

**MINUTES  
REGULAR COUNCIL MEETING  
MONDAY, JANUARY 16, 2017  
TOWN HALL – 6:00 P.M.**

**Council Members:**

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

**Others Present:**

Debora Baca – Clerk/Treasurer  
Julie Hensley – Town Attorney  
Earl Carter – Public Works Director  
Jonathan Johnson – Police Captain  
Bob Harrison – IDA Chair  
Jennifer Baker – Chafin Law  
Jim Elliott – Attorney (Hills)  
Kelly Miller – DEQ  
Lou Wallace – SP Tomorrow  
Kathy Stewart – Main Street

The meeting was called to order by Mayor Fletcher at 6:00 p.m.

Councilman Kelly asked to add West Hills Sewer Project to the agenda as #6 under old business. Councilman Holbrook moved to approve the agenda as amended. The motion was seconded by Councilman Boardwine and unanimously approved.

Under public request and presentations, Mayor Fletcher pointed out that two public hearings have been held regarding the rezoning request and there will be no more public comment concerning the rock quarry, and no further opportunity to speak in favor or against it.

Kelly Miller from Virginia Department of Environmental Quality works in the Storm Water Management Program and has been working with a committee on a grant received to improve storm water issues in downtown St. Paul. She discussed another grant opportunity through the Local Storm Water Assistance Fund. This grant is offered to help localities with storm water management and flooding. She said the intention of this grant is to improve water quality and St. Paul, being located on the Clinch River, is in a very good position to be eligible for this grant. Virginia Tech did a plan that had small low impact development projects that could help the downtown flooding situation. Ms. Miller said the Town of St. Paul would have to be the entity to submit the application for the grant, support and manage it. Her group would complete the application and seek the 50% match funding. She advised that the grant application is due February 17<sup>th</sup>. Councilman Salyer asked if this is something that could be done through St. Paul Tomorrow. Ms. Miller said she would check on that, but the applicant must be a local government. They would assist with all of the work. Following discussion about the timeliness of the next council meeting for approval to apply, Ms. Miller said they could go ahead and start

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Councilman Salyer commented if the meeting falls prior to the application deadline date, it can be approved at that time.

Richard Childers was on the agenda to speak but was not in attendance.

Kathy Stewart, Main Street Manager, announced that there will be a Strategic Planning workshop on February 7<sup>th</sup> and 8<sup>th</sup> and encouraged everyone to attend. Virginia Main Street has hired a facilitator and the purpose is to develop a new strategic plan because most of the goals in the last plan from 2005 have been met. If anyone has anything they would like to have put on the agenda for discussion at the workshop should contact Ms. Stewart. There will also be a Business Challenge planned for April and details will be forthcoming in the next couple of weeks.

Bob Harrison mentioned that the IDA might be able to be the applicant for the DEQ grant. He offered an update on the Western Front Hotel. Work has begun inside the building. Beginning this month, there will be monthly construction meetings. Mr. Harrison said the IDA will be meeting with VRA next week in Richmond and that piece of financing will complete the funding package for the hotel project.

Lou Wallace discussed the Feastival, an event that will be held in St. Paul on June 17<sup>th</sup>. This event is part of the two weeks of Mountain Music planned by the Crooked Road that takes place all over the 19 county region. St. Paul was selected as one of the sites to host the Feastival for this year. The Feastival is a dinner with specialty foods and entertainment. The committee that will be working on this project is Lou Wallace, Juanita Kelly, Doris Fletcher, Suzy Harrison, Kathy Stewart, Kimberly Christner of Cornerstone Hospitality, Travis Milton, Chef and Partner with Creative Boutique Hotel Group, and several others representing The Crooked Road and Round the Mountain. The Committee has decided to host an artisan for each of the three Feastivals. Ms. Wallace asked the Town to consider a sponsorship for this event to sponsor the artisan piece. This would be an opportunity for the Town of St. Paul to be a part of this event. The platinum sponsorship is \$3,000.

Under Announcements, Mayor Fletcher reported on the following:

- 1) Mayor Fletcher has talked with the pallet business on Riverside Drive and it appears he is getting some business. Robert Mullins wrote a letter to the property owner to advise that he is in violation of the Building and Maintenance Code and must clear the property. Mayor Fletcher spoke with the property owner and explained he would have to respond to Mr. Mullins. Councilman Salyer asked that Robert Mullins report to the Council regarding this matter.

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- 2) The final draft of the St. Paul Comprehensive Plan is complete and is awaiting VDOT approval for the transportation portion. Once VDOT has approved, everyone will have an opportunity to review the five year plan.

