

**MINUTES  
REGULAR COUNCIL MEETING  
MONDAY, AUGUST 21, 2017  
TOWN HALL – 6:00 P.M.**

**Council Members:**

Kyle Fletcher-Mayor  
Kenneth Holbrook  
Greg Bailey  
Tim Boardwine  
Josh Sawyers  
Harry Kelly  
Monty Salyer

**Others Present:**

Debora Baca – Clerk/Treasurer  
Julie Hensley – Town Attorney  
Jonathan Johnson – Police Chief  
Bob Harrison – IDA Chairman  
Kathy Stewart – Main Street  
Jason Snapp – Mattern & Craig  
Lou Wallace – St. Paul Tomorrow  
Bill Wallace – Special Project Coord.  
Karen Dickenson – SPES Principal  
Fred Meade – Property Owner

Mayor Fletcher called the meeting to order at 6:03 p.m.

Councilman Salyer asked to remove Item #5 from new business. Councilman Bailey requested that no action be taken on Item #6 under old business until after closed session. A motion was made by Councilman Holbrook, seconded by Councilman Kelly, to approve the agenda as amended. The motion passed by unanimous roll call vote.

SPES Principal Karen Dickenson gave an update on the elementary school, reporting that St. Paul Elementary has 32 new students making it the largest enrollment in Wise County schools. She thanked the town council for providing a stem coordinator and invited them to the school to see what all is happening in the stem program. Aeronautics is being taught two days a week for grades fourth and fifth. Eastside is sending students to St. Paul on Fridays. Also, the school is conducting a “Stem Challenge” for grades third through fifth every Friday and students will soon be learning engineering through Minecraft. Ms. Dickenson reported that St. Paul Elementary is ranked the highest in Wise County Schools according to the SOL test scores and Wise County Schools has went from fourth to third in the state. She discussed her vision for St. Paul Elementary and St. Paul High School. Ms. Dickenson said she is willing to work with the town regarding the weight room. She talked about all of the things going on in St. Paul and again emphasized that all of this could not be accomplished without the cooperative effort of the town. Mayor Fletcher said the town has always and will continue to provide assistance and work together to make St. Paul schools the best.

Fred Meade addressed the town council requesting that water and sewer be made available to his property where Hicks Market is located along Highway 58A. This business has water hauled to their site and they pay Blevins Septic to provide a portable toilet. Mr. Meade met with Earl Carter and Earl said the water line would have to come from the tank, which is about 900 feet from the business. There was discussion about an old water line approximately 200 feet closer to the property and options on how a water line could be laid to get to this property. Councilman

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Boardwine said he looked the property over with Johnny Hicks and they talked about coming from the line near the Turner property in West Hills. It was pointed out that Castlewood has a sewer line running along Highway 58, right in front of Hicks Market. Mr. Meade said the sewer isn't helpful unless they can get water. Following further discussion about options and costs, Mayor Fletcher appointed a committee of Councilman Holbrook, Earl Carter and Fred Meade to report back to Council after reviewing this request and consider the best route for a water line and the costs involved. Councilman Salyer noted that, at some point, property owners are going to have to pay so we need to get an estimate of cost. Jason Snapp said he can get back to the group with a current cost.

Main Street Manager Kathy Stewart reported that two wayfinding signs will be installed near Wise Street and Fourth Avenue and one stop sign at Fifth Avenue and Broad Street. Installation should begin on Wednesday. Main Street will be replacing their signs and they would like to move the sign that is on Highway 58, moving it closer to the downtown turn at the Donut Connection where the current St. Paul Deacon sign is located. They could move the Deacon sign out to where the Main Street sign currently sits on Rt. 58. Ms. Stewart said the Sol Smart Committee is working with Wise County to make St. Paul a certified solar community. Lou Wallace is heading up that committee work. There will be a meeting in St. Paul on September 19<sup>th</sup>. The ARC grant is pending final approval. At this time, the plan is to use the local \$135,000 for bidding and contract documents, using approximately \$165,000 toward construction that would allow the town to complete quite a bit of exterior work. Once final approval is granted by ARC, Joy Rumley will likely be assigned to assist with the grant. Bingo will be held as scheduled on Saturday, September 2, 2017. St. Paul Tomorrow has another bus tour scheduled on September 16, 2017 for an elk viewing. Councilman Bailey thanked Ms. Stewart for representing St. Paul at two different events held during brew month.

