

**MINUTES
REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 18, 2013
TOWN HALL – 6:00 P.M.**

Council Members:

Kyle Fletcher-Mayor
Kenneth Holbrook
Greg Bailey-Absent
Tim Boardwine
Harry Kelly
Jason Kilgore
Monty Salyer

Debora Baca - Treasurer/Clerk
Julie Hensley – Town Attorney
Bo Phillips – Chief of Police
Earl Carter – Public Works Director
Bob Harrison – IDA Chairman
Kathy Stewart – Lyric Ad Hoc Committee
Lou Wallace – St. Paul Tomorrow
Daryl Johnson – Castlewood W & S
Dickie Sargeant – Castlewood W & S
Mike Clisso, Engineering Services

The meeting was called to order by Mayor Fletcher.

Councilman Salyer asked to add “Tourism Zone” as Item #6 under Old Business. Ms. Baca requested an addition of “VRS/VLDP” under New Business. She also asked to include approval of the West Hills/Downtown Sewer Project as part of Item #2 under New Business. Councilman Holbrook moved to approve the agenda as amended. The motion was seconded by Councilman Boardwine and unanimously approved.

Kathy Stewart, representing St. Paul Tomorrow’s Lyric Ad Hoc Committee, reported that the IDA has committed funds to finish the roof of the Lyric building. The motion approved by the IDA Board was to pay 50% of the needed funding if the Town would commit to the other 50%. The amount needed from the Town and IDA to complete the roof project would be \$38,900 each. The total cost negotiated with King Construction for the roof replacement is \$109,000. Ms. Stewart asked the Town Council to allocate these funds for the Lyric. Mayor Fletcher advised that this matter would be addressed under Old Business.

Mayor Fletcher made the following announcements:

- An estimated cost submitted by Bennie Lane for bathroom repairs at Oxbow Lake is \$6,571. Mayor Fletcher suggested referring this to the Budget Committee to include it in the budget for next year. Stating his concern about the horrible conditions, Councilman Kilgore offered a motion to postpone replacing the fence at A. R. Matthews Park and reallocate this recreational money to upgrade the Oxbow restrooms. The motion was seconded by Councilman Salyer. Councilman Kelly stated that the paint colors used should be from the same color scheme the town has been using. The motion carried unanimously.
- The lights at the Veteran’s Memorial have been replaced. Mayor Fletcher said the flag will not fly at night unless the lights are working.
- The town equipment is ready for winter. Mayor Fletcher and John Hicks have been looking for a new spreader, possibly from VDOT.

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- Mayor Fletcher thanked the volunteers who decorated the Willis Building windows. Councilman Salyer expressed his appreciation for the work of Doris Fletcher and Juanita Kelly on this project.
- The Santa Train and Christmas Bazaar will be November 23rd from 10 a.m.- 2 p.m. The Christmas Tree Lighting will be held at 6 p.m. on Friday, December 6th and the Christmas Parade at 2 p.m. on Saturday, December 7th.
- The council members are invited to the employee's Thanksgiving brunch at 11 a.m. on Wednesday, November 27th at the town hall. The town hall will be closed on November 28th and 29th for the Thanksgiving holiday.
- The garbage truck holiday schedule is as follows: November 27th trash run will be picked up on November 26th; November 28th will be picked up on November 27th and regular schedule will resume on Friday, November 29th.
- The Street Department is putting up Christmas lights and will check periodically to make sure all lights are working properly.
- Officer Horner took the dog to the Federal Corrections Institute in West Virginia to participate in a prison drug search.
- The Town of St. Paul has received the Planning Grant to study a Regional Water Plant. The grant was awarded by the Virginia Department of Health in the amount of \$47,000.

Councilman Salyer asked Lou Wallace to inform everyone about the upcoming visit from the Martinsville group. Ms. Wallace explained that a group from the city of Martinsville and surrounding area received a grant from DHCD. In that grant award, the group was required to visit St. Paul and that visit is scheduled for this Friday, November 22nd.

Councilman Holbrook moved to approve the minutes of the October meeting. The motion was seconded by Councilman Salyer and carried unanimously.

A motion was made by Councilman Salyer, seconded by Councilman Kilgore, to approve the consent agenda. The motion passed unanimously.

