

October 16, 2024

A work session of the Town Council of the Town of Grottoes was held on Wednesday, October 16, 2024, at the Grottoes Town Hall, Grottoes, Virginia.

Mayor Plaster called the work session of October 16, 2024, of the Grottoes Town Council to order at 5:44 p.m.

ATTENDANCE: Council Members present: Mayor Jo Plaster, David Raynes, Joshua Bailey, Eddie Chittum, Tim Leeth, Michael Kohl and Jim Justis.

Other Town Officials present were: Interim Town Manager Joseph Paxton, Town Attorney Michael Helm, Deputy Clerk Jennifer Whetzel, Administrative Assistant Crystal Ortiz, Treasurer Rhonda Danner, Park Director Austin Shank, and Police Chief Jason Sullivan.

Council member Leeth made a motion to go into closed session pursuant to section 2.2-3711A, Code of Virginia, subparagraph (1) regarding the discussion of prospective candidates for the Town Manger position and to also include representatives of the Berkely Group. Council member Kohl seconded, and the motion carried by a vote of 6-0, voting recorded as follows: CHITTUM – AYE; BAILEY – AYE; RAYNES - AYE; KOHL – AYE; LEETH – AYE; JUSTIS – AYE.

At 7:09 pm the Council returned from closed session. Council Member Leeth made a motion, Council Member Justis seconded, and the motion carried by a vote of 6-0, voting recorded as follows: CHITTUM – AYE; BAILEY – AYE; RAYNES - AYE; KOHL – AYE; LEETH – AYE; JUSTIS – AYE, that the council return to open session.

The Town of Grottoes reconvened from a closed meeting and Section 2.2-3712 of the Code of Virginia requires a certification by the Town Council that such matters were conducted in conformity with Virginia statutes. Mayor Plaster read the certification that, to the best of each member’s knowledge only public business matter lawfully exempted from open meeting requirements were discussed; and only such public business matters that were identified in the motion convening this closed meeting were heard, discussed, or considered by the Town Council” Deputy Clerk Whetzel took a roll call, E. Chittum; so certified, J. Bailey; so certified, J. Justis; so certified, J. Plaster; so certified, D. Raynes; so certified, T. Leeth; so certified, M. Kohl, so certified.

At 7:10 PM. Mayor Plaster adjourned the work session.

October 16, 2024

A regular session of the Town Council of the Town of Grottoes was held on Wednesday, October 16, 2024, at 7:00 p.m. at the Grottoes Town Hall, Grottoes, Virginia.

CALL TO ORDER

Mayor Plaster called the regular session of October 16, 2024, of the Grottoes Town Council to order at 7:10 p.m. Mayor Plaster asked for a roll call.

ATTENDANCE: Council Members present: Eddie Chittum, Joshua Bailey, Jim Justis, Mayor Jo Plaster, David Raynes, Michael Kohl, and Tim Leeth.

Other Town Officials present: Attorney Michael Helm, Interim Town Manager Joseph Paxton, Deputy Clerk Jennifer Whetzel, Treasurer Rhonda Danner, Administrative Assistant Crystal Ortiz, Parks Director Austin Shank and Police Chief Jason Sullivan.

APPROVAL OF MINUTES

On motion by Council member Raynes, seconded by Council member Leeth, and carried by a vote of 6-0, voting recorded as follows: CHITTUM – AYE; BAILEY – AYE; JUSTIS – AYE; RAYNES – AYE; KOHL – AYE; LEETH - AYE the Council approved the minutes of the meetings on September 9, 2024, and the special called meeting on September 20, 2024.

At 7:11 pm the regular session of the Town Council was recessed by Mayor Plaster for the scheduled public hearings and called the first public hearing to order.

Public Hearing

Dominion Energy Franchise Agreement

Mayor Plaster announced that the Town had received a bid from Virginia Electric and Power Company (Dominion Energy Virginia). The bid was opened and a check in the amount of \$1,000 was submitted with the bid. No one spoke for or against the agreement. Council member Kohl asked if this was new or a renewal of an existing agreement. Sarah Hackney, a representative from Dominion Energy Virginia, spoke stating that this is a renewal of the electric Franchise Agreement which will allow the company to install and provide broadband service within the town. Dominion stated they will secure the agreement with a \$25,000 bond.

At 7:14 pm Mayor Plaster adjourned the 1ST Public Hearing, and called the 2nd Public Hearing to order.

PUBLIC HEARING

Request to vacate a public right-of-way located behind Augusta Ave.