Mayor Fletcher made the following announcements:

- 1) West Hills Sewer was advertised for bids on Sunday, August 20<sup>th</sup>.
- 2) A dumpster will be parked in the alley between Giovanni's and the Western Front Hotel. This is a temporary arrangement to allow the construction crew to start clearing the hotel lot and lay the power line but still be able to remove the construction debris.
- 3) The pallets have been removed by the town. The appropriate property owners will be billed for the removal costs.
- 4) Mayor Fletcher received proposed language from Robert Mullins regarding parking procedures. He has referred this matter to the Planning Commission. Once they have reviewed, it will come back to the town council.
- 5) The tree behind the Clinch Valley Times has been removed by Old Dominion Power Co. This will clear the power line access to the hotel building.

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Ms. Baca said Councilman Boardwine called her to express concern about the wording concerning the Lyric Project in the last paragraph on page three of the minutes. His concern is that the mayor's comment implies we got a \$700,000 grant by committing \$300,000. He voted against this action and asked to clarify in the minutes that they mayor was only stating an example. Councilman Boardwine moved to approve the minutes with the change. Ms. Baca said she will change the minutes by noting that he was stating an example. Councilman Salyer seconded the motion, suggesting that the sentence just begin with "As an example, Mayor Fletcher..." Councilman Holbrook asked that the vote be corrected on page 3 and page 6. Councilman Boardwine added to his motion to correct the vote to 4-1 on page 3 and page 6. Mayor Fletcher asked for a roll call vote: Kelly-Aye; Sawyers-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Abstain(since he was absent at the July meeting); Salyer-Aye. The motion carried 5-0 with one abstention.

Under the Consent Agenda, Chief Johnson reported that the police department received a Byrne Justice grant in the amount of \$7,011 to be used to purchase computers. The department has also received two DMV grants; one is a DUI Grant for \$5,678 to purchase equipment and pay overtime and the other is a Speed Grant for \$1,830 to be used for overtime. The St. Paul Police Department participated in the back-to-school bashes at St. Paul Elementary and at Clinchview Apartments.

Ms. Baca reported that \$250,000 has been transferred into the Virginia Investment Pool and is reflected on the Cash Fund Balance sheet.

Mayor Fletcher said Earl Carter was unable to attend the meeting. Ms. Baca relayed a message from Earl that if anyone had questions, he could be reached on his cell phone.

Presenting the project report, Jason Snapp said he checked the water line cost. In a contractor bid situation, the high end would be about \$30 per foot and the low end is around \$10 per foot. If you do the work in house, it may even be cheaper than that. The pre-bid conference for West Hills Sewer Project will be next Thursday and the bid opening will be on September 14<sup>th</sup>. We are still waiting on one railroad permit and approval from VDH on the hydraulic model for the downtown project. Ms. Baca said VRA has sent an offer letter on the downtown water project.

A motion was made by Councilman Holbrook, seconded by Councilman Boardwine, to approve the Consent Agenda items. The motion carried unanimously.

**Old Business:**

Councilman Kelly said he got a quote from Estes Brothers. The contractor who submitted the lowest quote still has not provided a contractor's license. The Estes Brothers quote is now the lowest one received at \$36.62 per linear foot, including removal and replacement of sidewalk