Old Business:

Town Attorney Julie Hensley said she has not heard from School Board Attorney Scott Mullins. She has left a couple of messages and expects that he will get back to her once the School Board has approved the proposed agreement. Councilman Kilgore said both Mr. Mullins and Dr. Perry seemed receptive at his last meeting with them. Councilman Holbrook moved to leave it on the table until we hear back from them. The motion was seconded by Councilman Kilgore and passed unanimously.

Mike Clisso addressed the permits required and possible methods for removing the rock from the Clinch River cut. They have visited the site with Frank Kilgore to assess the dangers posed from the flow of water at this site. Mr. Clisso said the cost for his firm to obtain the proper permitting

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to get into the river is \$2,000. He explained several options on how the rock might be removed and estimates the total cost of removal at \$2,500. Councilman Kilgore pointed out that the boat ramp to ride down this part of the river is useless unless something is done to resolve this problem. Mayor Fletcher pointed out that Mr. Clisso would be responsible for contacting all agencies and obtaining all permits necessary to enter the river. Councilman Salyer pointed out that TVA money could possibly be used if this project ties into Oxbow Lake. Following a brief discussion about using TVA funds and how removing the rock may or may not impact Oxbow, a motion was made by Councilman Holbrook to authorize an agreement with Mr. Clisso to move forward with this project. The motion was seconded by Councilman Kilgore and a roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Absent; Salyer-Absain. Councilman Salyer abstained from voting due to a possible conflict if the Town Council decides to request the funds come from the TVA account. The motion carried 4-0.

Earl Carter reported that Mark Nash has been back to winterize the pool. It has been determined that the leak is in the skimmer lines and at some point in time will need to be repaired. Councilman Kilgore questioned whether or not it is in the skimmer lines because the water drops well below the skimmers. Mr. Carter said he believes the lines are 18" below the tile. Mr. Nash came back and pressure tested lines and Mayor Fletcher said he may be back in January to check further into the leak. Councilman Kilgore said he will get the punch list to Mr. Carter. A motion was made by Councilman Holbrook to table this matter. The motion was seconded by Mr. Boardwine and passed unanimously.

Councilman Kilgore discussed the need for a bucket truck and suggested if the Council votes to break a CD to match the IDA proposal on the Lyric roof, the balance be used to purchase a bucket truck. Councilman Salyer suggested addressing both items since the same funding source is being considered. Mayor Fletcher said he has been talking with ODP about purchasing a bucket truck from them. John Hicks has test driven one in Clintwood at a price of \$10,000. It is big enough to do about anything we may need. Councilman Kilgore said he would like to allocate \$10,000 for a bucket truck when considering the funding for the Lyric roof.

Councilman Salyer shared photographs of the Lyric building roof. He pointed out that the IDA has proposed to split the remaining balance for the roof replacement. A motion was made by Councilman Salyer to use the \$55,000 TruPoint CD, if necessary, to fund the town share of the Lyric roof replacement and the balance be used to purchase the bucket truck. Ms. Baca pointed out that cash flow will cover these expenses at the present time. She noted that the TruPoint CD doesn't mature until April and it may not be necessary to cash it in before then. This would avoid the cost of a penalty. Councilman Kelly requested to include New Business Item #7 in this motion. There is a window broken out in the Willis Building and the glass needs to be replaced. He has received one quote in the amount of \$1,044.95, and will get a second quote. Councilman Salyer amended his motion to also include the cost of replacing the broken window in the Willis Building. Councilman Kilgore seconded the amended motion and a roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Absent; Salyer-Aye. The motion passed 5-0.