Mayor Plaster stated that no one has signed up to speak for or against the request to vacate a 434 foot public right-of-way located behind a section of Augusta Avenue between Cary Street and 2nd Street. There were no comments from Council.

**NOTICE OF PUBLIC HEARING
TOWN COUNCIL FOR THE
TOWN OF GROTTOS, VIRGINIA**

AN ORDINANCE TO VACATE A PUBLIC RIGHT-OF-WAY

PLEASE TAKE NOTICE: That the Town Council of the Town of Grottoes, Virginia shall hold a public hearing on **October 16, 2024, at 7:00 p.m.** at 601 Dogwood Avenue, Grottoes, Virginia for the purpose of a public hearing on the proposed ordinance to vacate a certain public right-of-way, approximately 434.00 feet in length and located behind Augusta Avenue and in a certain area between Cary Street and 2nd Street, Grottoes, VA.

The full text of the proposed Ordinance and attached survey showing the specific right-of-way to be vacated may be viewed and inspected at the Town Office located at 601 Dogwood Avenue, Grottoes, Virginia.

The public is invited to attend this public hearing to express their views thereon.

The Notice is given pursuant to §15.2-2204 and §15.2-2006 of the Code of Virginia (1950), as amended.

**TOWN COUNCIL
TOWN OF GROTTOS, VIRGINIA**

ADJOURN PUBLIC HEARING AND RETURN TO REGULAR MEETING

At 7:15 PM Mayor Plaster closed the public hearings and reconvened the regular session of the Town Council.

PRESENTATION OF PETITIONS AND CLAIMS (public comment)

None

REPORTS OF STANDING COMMITTEE:

FINANCE - Council member Raynes made a motion, seconded by Council member Leeth and carried by a vote of 6-0, voting recorded as follows: CHITTUM – AYE; BAILEY – AYE; JUSTIS- AYE; RAYNES - AYE; KOHL – AYE; LEETH – AYE, to approve the financial reports for the month of September 2024.

WATER AND SEWER – Council member Bailey stated there would be a Water & Sewer Committee meeting on Monday, October 28, 2024.

ORDINANCE, HEALTH, AND PROPERTY – Council member Kohl made a motion to approve the six-unit townhouse complex on Aspen Avenue with extending the sidewalk north to 2nd Street, seconded by Council member Justis, voting was recorded as follows: KOHL – AYE; JUSTIS – AYE; CHITTUM – AYE; BAILEY – AYE; LEETH – AYE; RAYNES – AYE, vote carries 6-0.

Council member Kohl made a motion to approve the amendment of Chapter 160, Section 160-38, Penalty for Non-payment, seconded by Council member Bailey, voting was recorded as follows: KOHL – AYE; JUSTIS – AYE; CHITTUM – AYE; BAILEY – AYE; LEETH – AYE; RAYNES – AYE, vote carries 6-0.

ORDINANCE TO AMEND
CHAPTER 160 (“WATER AND SEWERS”)
SECTION 38 (“PENALTY FOR NONPAYMENT”)
OF THE GROTTOS TOWN CODE

WHEREAS, by Ordinance duly adopted, the Town Council of the Town of Grottoes, Virginia adopted Chapter 160, Water and Sewers, of the Grottoes Town Code, which chapter has been amended from time to time; and

WHEREAS, upon mature consideration the Town Council has determined it is in the best interest of the Town to further amend said Chapter.

NOW THEREFORE BE IT RESOLVED and ordained by the Town Council of Grottoes, Virginia, that section 38, penalty for nonpayment, set forth in Chapter 160, shall hereby be amended to read as follows:

§ 160-38. Penalty for nonpayment.

- A. If any bill for utility service, including charges for the provision of water, wastewater services, and trash removal, is not paid within 30 days after the issue date, as set forth herein, the Town shall assess a penalty charge of 10% of the total bill. After this date, the Town shall provide notice by either mail, email, text, phone call or door hanger that service may be cutoff if the bill remains unpaid 45 days after the issue date.

- B. The Town Manager, acting in their sole discretion, may extend the delinquent payment period due to extenuating circumstances. Any aggrieved person may seek review of any such decision with the Town Council.

Except as amended above, the Grottoes Town Code shall remain in full force and effect.

This Ordinance shall be in full force and effect from and after the passage hereof as provided by Virginia Law.

Adopted on this ____ day of _____, 2024.

Mayor, Jo Plaster

ATTEST: _____

Town Clerk

STREET AND STREET LIGHTS – no report

PARKS, RECREATION AND PUBLIC FACILITIES – Parks Director Shank stated his report was included but wanted to update Council on the Chicken Shack facility at Painter Park that needs repair. Staff is working with the GVFD to and has requested input from a local

architect for suggestions and costs estimates for the repair. He also stated that staff is preparing a grant application to the County for financial assistance to repair some of the aging structures in the parks.

