

**Town of Grottoes  
Workshop Meeting**

**CALL TO ORDER:** The Town of Grottoes Town Council held a workshop meeting on Monday, July 13, 2020, at 6:00 p.m., with Mayor Emily Holloway presiding.

**ATTENDANCE:** Council Members present were: Jo Plaster, Mark Keeler, Joshua Bailey, C.W. Stephenson, and David Raynes.

**Other Town Officials present were:** Town Manager Nathan Garrison, Town Attorney Nathan Miller, Town Treasurer Rhonda Danner, Public Works Director AJ Hummel, Parks Director Ashley Collier, and Police Sergeant Wes Baugher.

Mayor Holloway said the first item on the agenda is Chapter 4. Town Manager Nathan Garrison stated that our last discussion on revision to Chapter 4 was in April. He said we have received some suggested revisions from some Council members and has asked Nathan Miller to work on the draft ordinance update for chapter 4. Mayor Holloway asked if we had an estimated time for this. Town Attorney Nathan Miller said he should have the draft for the next Council meeting. Mayor Holloway asked for the Chapter 4 updates to be put on the August agenda.

Mayor Holloway stated the next item is community concerns. She stated that we received an email from Ms. Kyger, who is here with us tonight, and she has concerns with Lil Guss's. Mayor Holloway said we will let her speak. Ms. Kyger said she wants it understood that her email was not all about noise. She stated that her biggest concern is what she witnessed on June 26 at 8:30 pm while driving down Dogwood Avenue. She said there were drunks all over the road on Dogwood and getting in their cars. There was a 4-year-old child in a motorized vehicle with no one supervising the child. She said she had a friend die because of a drunk driver and feels this needs to be monitored. Ms. Kyger said the noise violations is not the only part, but the Town needs to do something before it destroys our little Town. She said she likes his business being here but not all that he is bringing with it. Mayor Holloway said that we all received the email from Ms. Kyger with detailed concerns for our community. Mayor Holloway read part of the email that said she has no problems with restaurants like this as long as they follow the requirements of alcohol being served. I, myself, like to have a social drink and enjoy music. The problem is I had a friend that was killed by a drunk driver and continued with that concern. She stated that the crowd that was at Lil Guss's that night should not be driving. She said the two parking lots across from the

bar were full, in front of the business the neighbor's house and the town hall parking lot was full. Several people she knows is complaining of the noise and how this looks on the Town. I know the noise ordinance is being followed but this needs to be addressed and lowered to nine o'clock since we have so many in the Town that have small children, especially during school. Grottoes has attracted so many families with small children. The beautiful parks, caverns, nice ball parks and renovations to the pool. The grounds are so kept up by our Town crews. So many people are moving in because of this quaint little Town and now we have had this bar come in and made the Town loud and noisy. My understanding is that someone was already arrested for urinating on the neighbor's fence. She said this is not what we want our children to see or be surrounded by. Since the Town receives revenue with the taxes is it worth the Town to get a bad name and for people to not want to move here. A loss revenue in that respect and that it really needs to be monitored. She read another concern of the meals and serving the children and the elderly. She said he received donations to cover the cost of the meals. She said he was supposedly confronted by a customer, who is a businessperson, and explained to him to keep good records of all the donations. Mayor Holloway said the email also had two concerns of posts that were on Facebook. Mayor Holloway said we have been working with the planning commission regarding noise because of some complaints we had received last summer. She said we have not received any complaints this summer until now. Mayor Holloway stated that with the crowd there that our officer can't enforce social distancing that has to come from the Virginia Department of Health. Mayor Holloway said since your complaint we have contacted the Fire Marshall to come out and measure to tell us how many people can be in the fenced in area. Police Sergeant Wes Baugher said that they had Joe Mullen's, Fire Marshall and Joe Shifflett, building inspector come out measure the outdoor venue and stated that they can actually have 365 people in that area. Donna Kyger asked if she could ask a question and asked what about the people blocking 8<sup>th</sup> Street. Sergeant Baugher stated that as long as the street is not blocked, they can park along it and said that they have had to have people move their vehicles that are in the way. Councilman Joshua Bailey asked if they included the alley in their count. Sergeant Baugher said he was not there when they measured and was called with the number for occupancy. Councilman Joshua Bailey asked if it was a law to parallel park off a highway. Town Manager Nathan Garrison said we do not have anything in the code only for streets with curb and guttering. Mayor Holloway said with the business being so old that parking is an issue even for the inside seating. Councilman C.W. Stephenson asked if they are current on his meals tax and utilities. Town Treasurer Rhonda Danner said that the utilities are current, and