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Mr. Carter asked to address Council regarding sanitary sewer for the four houses on G. B. Shortt St. He reported that Castlewood Water & Sewer had originally included these houses within the scope of their project, but only one resident is interested in having sewer service. Since Castlewood was picking these customers up at their expense, it is not economically beneficial for them to run the extra line for only one customer. Mr. Carter said an individual pump station would be required for the Town of St. Paul to service this area. Daryl Johnson explained that the line running to these four homes has been deleted from their project and they wanted to explain the situation to the Town Council. He pointed out that this saves their project quite a bit of money and eliminates an easement they have not yet obtained. Following a brief discussion regarding this matter, Mr. Carter said the town has several situations like this, but the property owners bought their own grinder pumps. Mr. Johnson and Mr. Sargeant said they wanted to make this information available so St. Paul could consider providing sewer to Mr. Crum. After further discussion about when sewer would be available, Mr. Johnson said the Town could connect into their line if they could get it to the line. Mr. Carter said we would still have the ability to hook into their line but it just will not be a gravity fed line. Mayor Fletcher suggested addressing this matter at a later time. Councilman Kelly said he would like the opportunity to speak to these four residents himself. A motion was made by Councilman Kelly to table this matter until the March meeting. The motion was seconded by Councilman Boardwine and unanimously approved.

At a previous council meeting, a committee was appointed to propose the types of businesses and incentives for a Tourism Zone Ordinance. Bob Harrison asked the Council to allow him and Ms. Baca to finish the draft of the proposed ordinance and set a public hearing date to hear comments and consider approval of the ordinance. The committee will be proposing that the Tourism Zone cover the commercial and industrial zoned area of the town. He talked about the impact of such an ordinance on anyone looking at a hotel/motel in town. Councilman Salyer moved to authorize Debbie and Bob to pursue completion of the proposed ordinance and to schedule the public hearing prior to the December 16th council meeting. The motion was seconded by Councilman Kelly and unanimously approved. A roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Absent; Salyer-Aye. The motion carried 5-0.

New Business:

Councilman Holbrook advised that the Planning Commission recommends approval of the Conditional Zoning request made by Richard Ferguson. A copy of the request and a map is included in the council packet. At their property located at the corner of Deacon Drive and Wise Street, Mr. Ferguson is proposing to construct a multi-family dwelling. They want to build a home they will be residing in and also add a rental apartment over an attached garage. The proposed structure will be built in the far back corner of the lot near the Kiser property. The Planning Commission held a public hearing, but received no opposing comments on the request. Also, no comments were received at the public hearing held prior to this meeting. A motion to accept the recommendation of the Planning Commission was made by Councilman Boardwine

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and seconded by Councilman Kilgore. A roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Absent; Salyer-Aye. The motion passed 5-0.

Councilman Holbrook also discussed a recommendation by the Planning Commission regarding the Phipps property going out of town on Rt. 63. A town resident came to the Planning Commission with a complaint and requested that the structure be eliminated from the property. Mr. Mullins advised that this has been an issue before and the property was condemned, but it was impossible to get any equipment down to the house because of the high voltage of the power lines and the underground utilities. He recommended that the house be taken down by hand, and at that time, the town decided to take no action. The Planning Commission is recommending that the Town take another look at getting rid of the building. Mayor Fletcher said he believes the owner is Rodney Phipps. He also noted that there has been a party interested in buying all of that property. Councilman Kelly moved to table this recommendation until the March meeting. A second was offered by Councilman Salyer and the motion carried unanimously.

Cody McElroy reported that VDH has awarded the Town of St. Paul \$47,000 for the Water Planning Grant. The Regional WWTP Project was advertised last Sunday and bids will be received in December. Mattern & Craig has submitted for approval the General Engineering Agreement and the Engineering Agreement for the West Hills/Downtown Sewer Project. A motion was made by Councilman Salyer, seconded by Councilman Kelly to approve the General Engineering Agreement. A roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Absent; Salyer-Aye. The motion passed 5-0.

Councilman Salyer moved to approve the engineering contract with Mattern & Craig for the West Hills/Downtown Sewer Project pending review by the Town Attorney. The motion was seconded by Councilman Kelly and a roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Absent; Salyer-Aye. The motion carried 5-0.

Mr. McElroy asked Council for approval of the Task Order for the Fluoridation Grant and Chlorine Room. He has discussed with Earl Carter the need for upgrades for chlorine space. It is being recommended that a design for the chlorine room be done at the same time as the fluoridation system, even though funds may not be available at this time to construct the chlorine room. The task order includes \$7500 for the fluoride system project and \$2500 for the chlorine room design. The grant will pay for the \$7500 and the Town would have to pay the \$2500. A motion to approve the Task Order as proposed was made by Councilman Holbrook, seconded by Councilman Boardwine, and approved by unanimous vote.