SPECIAL EVENTS – Council member Leeth said that the Senior Citizens Luncheon went well with over 40+ dine-in meals and 80+ deliveries. October 26th is the 1st Responders Ceremony at Grand Caverns Park from 3-6pm and the Veterans Day Ceremony would be November 11, 2024, at Town Hall at 11am.

PERSONNEL, FIRE AND POLICE PROTECTION – Council member Justis made a motion for the consideration of the resolution to reappoint David Gorjup to the BZA, seconded by Council member Leeth, voting was recorded as follows: KOHL – AYE; JUSTIS – AYE; CHITTUM – AYE; BAILEY – AYE; LEETH – AYE; RAYNES – AYE, vote carries 6-0.

STAFF REPORTS

TOWN MANAGER. A written report was provided. There were no additional comments from staff and no questions or comments from Council members.

ATTORNEY. No report.

TREASURER. A written report was provided. There were no additional comments from staff and no questions or comments from Council members.

ASSISTANT TO TOWN MANAGER. A written report was provided. There were no additional comments from staff and no questions or comments from Council members.

POLICE CHIEF. A written report was provided. There were no additional comments from staff and no questions or comments from Council members.

PUBLIC WORKS. A written report was provided. There were no additional comments from staff and no questions or comments from Council members.

RECREATION AND TOURISM DIRECTOR. - Director Shank spoke on the 30+% increase in revenue that Grand Caverns has seen this September compared to last September 2023. He stated that this increase is mostly from tour admissions. He also noted that The Blue Ridge Heritage monument project should be complete before Thanksgiving, and they are looking at a November 2024 dedication. The project was possible with a \$14,000 grant from Augusta County, with no cost to the town.

Director Shank also spoke on the current status of the pool. He stated that Phase A- a pressure test for unknown leaks was done and that the good news was that there is no major damage. He stated that due to skimmer line damage, the pool wall and deck will need to be cut to do a

skimmer line investigation. The cost is \$2,500.00, which was originally going to be used for voids, but will now be used for this. The Save the Pool Committee stated they will be paying this cost back. Work will begin within the next two weeks.

NEW BUSINESS

Franchise Agreement – Virginia Electric and Power Company.

Council member Justis made a motion to accept the ordinance establishing a franchise for Virginia Electric and Power Company. Seconded by Council member Leeth and carried by a vote of 6-0 voting recorded as follows: CHITTUM – AYE; BAILEY – AYE; JUSTIS- AYE; RAYNES - AYE; KOHL – AYE; LEETH – AYE.

Council member Justis made a motion to amend his motion to include the acceptance of the Broadband Franchise Agreement between the Town of Grottoes, Virginia and Virginia Electric and Power Company, and accept the \$1,000 cash bid submitted by the Company. Seconded by Council member Raynes and carried by a vote of 6-0 voting recorded as follows: CHITTUM – AYE; BAILEY – AYE; JUSTIS- AYE; RAYNES - AYE; KOHL – AYE; LEETH – AYE.

AN UNCODIFIED ORDINANCE TO ESTABLISH A FRANCHISE FOR VIRGINIA ELECTRIC AND POWER COMPANY

This Uncodified Ordinance shall establish and grant to Virginia Electric and Power Company d/b/a Dominion Energy Virginia, a Virginia public service corporation ("Grantee") a franchise pursuant to Virginia Code § 15.2-2100, *et seq.*

RECITALS:

- A. That the following Uncodified Ordinance is hereby adopted:

B. That Grantee intends to use the streets, alleys and public places of the Town of Grottoes, Virginia (the “Town”) to acquire, erect, install, maintain and use, and if now constructed to maintain and use, poles, towers, wires, cables, conduits, ductways, manholes, handholes and appliances; , together with the right to attach, operate, and maintain, additional cables including but not limited to fiber optic cables, wires, attachments and other transmission facilities in the public rights of way (defined as lands owned or controlled by the Town of Grottoes, Virginia (“the Town”) in which the Town has a property interest and only those rights which the Town has the undisputed right and power to grant easements) within the Town for the purpose of distributing, transmitting and selling electric current for light, heat and power, and for the purpose of transmitting voice, text, data, internet services, and other communications services; the right to lease or license the right to transmit signals, data, or other communications through Broadband Facilities, in whole or in part to third parties as may be useful or practical, including the rights to transmit third party data and the right to lease or license surplus communications capacity to third parties through such Broadband Facilities.