the May meals tax is delinquent, and June is due this week. Town Manager Nathan Garrison said that he usually has to call to get him to pay his meals tax. Councilwoman Jo Plaster said that we need to address people hanging around the outside of the fence. She said that we can change our ordinances to protect our outside dining areas to keep them more in check. Councilwoman Jo Plaster said that she knows Mark Keeler and the Planning Commission has been working on decibel levels for our noise ordinance but we need to come up with more ideas of what we can do to not isolate Guss's but to protect us on other businesses. She stated that we would like to have other businesses and with this Covid-19 eating outside was a preference and like other businesses that could not partake of that, it really hurt. She stated that she received a complaint today of hearing vulgarity from blocks away. Councilwoman Jo Plaster said once you have the fuel from the alcohol, the music, and the crowd it is just an escalation and that is what we are seeing. She said it is not that we do not want them to have a neat place and environment we just want to have some control and not lack of it. Councilman Mark Keeler said he questions does our Town want a music venue different than what we already have with our parks and our Town sponsored events. He stated that he has been please with having Nathan Miller's help and suggestions to our noise ordinance and hopes to have a draft for the next Council meeting. Councilman Mark Keeler did state that the change to that ordinance will not fix everything that we have going on here but he said that if the bands are taken care of then he thinks it will help with some of the other problems that are going on there. Councilman Joshua Bailey asked if he could provide some insight on what this possible ordinance change may look like. Councilman Mark Keeler said that one section refers to decibels which includes amplified music as one of the restrictions. Councilman Joshua Bailey asked if this would cut amplified music out for outside venues or certain areas. Councilman Mark Keeler said it would be that way unless it would be Town approved or one of the exceptions like schools. Mayor Holloway said that would go before a public hearing for the ordinance change. She stated last year they received comments from a lot of people that like having the music and something going on in Town. She stated that it will be a divided topic for the Town because as a Council we hear both sides from people. Councilwoman Jo Plaster said that we do hear both sides and entertainment is nice to have and if there is a band that will draw a large crowd then maybe we should do it on a permit basis so everyone is prepared for it. She said she would hate to see us totally take away entertainment outside but feels we need to look a little more in depth on how to protect the crowd control. She stated that right now to a lot of people it seems like we have a concert venue and not a restaurant with live music. Councilman Mark Keeler said at the

last Planning Commission meeting they did discuss that businesses can apply for a permit and we did not delineate how often and if we have somebody that is working with us in the Town and it is a bona fide enjoyment for everybody and possibly benefits the Town then he sees no reason to do that. He said but we are talking about here and has been there to witness is wild and noisy and does not think that we want to see our Town represented that way. Councilman C.W. Stephenson asked if the majority of the problem is when he has live music and large crowds. Mayor Holloway said she has been told its Friday's, Saturday's, and Sunday's. Councilman C.W. Stephenson asked if we could let him use the stage at the town park. He said this would eliminate the noise problem, the parking problem and he could sell food with his food truck. He said this would also eliminate people driving off intoxicated as was claimed. Councilman Joshua Bailey said by the time we get the ordinance and Council reviews it and then we have the readings it will not be approved until October or November and those months through the winter are not usually a problem. He said he understands that people like to go locally and have a good time, but he also understands that children close by cannot sleep in their room because the noise is so loud. He said that he understands the decibel levels but also feels it will be hard to control. Councilman Joshua Bailey asked if we had to hold a public hearing to change the ordinance and Town Attorney Nathan Miller replied yes you do. Mayor Holloway said she has asked him to come to the meeting on two different occasions and does not have a problem with sitting down to talk with him. Councilman C.W. Stephenson said as long as we allow live music in a residential area, we are going to have this problem. Mayor Holloway stated that the area is zoned business. Mayor Holloway asked if we asked for an audit who would have to pay for it. Town Attorney Nathan Miller said he would think the Town would have to pay for it. Mayor Holloway said she had talked to him about coming to Council meeting and expressing his concern on receiving a late notice on meals tax during Covid and all the meals he has fixed for the kids and elderly for the Town. She said she asked him to come to Council before he went to social media blasting the Town for something, he has not expressed his concern to Council over. Mayor Holloway said that she feels that we need to let him know about the complaint we got and asked Nathan if him and Wes could go talk to him or she could go with them. Town Manager Nathan Garrison said that maybe all three should go. Councilman Mark Keeler asked if we should go ahead and add a police officer to the shift for Friday and Saturday night. Councilwoman Jo Plaster made a motion to add an additional police officer to nights there is going to be events at Guss's as needed. Councilman Mark Keeler seconded the motion. Councilman Joshua Bailey asked if that was for the whole night or just during the event.