Councilman Boardwine offered a motion to approve the minutes of the December 19, 2016 council meeting and public hearing. Councilman Kilgore seconded the motion and a roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Abstain; Salyer-Aye. The motion passed 5-0 with Councilman Bailey abstaining because he was absent at the December 19<sup>th</sup> meetings and cannot verify the minutes.

Captain Jonathan Johnson asked for permission to do a virtual golf tournament as a fundraiser for the Kid's Fishing Tournament. There will be prizes for the two top winners and the entry fee will be \$50 for two people. The cost for the prizes will be about \$250 for the prizes and Captain Johnson hopes to raise money from this first time event.

Councilman Salyer asked Captain Johnson to look into getting the trailers sitting in parking spaces moved. He noted that he has asked for them to be removed several times and they are still there. Captain Johnson said he will look into it. A motion was made by Councilman Holbrook, seconded by Councilman Kelly, to approve the Consent Agenda. The motion carried unanimously.

Mayor Fletcher recessed for ten minutes to allow time for council members to read new documents presented by Jim Elliott, Attorney for Bobby and Bernice Hill.

**Old Business:**

The first item under old business was the request for a zoning text amendment and request to rezone the Hill property from R-2 (Residential) to I-1 (Heavy Industrial). Mr. Elliott had submitted a written rebuttal to comments from Mike Clisso and stood at the podium to speak on the issue. Attorney Jennifer Baker advised Mr. Elliott there is no additional presentation to be heard on this matter. Mr. Elliott argued that the matter was tabled from the previous meeting to be discussed tonight. Mayor Fletcher said that he has already stated there would be no more comments on this issue and the public hearing was closed. Ms. Baker advised that action on this matter was tabled but the public hearing was closed. She further stated that Mr. Elliott is on video stating he no longer wants to have public hearings on this matter. Mr. Elliott agreed, saying that he just wanted to summarize their position. Ms. Baker told him he has already had an opportunity to do so. Mr. Elliott stated his disagreement and Mayor Fletcher said the Chair will not allow any continuation of comments. Mayor Fletcher announced the first item under Old Business is the application of Bobby and Bernice Hill which was the subject of a public hearing held the same day as the last regular meeting on December 19, 2016. Mayor Fletcher said, as a

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reminder, the application as filed requested the following: 1) a request to amend St. Paul Zoning Ordinance in Article III, Sections 600.0 through 600.8, I-1 Heavy Industrial District, so as to include “mineral extraction and processing, including underground mining, surface mining, extraction and removal of coal, stone, gravel, and sand and similar minerals or raw materials and structures and activities accessory thereto, including the transportation of minerals extracted; provided that all mining activities are conducted in accordance with applicable regulations of the Virginia Department of Mines, Minerals and Energy and pursuant to permits or licenses issued by said department, where applicable,” and 2) a request to amend the Town’s zoning map by rezoning the Hills’ real property consisting of 150 acres, more or less, located at 16202 Bull Run Road, St. Paul, Virginia, from R-2 (Residential District) to I-1 (Heavy Industrial District), if amended as described above. Mayor Fletcher stated that, at the time of the public hearing on December 19, 2016, Mr. Elliott, counsel for the applicants, advised he wanted us to consider a modification to the proposed text amendment to exemplify removal of any reference to coal mining, and to explicitly exclude coal mining. After the public hearing was closed, Council members entered into discussion regarding the application. A motion was made and carried (at that time) to postpone Town Council action on the application until the next regular meeting to allow for council members to study the materials presented at the public hearing. Tonight, we resume any council discussion and/or action with respect to the application. There will be no further presentations or public comment as the public hearing was closed on December 19, 2016. Mayor Fletcher said Jennifer Baker, attorney with Ben Chafin’s office, has asked to address us with respect to an issue with the Planning Commission’s recommendation and their report to us from September 29, 2016. He opened the floor for Ms. Baker to address the Council.