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with 4 inch thick concrete and metal forms. Councilman Kelly said he now has three quotes not counting the one from the contractor that does not have a license. Following a brief discussion about whether or not council is willing to accept a contractor that does not have a license, the town attorney said pursuing someone out of state who does not have a contractor's license would be a nightmare. Councilman Kelly offered a motion to give the contract to Estes Brothers. The motion was seconded by Councilman Boardwine. Councilman Salyer asked if the budgeted money would cover this. Councilman Kelly said this would cover most of the sidewalks selected by the Street Department Committee, noting that Councilman Sawyers will now replace Councilman Kilgore on that committee. Councilman Bailey said in his particular section, one of the things always mentioned is the trees in front of his house breaking the concrete. They do not want to remove the trees and asked Council to entertain a proposal that the contractor tear out the old sidewalk and allow the Bailey's to pay to replace it with brick and sand. Mayor Fletcher said he would rather address the motion on the floor first. Councilman Bailey said the motion was regarding sidewalks and that is what he is discussing. Councilman Salyer asked for confirmation that the town would pay to tear it out and the Bailey's would pay to replace it. Councilman Bailey said he is proposing that they be allowed to replace the sidewalk with brick and sand so that it can move with the tree roots and they would pay any costs above the \$36.62 per linear foot. There was discussion about whether this should be a second motion. Ms. Hensley said it could be an amendment to the original motion. Ms. Baca pointed out that Councilman Bailey could vote on the motion to accept Estes Brothers as the contractor, but he should not vote on the motion regarding his proposal. Councilman Sawyers said if this is going to be offered to one property owner it should be opened up to the others who may want to go that route. Mayor Fletcher said he still thinks the council should first vote on the original motion. Following further discussion, Councilman Holbrook called for the question on the original motion and a roll call vote was taken: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Sawyers-Aye; Kelly-Aye. The motion carried 6-0. Mayor Fletcher asked if council would like to entertain another motion regarding Councilman Bailey's request. There was lengthy discussion and debate about offering the property owners an option to use brick and pay for anything above \$36.62. Other matters discussed were sidewalks to be selected for repair, requirements that only one type of brick could be used for consistency and who would maintain the brick sidewalk. Mayor Fletcher said we need to move on with getting the sidewalks done. Councilman Bailey said his concern is wasting money by pouring concrete where big trees are located. A motion was made by Councilman Salyer to send private property owners adjacent to the sidewalks chosen a letter offering an option to pay the difference to have brick installed if they choose. Mayor Fletcher said it needs to be clear that the property owner would have to pay for the brick and installation. Ms. Baca said she would first need a list of the sidewalks selected before letters could be sent. The motion was seconded by Councilman Boardwine. Councilman Holbrook added that trees have been a problem and Councilman Bailey's concept could prevent the town from having to go back and repair these sidewalks over and over. Councilman Sawyers asked that the town set a time frame to be placed on the property owner for replacing the sidewalk. There were comments that it would be necessary to have an agreement between the town and the

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property owner outlining the details. Mayor Fletcher asked for a roll call vote: Kelly-Nay; Sawyers-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Abstain; Salyer-Aye. The motion passed 4-1 with Councilman Bailey abstaining. The Council agreed that property owners should have a time limit to respond. Mayor Fletcher stated his concern about how it will look to have spots of brick on one sidewalk.

Jason Snapp said Dominion has agreed to kick in \$42,736 to upsize the generator for the grit chamber. This will allow for installation of a generator large enough to meet the water supply needs of the power plant. He recommended a proposed letter of agreement for the Town and Dominion to sign. A motion was made by Councilman Holbrook, seconded by Councilman Bailey, to authorize Mayor Fletcher to sign the letter of agreement recommended by Mattern & Craig regarding the grit chamber generator. The motion passed unanimously.

Councilman Bailey talked about people setting up yard sales on a regular basis and suggested consideration of an ordinance. He noted that we have an itinerant merchant fee but nothing has been found that addresses yard sales. Ms. Baca reminded council members that over a year ago Councilman Salyer brought a sample yard sale ordinance from Wise for everyone to look over and consider something similar, but it was never brought up again. Councilman Salyer said he would be glad to get a copy of that for everyone to review. Councilman Bailey made a motion to table this item pending receipt of the sample ordinance. The motion was seconded by Councilman Holbrook and passed unanimously.

IDA Chairman Bob Harrison reviewed the resolution adopted by the Southwest Regional Recreation Authority Spearhead Trails Board. Councilman Bailey stated concern that Spearhead Trail police pulled all of their equipment out of his building and they no longer have any presence in St. Paul. In response to Councilman Sawyers inquiry about the site selection for their maintenance building, Mr. Harrison said it is the triangle property near Dollar General. Councilman Bailey also discussed Spearhead destroying the beaver dam. The resolution basically says they commit to putting their maintenance building in St. Paul and will continue to look for a location in St. Paul for their office. There was discussion about having stipulations in a Moral Obligation Bond before one is offered to VRA. Mr. Harrison suggested this matter be tabled to allow time to find out why they have pulled their equipment out. Councilman Bailey moved to table this matter. The motion was seconded by Councilman Holbrook and passed unanimously.

Ms. Baca presented a draft of the RFQ for legal counsel. After stating his confusion about why this was brought up last month, Councilman Holbrook moved to approve the RFQ to be sent out next May or June. The motion was seconded by Councilman Boardwine and carried unanimously.