Chief Phillips proposed implementation of an Auxiliary Police Force. He reviewed the Code allowing the establishment of an auxiliary police force and the guidelines from the Department of Criminal Justice. The training level Chief Phillips is suggesting is Level Three which allows officers to be sworn in with limited duties, prohibits them from carrying a firearm, and must meet certain training requirements. There was a brief discussion about how the auxiliary officers would be utilized and about previous problems with using an auxiliary force. Upon inquiry by

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Councilman Salyer, Chief Phillips said he would open the application up to anyone interested and background checks will be done on anyone being considered. Mayor Fletcher said there would be no more than four auxiliary officers. A motion was made by Councilman Salyer to begin an auxiliary program for the Police Department with the guidance of the Chief of Police and the Mayor. The motion was seconded by Councilman Kilgore and there was a brief discussion about whether or not an ordinance was necessary. Councilman Salyer amended his motion to state "pursuant to the approval of our attorney". The amended motion was seconded by Councilman Kilgore and the motion carried unanimously. Ms. Hensley said she would review to see if an ordinance or a resolution is required and try to get back to them by the end of the week.

Some West Hills residents have contacted Councilman Boardwine asking him to look at the West Hills Subdivision sign. He reported that there is some bleed through paint on the board and some of the sign is rotten. The sign was originally placed there by a few of the West Hills residents who designed and painted the sign themselves. Councilman Boardwine said he would like to see the Town replace the sign. Councilman Salyer said he would like to be able to assist with the upkeep of the subdivision signs. Kathy Stewart said she could not find an account of a home owners association for West Hills. Ms. Baca pointed out that the Gray Hill sign is on private property, but this West Hills sign is on public property. Mayor Fletcher pointed out that the Council has two choices; either declare that the subdivision residents must take care of their own signs or the Town can take on the responsibility of maintaining the signs. Lou Wallace agreed to furnish the overlay at her cost through Design Printers as a contribution to the community if the Town will furnish the board. Councilman Salyer moved to authorize Councilman Boardwine to work with Earl Carter and Lou Ann Wallace to create something to present to Council at the December meeting. The motion was seconded by Councilman Holbrook and passed unanimously.

Councilman Kilgore pointed out that additional street lights are needed at 4th Avenue and Wise Street near the Ferguson property. He has received a few complaints about the lighting, and the sidewalks in that area are in bad shape. He suggested that sidewalk repair be considered in our next budget year and discussed a rubber material used in the North and out West that would stand up better because of the truck traffic in that area. Councilman Kilgore asked that ODP be contacted to request additional street lights; one at the corner of 4th and Wise and on the poles that are in the alley off Deacon Drive between Wise and Buchanan streets. He also asked that a request be made to ODP to place a brighter light on the opposite side of the street by the church. Mayor Fletcher said he will contact Old Dominion. Mayor Fletcher and Councilman Kelly also commented on the need to assess all of the sidewalks and lay out a plan to replace them a little at a time, beginning with the worst ones first.

Ms. Baca reviewed the bids received on the vehicles advertised for sale. She reminded the Council that it was stated in the ad that the town reserved the right to reject any and all bids. A copy of the bids submitted was presented to Council. Mr. Carter pointed out that he will be without a vehicle if they sell the black Jeep. Following a brief discussion about the high bids for

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each vehicle, Councilman Salyer asked if any bidder was an employee or associated with a town employee. Ms. Baca said that, to her knowledge, none of the bidders are associated with any town employee. Ms. Baca said the money from the sale of these vehicles could be used toward the purchase of a bucket truck. It was agreed to reject all bids on the black Jeep, the bucket truck and the 1969 Fire Truck. A motion was made by Councilman Salyer to accept the high bid on the maroon Jeep and the yellow service truck. The motion was seconded by Councilman Holbrook and passed unanimously. Next, Councilman Salyer moved to authorize Councilman Kilgore to place the bucket truck and fire truck on E-Bay with a reserve of \$1,000 and \$3,000 respectively. The motion was seconded by Councilman Holbrook and unanimously approved.