Councilman Joshua Bailey moved to amend the motion to have an officer from 6:00 p.m. until midnight and if we cannot get part time officers, we can have an officer work overtime. Councilman Mark Keeler seconded the amendment. Council members Mark Keeler, Jo Plaster, David Raynes, Joshua Bailey and C.W. Stephenson voted in favor of the motion, motion carried.

Mayor Holloway said the next item on the agenda is seniors sign and banner update. Town Treasurer Rhonda Danner said that she has received emails and verbal consent for the second quarter of the Council's salary to go towards paying for these banners. She said that the two invoices Daniel and Muddy Feet totaled \$1,877.00 and we collected \$1,180.00 from out of Town purchases so it only left the Town paying \$697.00. She said that took right at 100.00 per members check and she will send the remaining pay out tomorrow. Councilwoman Jo Plaster said that she heard lots positive feedback and suggested that we continue to do this for our future graduates.

Mayor Holloway said the next item is committee updates. Parks Director Ashley Collier said that the pool has been doing really well and so have the caverns tours. Councilman C.W. Stephenson said that the first travel ball tournament was held at the park and he has heard a lot of good comments. He said that he talked to a lady that would like to hold a weeklong softball camp at the park. He said her daughters plays at JMU so she is hoping to get some girls from there to help with the camp. Councilwoman Jo Plaster said she attended the Little League meeting and they are delaying their decision on whether to have fall ball. She said they are waiting on VHSL to decide what they will be doing with fall sports and another delay is they have not had enough coaches step up to coach fall ball. Councilwoman Jo Plaster said for the street committee her and Nathan have been talking a lot about crosswalks and said that they need to set up a meeting to talk about things they have been planning as far as crosswalks and paving. Councilman Joshua Bailey said that the wastewater plant permit is being renewed. Town Manager Nathan Garrison stated it is in the process of being approved but a public hearing as to be held by DEQ before approval can be granted. He stated this is done every five years and he does not feel we will have any problems. Councilman Joshua Bailey said that the water and sewer committee will be setting up a meeting soon. Councilman Mark Keeler said the planning commission held a work session in June and is moving forward with the noise ordinance and hoping to be able to present Council with a draft soon. Mayor Holloway said we are out of time, meeting adjourned.

Mayor Holloway called the July 13, 2020 meeting of the Grottoes Town Council to order and welcomed citizens. Town Treasurer Rhonda Danner called the roll. Mark Keeler, Joshua Bailey, Jo Plaster, Emily Holloway, David Raynes, and C.W. Stephenson were present. Also present were Town Treasurer Rhonda Danner, Town Attorney Nathan Miller, Town Manager Nathan Garrison, Tourism and Parks Director Ashley Collier, Public Works Director AJ Hummel, and Police Sergeant Wes Baugher.

Councilman David Raynes made a motion to approve the minutes from the June 8<sup>th</sup> and June 16<sup>th</sup> meetings. Councilwoman Jo Plaster seconded the motion. Council members Mark Keeler, Joshua Bailey, Jo Plaster, David Raynes, and C.W. Stephenson voted in favor of the motion, motion carried.

#### **FINANCE**

Councilman David Raynes made a motion to approve the bill for July 13, 2020 and the remaining bills for June 2020 totaling \$82,998.09. Councilwoman Jo Plaster seconded the motion. Council members Mark Keeler, Joshua Bailey, Jo Plaster, David Raynes, and C.W. Stephenson voted in favor of the motion, motion carried.

Councilman David Raynes made a motion to approve the Treasurer's Report as presented. Councilman Mark Keeler seconded the motion. Council members Mark Keeler, Joshua Bailey, Jo Plaster, David Raynes, and C.W. Stephenson voted in favor of the motion, motion carried.

#### **STEETS AND STREET LIGHTS**

Councilwoman Jo Plaster announced that the brush site will now be open two days a month.