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Bill Wallace reported progress on the signage project. The town has received a land use permit from VDOT that is good through July, 2019. VDOT made some insignificant changes to ATV sign map resulting in a cost that is about \$500 less than originally projected. The ATV signs have been ordered and are expected to be here in about 40 days. The final cost was \$3,653.30. VDOT will mark the location where the signs should be placed and the town will be responsible for the placement of signs. Mr. Wallace has received an estimate on the cost of the big guide signs that are proposed for Route 58. The signs are about 40 square feet and the proposal is to have two on the east and two on the west end of town. The cost from Virginia Logos for four signs, including permitting and installation is \$23,222.35. There is an option to go with other vendors, however it doesn't appear it would be much of a savings and Virginia Logos still has to approve it. He provided example pictures of the signs. Mr. Wallace said this completes his work and it is entirely up to the council now whether or not they want to purchase the guide signs. Mayor Fletcher noted that Councilman Bailey requested that no action be taken on this matter until after closed session.

Mayor Fletcher called for a 10 minute recess. The meeting reconvened at 8:05 p.m.

**New Business:**

Ms. Baca reviewed a letter from Virginia Resource Authority offering the funding package from the Virginia Department of Health which includes a \$510,730 repayment loan and a principal forgiveness loan in an amount up to \$136,000 for a total funding package of \$646,730. This offer is to fund the water line portion of the Comprehensive Downtown Project. After reviewing the interest rate and terms offered, a motion was made by Councilman Boardwine to approve the offer letter from Virginia Resource Authority. The motion was seconded by Councilman Bailey and a roll call vote was taken: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Sawyers-Aye; Kelly-Aye. The motion passed 6-0.

Ms. Baca presented the Resolution of Governing Body and Code of Conduct Resolution required as part of the application for Rural Development Funds for a new fire truck. A motion was made by Councilman Holbrook to approve the Resolution of Governing Body and the Code of Conduct. The motion was seconded by Councilman Boardwine and a roll call vote was taken: Kelly-Aye; Sawyers-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Aye; Salyer-Aye. The motion passed unanimously.

A proposed agreement between the Town of St. Paul and the Wise County PSA was reviewed by Ms. Baca. Alan Harrison of Wise County PSA drafted the agreement and has been working on the language with their attorney. The final draft is being proposed to all towns in the Wise County PSA area. It would create a network where any water customer that went to PSA to get water would have to pay all past due water bills to any other participating entity and vice versa. The goal is to eliminate people moving from different localities in the area and getting water at a new location while leaving a balance at their previous location. If the agreement is approved, the

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Town of St. Paul would be able to collect some past due water bills and we would be agreeing not to provide water to a customer who has an unpaid bill at the PSA. Ms. Baca said details of how it will work are still being resolved. A motion was made by Councilman Holbrook to approve the agreement with Wise County PSA. The motion was seconded by Councilman Salyer and a roll call vote was taken: Kelly-Aye; Sawyers-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Aye; Salyer-Aye. The motion passed unanimously.

Councilman Bailey introduced the proposed resolution supporting construction of a hydroelectric pumped storage facility in the Virginia Coalfield Region and the concept of revenue and cost sharing among the city and county governments in the VCEDA area for any tax revenue and cost derived from the facility. He noted that all town councils, Board of Supervisors, and IDA Boards are being presented with a similar resolution. Councilman Bailey moved to approve the Resolution. The motion was seconded by Councilman Salyer and a roll call vote was taken: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Sawyers-Aye; Kelly-Aye. The motion passed 6-0.

Councilman Bailey said he has talked with Mayor Fletcher about the weight room at the school being made available for public use. Mayor Fletcher reported that in the past there has been some problems keeping it open to the public. He has had discussion with Karen Dickenson about this matter, making her aware that the town furnished the weight room through a grant. She is receptive but wants a Wise County employee to open and close. She is trying to work on a schedule to keep it open two nights per week until 9 p.m. Mayor Fletcher has asked that it be open three nights per week. He said she may approach the town at some point to assist with the cost of overtime to monitor the weight room. Councilman Salyer stated concern about hurting a private business that offers this service. It was pointed out that the other gym in town has been there for 24 years, even when the school weight room was open every day. Councilman Salyer moved to ask Mayor Fletcher to continue collaborating with the school to open the weight room at a time that is agreeable. The motion was seconded by Councilman Boardwine and passed unanimously.

Discussion regarding the algae growing in Oxbow Lake was brought to the floor by Councilman Bailey. He stated concern that the algae has continued to get worse and we need to figure out what is going on. Ms. Baca added that several people buying fishing license has commented on this issue. There was a brief discussion about the cause and effect it could have on Oxbow Lake. Councilman Bailey asked Mayor Fletcher to contact Game & Inland Fisheries. Mayor Fletcher said he will make contact with that agency, but will also talk to Earl and John as well.

