Moss-Aye
Councilor Taylor-No.

Councilor Smith shared that for a cooling-off period, he would like to make a motion for a period of one year, that the SHVFD reports to the Mayor. Councilor Honeycutt seconded the motion. Councilor Moody commented that would require a change in the Town Charter that would have to go before the General Assembly. Attorney Estes commented he believes the Virginia Code states Council hires the Town Manager, and that is the only employee that they hire and manage directly. Councilor Moss mentioned the SHVFD is a separate entity. Councilor Taylor read from the Town Charter, Section 10.1 Manager, "The town manager shall manage the business of the town. He shall perform such duties as are consistent with the office and as directed by the council or mayor." The Charter provides no provision for the Mayor regarding management of Town employees. Attorney Estes stated employees of the Town need to go through the current structure. Council can designate whomever they want to as far as interfacing with the SHVFD. Councilor Moss reported the Fire Committee has not been effective. As committees have been eliminated, he asked could the Town Manager be removed and the Mayor be designated as the liaison between the Council and the SHVFD. Councilor Taylor mentioned the mayor would not be authorized by statute to handle the budget apportionment or regulate expenditures within the budget. Add to that, the Fire Department building is owned by the Town. Deputy Fire Chief John Kelly commented he is not okay with what they are going through, and answering to the Mayor would be great for them. He mentioned, excluding Councilor Moss, the former Fire Committee members don't know anything because they never visit. Councilor Moody shared it would be unfair to the Mayor at this time to put such a responsibility upon him without prior conversation of his willingness and research if we by law can do it. Attorney Estes stated the Mayor can interface with a variety of different groups within the community, but he doesn't have the authority to do anything. Attorney Estes shared that the motion on the floor is a valid motion that could be considered but it could not be implemented unless the Charter was amended. After being petitioned, the General Assembly would have to adopt a law to change the Charter. Councilor Smith withdrew his motion. Councilor Moss stressed the SHVFD needs to be left alone.

20. ADJOURNMENT

There being no further business matters before the South Hill Town Council, Mayor Marion adjourned the meeting at 11:52 p.m.

VALIDATION

Minutes approved this ____ day of _____, 20____.

Anna B. Cratch, Town Clerk

Dean Marion, Mayor

So Unexpected 
South Hill
virginia

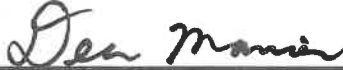
Incorporated 1901

January 9, 2023

Staci A. Henshaw
Commonwealth of Virginia
Auditor of Public Accounts
P. O. Box 1295
Richmond, Virginia 23218

Dear Ms. Henshaw,

We hereby attest, in accordance with Section 15.2-2510 of the Code of Virginia, the Town of South Hill's audited financial report, for the fiscal year ended June 30, 2022, has been presented to the local governing body at a public session on January 9, 2023.



Local chief elected official signature
Dean Marion/Mayor

Printed Name/Title



Local chief administrative officer signature
Kim Callis/Town Manager

Printed Name/Title

Town of South Hill
Commonwealth of Virginia

The foregoing statement required by the laws of the Commonwealth was acknowledged before me this 9th day of January, 2023, by Sheila J. Cutrell.



Notary Public's Signature

Anna B. Cratch/Town Clerk

Notary's Printed Name/Title

Notary registration number: _____ 325012

My commission expires, June 30, 2026.