Jennifer Baker said she and Ben Chafin wanted to remind the Town Council of an issue associated with the Planning Commission’s report and recommendation which was issued on September 29, 2016, reporting that the Planning Commission reported to the Town Council that they had voted to reject the Hills’ application on both issues. Mr. Elliott said that is incorrect. Continuing on, Ms. Baker also noted that in that report, Jim Elliott, attorney for the applicants, made an objection to the Planning Commission’s vote on the grounds that the vote was untimely pursuant to St. Paul’s zoning ordinance, specifically Article I, Section 5.1(4). In response to Mr. Elliott’s objection, Ms. Baker said that Mr. Chafin noted a second and conflicting deadline also contained in the ordinance at Article VII, Section 17.3, which would mean that the Planning Commission’s vote was timely. She said Mr. Chafin also argued that Mr. Elliott waived any Planning Commission deadline as he agreed to the postponement of the Planning Commission vote on September 13, 2016 in order to allow members time to review and examine the extensive materials presented at the public hearing and to allow members an opportunity to inspect the land prior to taking a vote. Ms. Baker said it was discussed by counsel and members of the Planning Commission as to the deadline by which they needed to vote while also considering the availability of the parties to attend the reconvened meeting date. It was agreed that September 29, 2016 was a date that worked for everyone. She said the point of all this is that they are recommending that the Council go ahead and take action on how it will formally recognize the

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Planning Commission's recommendation. In that regard, they are recommending that the Town Council give the applicants the benefit of the doubt and consider the action of the Planning Commission to be untimely. In doing so, your zoning ordinance at Article I, Section 5.1(4) requires you to then "assume that the Commission concurs with the applicant," thus a default recommendation to approve the request on both issues. Ms. Baker then turned it back to the Council for any questions.

At this time, Councilman Monty Salyer moved to accept the recommendation of the attorney to formally recognize the report and recommendation of the Planning Commission as untimely in an assumed concurrence with the applicant. The motion was seconded by Councilman Boardwine and Mayor Fletcher asked for discussion. There being none, a roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Aye; Salyer-Aye. The motion passed 6-0.

Jerry Couch with the Clinch Valley Times requested a copy of the motion. Mayor Fletcher said he will be provided a copy.

Councilman Salyer made a motion to Not Amend the St. Paul Zoning Ordinance, Article III, Sections 600.0 through 600.8, I-1 Heavy Industrial District, so as to include "mineral extraction and processing, including underground mining, surface mining, extraction and removal of coal, stone, gravel, and sand and similar minerals or raw materials and structures and activities accessory thereto, including the transportation of minerals extracted; provided that all mining activities are conducted in accordance with applicable regulations of the Virginia Department of Mines, Minerals and Energy and pursuant to permits or licenses issued by said department, where applicable." The motion was seconded by Councilman Boardwine and Councilman Salyer called for the question. A roll call vote was taken: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Kilgore-Aye; Kelly-Aye. The motion passed 6-0.

In regard to the applicants' request to modify the language of the proposed text amendment, Councilman Salyer offered a motion to Not Amend the St. Paul Zoning Ordinance in Article III, Section 600.0 through 600.8, I-1 Heavy Industrial District, so as to include "mineral extraction and processing, including underground mining, surface mining, extraction and removal of stone, gravel, and sand and similar minerals or raw materials, **but not coal**, and structures and activities accessory thereto, including the transportation of minerals extracted; provided that all mining activities are conducted in accordance with applicable regulations of the Virginia Department of Mines, Minerals and Energy and pursuant to permits or licenses issued by said department, where applicable." The motion was seconded by Councilman Boardwine. Following a question from Councilman Kelly asking about the meaning of this motion, Councilman Salyer said the motion is to not amend the zoning. Mayor Fletcher asked for a roll call vote: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Kilgore-Aye; Kelly-Aye. The motion passed 6-0.

Councilman Salyer made a motion to Not Amend St. Paul's Zoning Map in accordance with the Hills' request that their real property consisting of 150 acres, more or less, located at 16202 Bull

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Run Road, St. Paul, Virginia, be rezoned from R-2 (Residential District) to I-1 (Heavy Industrial). The motion was seconded by Councilman Boardwine and a roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Aye; Salyer-Aye. The motion passed 6-0.

Mr. Elliott thanked the staff and Ms. Baca for being cooperative in setting up the last public hearing.

Moving on to the next item under Old Business, Councilman Kelly advised that a survey of the plat of the road at the end of Riverside Drive from the Oxbow Center down to the guardrail near the park gate is needed before VDOT will consider taking this section into their system. Councilman Kelly said Roy Balthis did the Oxbow survey and has agreed to do the survey for \$700. A motion to hire Mr. Balthis to conduct the survey was made by Councilman Boardwine, seconded by Councilman Holbrook, and a roll call vote was taken: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Kilgore-Aye; Kelly-Aye. The motion carried 6-0. Councilman Kelly advised that once the survey is completed, the council can then consider the VDOT resolution asking them to take this section of road in their maintenance system.