Ms. Baca opened the only bid received for painting the Railroad Museum. The bid was from Joe Jordan Painting and the job was bid at \$2,976.13. This work would include prepping, scraping, and painting the exterior of the Railroad Museum. Through a previous advertisement, the only bid received for the Railroad Museum was approximately \$16,000 for the painting work and some minor repairs, and that bid was rejected. Mr. Jordan clarified his bid, stating that he is a small company with one employee and is not required to carry worker's compensation. If the Town requires him to carry workers comp for this job, it would add \$1,800 to the cost of the project. A copy of his liability insurance has been provided. Ms. Baca advised that \$7,000 each of the three building included in the proposed building improvement project, but Council voted to use all \$21,000 on the library, eliminate the additional work on the pool building, and rebid just the painting of the museum. Following discussion about funding this project, a motion was made by Councilman Salyer, seconded by Councilman Boardwine to accept Mr. Jordan's bid as presented. Councilman Kelly said he would like to see him start now. Councilman Salyer amended his motion to state that the project should begin within the next thirty days. Ms. Baca pointed out that weather could be a driving factor. The motion was unanimously approved.

Councilman Salyer moved not to fund the request from Lebanon High School. The motion was seconded by Councilman Boardwine and passed unanimously.

A copy of a letter from Clinch River Days to the IDA asking for their support for the upcoming year was presented by the Treasurer. Ms. Baca asked Council if they would like to make an actual donation to the event or if they will continue to offer support through providing labor, equipment, and other assistance. A motion was made by Councilman Salyer to continue to support Clinch River Days through use of manpower, equipment, and support. The motion was seconded by Councilman Kilgore and carried unanimously.

Councilman Holbrook moved to adopt the Resolution to Endorse the Concept of Fair Housing. The motion was seconded by Councilman Boardwine and the resolution was approved by unanimous vote.

Mayor Fletcher reminded Council of the Legislative Breakfast to be held on November 25th. He will be attending and anyone else interested in attending should let Ms. Baca know. Councilman Kilgore plans on attending and Councilman Kelly will let the office know tomorrow.

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Ms. Baca reviewed the information concerning the new state mandate to provide disability for VRS Hybrid Plan employees. Political subdivisions can opt out of the VLDP through VRS, but would have to provide the same coverage through either another source. If the town chooses to opt out of VRS, the decision is irrevocable. Due to the late information being received on other plans and no guarantee on the rates being currently offered, Ms. Baca recommended providing the disability coverage through VRS. The company that will handle the disability insurance for VRS is Unum. Councilman Salyer commented on other entities making a similar determination. Following a brief discussion about the Hybrid Plan and the VLDP, a motion was made by Councilman Holbrook, seconded by Councilman Kelly, not to opt out of the VRS per recommendation of the Treasurer. The motion was passed unanimously.

A motion was made by Councilman Holbrook to enter into Closed Session to discuss Acquisition & Disposition of Property under VA Code Section 2.2-3711(A)(3) and Legal under VA Code Section 2.2-3711(A)(7). The motion was seconded by Councilman Boardwine and a roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Absent; Salyer-Aye. The motion passed 5-0.

Upon return to Open Session, a motion was made by Councilman Holbrook, seconded by Councilman Salyer, certifying that the only matter discussed in Closed Session was Acquisition & Disposition of Property under VA Code Section 2.2-3711(A)(3) and Legal under VA Code Section 2.2-3711(A)(7). A roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Absent; Salyer-Aye. The motion carried 5-0.

A motion was made by Councilman Salyer to authorize the Town Attorney to work with Linda Tiller on the request from Mr. Molinary. The motion was seconded by Councilman Holbrook and carried unanimously.

A motion to enter back into Closed Session to discuss Personnel under VA Code Section 2.2-3711(A)(1) was made by Councilman Holbrook, seconded by Councilman Kilgore, and approved by roll call vote: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Absent; Salyer-Aye. The motion passed 5-0.

Upon return to Open Session, a motion was made by Councilman Holbrook, seconded by Councilman Kilgore, certifying that the only matter discussed in Closed Session was Personnel under VA Code Section 2.2-3711(A)(1). A roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Absent; Salyer-Aye. The motion carried 5-0.

Councilman Salyer moved to adjourn. The motion was seconded by Councilman Kelly and passed unanimously. Mayor Fletcher adjourned the meeting.

Mayor

Clerk