Councilman Bailey discussed the need to get the codification of town ordinances completed. He was told by an attorney that has represented the town that our ordinances are in dire need of being revised to be compliant with state code. The codification process was started a couple of years ago and Councilman Bailey suggested getting an intern or someone to help Debbie to get these scanned and sent to the company that has been hired to do the codification. Ms. Baca said

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getting the ordinances scanned and emailed to Municode is very cumbersome. She expressed that any help getting this done would be appreciated. Councilman Bailey offered a motion to authorize him to get an intern from UVA-Wise to assist with this project. The motion was seconded by Councilman Holbrook and passed unanimously.

Councilman Holbrook submitted his resignation from the Planning Commission, effective September 1, 2017. There is a state statute that states only one council member can serve on the Planning Commission. Since Josh Sawyers was appointed to fill a vacant seat on the town council, one of them must resign. Councilman Holbrook and Councilman Sawyers talked it over and Councilman Holbrook believes it is in the best interest of the town for Councilman Sawyers to remain on the Planning Commission, with his term running concurrent with his council term. To allow time for council members to consider a new appointment, he asked that the appointment to fill his seat on the Planning Commission be placed on the agenda next month. Mayor Fletcher said he considers the resignation and recommendation from Councilman Holbrook a motion and asked for a second. Councilman Boardwine seconded the motion and it carried unanimously.

Ms. Baca asked the council to consider having an exhibit at the VML Conference in Williamsburg. The cost is \$800 and we have plenty of people going to monitor the booth. A motion was made by Councilman Holbrook to purchase a booth at the VML Conference. The motion was seconded by Councilman Bailey and passed by unanimous roll call vote: Kelly-Aye; Sawyers-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Aye; Salyer-Aye.

Council reviewed an email from Shawn Lindsey, Director of Spearhead Trails, requesting towns to respond to his ideas of a Spearhead Trail Fest. Following discussion about what Mr. Lindsey is asking and what the event would entail, Councilman Salyer moved to send a response to Spearhead Trails that the Town of St. Paul is interested in the idea and would be willing to participate in an organizational meeting. The motion was seconded by Councilman Sawyers and passed unanimously.

A motion was made by Councilman Salyer to donate the same amount as last year to sponsor a St. Paul Elementary National Honor Society student trip to Williamsburg. The motion was seconded by Councilman Boardwine and passed unanimously.

A motion was made by Councilman Salyer to purchase the \$250 silver package advertising for Eastside High School sports. The motion was seconded by Councilman Holbrook and passed unanimously.

Ms. Baca advised that the cost to renew the Town of St. Paul banner advertisement through the Castlewood High School Athletic Boosters is \$75.00. Councilman Holbrook made a motion to



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renew the banner advertisement. The motion was seconded by Councilman Kelly and unanimously approved.

Councilman Holbrook made a motion to enter into Closed Session to discuss Personnel under VA Code Section 2.2-3711(A)(1) and Legal under VA Code Section 2.2-3711(A)(7) and Contracts under VA Code Section 2.2-3711(A)(30), and that Bob Harrison be asked to stay. The motion was seconded by Councilman Boardwine and a roll call vote was taken: Kelly-Aye; Sawyers-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Aye; Salyer-Aye. The motion carried 6-0.

Councilman Holbrook moved to return to Open Session. The motion was seconded by Councilman Boardwine and a roll call vote was taken: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Sawyers-Aye; Kelly-Aye. The motion passed 6-0.

A motion was made by Councilman Holbrook, seconded by Councilman Boardwine, to certify that the only matters discussed in Closed Session were Legal under VA Code Section 2.2-3711(A)(7) and Contracts under VA Code Section 2.2-3711(A)(30). The motion carried by unanimous roll call vote: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Sawyers-Aye; Kelly-Aye.

Councilman Salyer moved to send a response to Todd Morgan's letter of July 21, 2017 upon review and approval by the attorney. The motion was seconded by Councilman Bailey and passed unanimously.

Councilman Sawyers asked about Item #6, Signs and Logos, commenting that it was to be addressed following closed session. A motion was made by Councilman Bailey to table this item. The motion was seconded by Councilman Boardwine and a roll call vote was taken: Kelly-Aye; Sawyers-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Aye; Salyer-Aye. The motion carried 6-0.

There being no further business, a motion to adjourn was made by Councilman Salyer, seconded by Councilman Boardwine, and passed unanimously. Mayor Fletcher adjourned the meeting.

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Mayor

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Clerk