C. That the Franchise is authorized by this Ordinance enacted by the Town Counsel of Grottoes, Virginia in the manner provided by Virginia Code § 15.2-2100, *et seq.*

**NOW, THEREORE, BE IT ORDAINED BY THE TOWN COUNCIL OF
GROTTOES, VIRGINIA AS FOLLOWS:**

1. The Recitals above are adopted and incorporated herein.
2. The mutual covenants and terms set forth in the Franchise Agreement dated the 16th day of October, 2024, by and between the Town of Grottoes, Virginia, a municipal

corporation and Virginia Electric and Power Company are hereby adopted and made a part of this Ordinance, a copy of said Agreement is attached.

3. The Town reserves the right to enforce the Franchise Agreement, including its termination should Grantee fail to meet its obligation or fail to correct any defaults in its performance of the obligations as set forth in the Franchise Agreement.

4. The Town Council has determined the Franchise and the Agreement are in the best interest of the citizens of the Town.

5. This Ordinance shall become effective upon its passage.

6. The Mayor and Town Manager, either of whom may act, are hereby authorized to take any actions reasonably necessary to effectuate this Ordinance.

Ordained this 16th day of October, 2024.

Jo Plaster, Mayor, Town of Grottoes

Attest:

Tara Morris, Clerk

Vacation of Right-of-Way.

Council member Raynes made a motion to approve vacating the public right-of-way located behind Augusta Ave. Seconded by Council member Justis and carried by a vote of 6-0 voting recorded as follows: CHITTUM – AYE; BAILEY – AYE; JUSTIS- AYE; RAYNES - AYE; KOHL – AYE; LEETH – AYE.

AN UNCODIFIED ORDINANCE TOWN OF GROTTUES, VIRGINIA

WHEREAS, pursuant to and in accordance with Virginia Code §15.2-2006, public rights-of-way may be vacated upon motion of such governing body of the jurisdiction in which the public right-of-way exists.

WHEREAS, a prospective business does desire to construct and operate in an area in which a public right-of-way exists.

WHEREAS, the Town of Grottoes, Virginia does thereby desire to vacate the public right-of-way identified on those certain lots or parcels identified on the attached Exhibit A, in the location as shown on the attached survey of Howard G. McIlvried, Virginia Licensed Land Surveyor No. 2019 dated April 16, 2024, identified as “Assumed Alley to be Vacated”, a copy of which is attached hereto and incorporated herein as Exhibit B. The vacation of the public right-of-way is subject to the express reservation of a fifteen (15’) foot wide public utility/sanitary sewer easement, the location of which is identified on the attached Exhibit B as a 6” PVC sanitary sewer.

WHEREAS, the vacation of this public right-of-way should not impair any neighboring land owners and is otherwise in the interests of the general welfare of the Town of Grottoes.

WHEREAS, the vacation of this public right-of-way is conditioned upon the prospective business commencing development in the designated location not later than September 30, 2025. Failure to commence such development may render the vacation, at the option of the governing body, void, pursuant to the authority set forth in Va. Code §15.2-2006.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Grottoes, Virginia that the foregoing recitals are hereby adopted and incorporated herein by reference, and that a public utility/sanitary sewer easement is hereby reserved over and upon the lands identified in the attached Exhibit A, and as more specifically located and identified on the attached survey prepared by Howard G. McIlvried, Virginia Licensed Land Surveyor No. 2019 dated April 16, 2024, a true and accurate copy of which is attached hereto as Exhibit B.

BE IT FURTHER RESOLVED that the public right-of-way located in the area identified on the attached Exhibit B on the parcels described in the attached Exhibit A are hereby vacated, subject to the conditions set forth herein.

This Ordinance shall be recorded in the land records of Rockingham County, Virginia in the name of the Town of Grottoes, Virginia upon satisfaction of the terms and conditions herein, in accordance with §15.2-2006.

Adopted on this ____ day of _____, 2024.

Mayor, Jo Plaster

ATTEST: _____
Town Clerk

Extension of Contract – Interim Manager Services

Council member Kohl made a motion to accept the Berkey Group work order extension for Interim Town Manager services. Seconded by Council member Leeth and carried by a vote of 6-0 voting recorded as follows: CHITTUM – AYE; BAILEY – AYE; JUSTIS- AYE; RAYNES - AYE; KOHL – AYE; LEETH – AYE.

There being no further business, Mayor Plaster declared the meeting adjourned at 7:33 p.m.