#### **PERSONNEL, FIRE AND POLICE PROTECTION**

Councilman Mark Keeler made a motion to convene into closed session pursuant to section 2.2-3711(A)1 of the Code of Virginia to discuss matters for the purpose of considering such person's assignments, appointment, promotion, performance, demotion, salaries, discipling, or resignation. Councilman David Raynes seconded the motion. Council members Mark Keeler, Joshua Bailey,

Jo Plaster, David Raynes, and C.W. Stephenson voted in favor of the motion, motion carried.

Councilwoman Jo Plaster made a motion to adjourn the closed session. Councilman David Raynes seconded the motion. Council members Mark Keeler, Joshua Bailey, Jo Plaster, David Raynes, and C.W. Stephenson voted in favor of the motion, motion carried.

Mayor Holloway read the certification of the closed session to the best of your knowledge that only public business matters lawfully exempted from open meeting requirements under section 2.2-3711(A)1 of the Code of Virginia as only such public business matters that were identified in the motion by which a closed meeting were heard, discussed, or considered in the meeting. Town Treasurer Rhonda Danner took a roll call. M. Keeler; so certified, J. Bailey; so certified, J. Plaster; so certified, E. Holloway; so certified, D. Raynes; so certified, C. Stephenson; so certified.

#### **NEW BUSINESS**

Town Manager Nathan Garrison stated that the Town was awarded by our insurance company the 2020 Risk Management Performance Award. Town Manager Nathan Garrison stated that after the meeting if everyone could come down front so we can get a picture for VRSA.

#### **PRESENTATION OF PETITIONS AND CLAIMS**

Ellen Showers addressed the Council and asked if there was a noise ordinance in this Town for barking dogs. She stated that her neighbor has a dog that barks constantly and when she starts barking so do three other dogs. Mayor Holloway said we do currently have a noise ordinance but not pertaining specifically to dogs. She said our Planning Commission is working on that ordinance for some other reasons like decibels and times and asked if this is something they could look into while reviewing this ordinance. Ms. Showers said that when she called and talked to Nathan about it, he told her it was a police matter. She said Officer Sullivan came down and he said he would take care of it, but she said the dog is still constantly barking. Councilman Mark Keeler thanked her for bringing this up. He said that they

are looking to make some changes and changing the enforcement of this ordinance. Councilman Mark Keeler stated that when they met last week that barking dogs was one of the additional things we highlighted because we have received concerns from citizens about this before. Mayor Holloway thanked her for coming.

With no further business to discuss, Mayor Holloway adjourned the meeting.

The Mayor called an Emergency Meeting of the Grottoes Town Council for Thursday, July 23, 2020 at 6:00 P.M. Mayor Holloway called the meeting to order and Town Clerk Tara Morris called the roll. Members present were Mark Keeler, Joshua Bailey, Jo Plaster, Emily Holloway, David Raynes, C.W. Stephenson, and Tim Leeth. Also present were Town Clerk Tara Morris, Town Attorney Nathan Miller, and Town Manager Nathan Garrison.

Mayor Holloway stated that the meeting was called to discuss personnel matters under section 2.2-3711(A)1 of the Code of Virginia to discuss matters for the purpose of considering such person's assignments, appointment, promotion, performance, demotion, salaries, disciplining, or resignation and asked for a motion.

Councilman David Raynes made a motion to convene into closed session. Councilwoman Jo plaster seconded the motion. Council members Mark Keeler, Joshua Bailey, Jo Plaster, David Raynes, and Tim Leeth voted in favor of the motion, motion carried.

Councilwoman Jo Plaster made a motion to adjourn the closed session. Councilman Tim Leeth seconded the motion. Council members Mark Keeler, Joshua Bailey, Jo Plaster, David Raynes, and Tim Leeth voted in favor of the motion, motion carried.

Mayor Holloway read the certification of the closed session to the best of your knowledge that only public business matters lawfully exempted from open meeting requirements under section 2.2-3711(A)1 of the Code of Virginia as only such public business matters that were identified in the motion by which a closed meeting were heard, discussed, or considered in the meeting. Town Clerk Tara Morris took a roll call. M. Keeler; so certified, J. Bailey; so certified, J. Plaster; so certified, E. Holloway; so certified, D. Raynes; so certified, T. Leeth; so certified.

Mayor Holloway adjourned the meeting.