The request from the Health Wagon for a donation died from lack of a motion.

Ms. Baca reminded Council that they wanted to consider a policy change regarding employee sharing of paid time off. The policy allows employees to give time to other employees with approval of Council. The issue was how employees with different pay grades would share general leave time. A motion was made by Councilman Salyer, seconded by Councilman Boardwine, to ask the Policy Committee to review this matter and make a recommendation to the Council. The motion was seconded by Councilman Boardwine and carried unanimously. Ms. Baca said she will try to arrange a meeting of the Policy Committee. Mayor Fletcher said Captain Johnson, as Acting Chief, will serve on the Policy Committee replacing Chief Phillips.

Councilman Kelly solicited quotes for guttering and downspouts for the Lyric Theater building. Bobby Collins is the only person that has responded to Councilman Kelly. Mr. Collins said he could do the work for less than \$500. Councilman Kelly made a motion to allocate up to \$500 to replace the guttering. The motion was seconded by Councilman Kilgore and passed unanimously.

Mayor Fletcher asked Council to consider putting the West Hills Sewer Project up for bid. There was a lengthy discussion regarding whether or not to move ahead with the West Hills Sewer Project, part of a larger Downtown Comprehensive Infrastructure Project. Ms. Baca said we have received a grant/loan award from Rural Development to fund the Downtown and West Hills Project. However, she warned that the conditions have not yet been met and if, for some reason, the Town was unable to close the grant/loan, the Town could be paying the entire amount for the project. Ms. Baca said West Hills plans have been ready to go, but we are still waiting for VDOT approval on the downtown portion of the project. She noted that she is not opposed to

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beginning the project, but feels it is her responsibility to disclose what could happen financially. The Town will be required to interim finance the Rural Development portion of the project anyway and the funds will pay for the interest. Once the project is complete, Rural Development funds will be drawn down to pay off the interim financing loan. She further stated that bidding the two projects separately will also incur some additional expense, including bidding, inspection and possibly mobilization. Following further discussion about cost and interim financing, Councilman Holbrook commented on how long the West Hills residents have been waiting for town sewer, stating that the town has an ongoing obligation to provide them sewer. Councilman Salyer pointed out that authorizing the advertisement and getting bids will only cost a minimal amount. Ms. Baca said she can meet with John Rock of First Bank and Trust and Co-Bank to discuss rates for interim financing. Councilman Salyer also mentioned that we will be together with the funding agencies and engineers while in Richmond and this could be discussed then. Ms. Baca said we have all of the user agreements and we should be mindful of how long those are good because we do not want to have to do those again. Councilman Kelly moved to advertise the West Hills Sewer Project. The motion was seconded by Councilman Kilgore and a roll call vote was taken: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Kilgore-Aye; Kelly-Aye. The motion carried 6-0. Mayor Fletcher said we will advertise for bids.

**New Business:**

A motion was made by Councilman Salyer, seconded by Councilman Boardwine, to purchase a platinum sponsorship for the 2017 Feastival in the amount of \$3,000. The motion passed by unanimous roll call vote: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Kilgore-Aye; Kelly-Aye.

Earl Carter asked Council to consider allowing the Street Department to rent equipment needed for the IDA parking lot project. He said a tamper is needed to properly prepare the stone for the pavers and an excavator would be much easier to work with because getting a backhoe and a truck working in a space that small could be a difficult task. The two pieces of equipment will cost about \$3,000 per month. Mr. Carter also talked about the need for geo material to go under the stone, saying it has been debated whether or not this is optional. The engineers have advised that this material be used to keep the dirt out of the stone. He does not yet have a quote on the cost of this material because he is waiting for clarification on a possible typo in the specs. There will be additional costs for the geo material. After Mr. Carter described how deep they will have to go to properly prepare the site, Mayor Fletcher asked for a motion to approve the equipment rental for a month. A motion was made by Councilman Boardwine, seconded by Councilman Kilgore, to approve the rental of equipment. The motion passed by a unanimous roll call vote: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Kilgore-Aye; Kelly-Aye.

Mayor Fletcher advised that some residents of the apartment complex across from West Hills has called into the office asking if they could have their garbage picked up. Mayor Fletcher said he

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recommends that the town consider this if the owner is willing to buy or rent a dumpster. Otherwise, it would be very time consuming to pick up garbage for 16 residents. Ms. Baca said that a woman living in the apartment complex called asking if the town could pick up their garbage and later the owner came into the office to speak with the Mayor and ask if the town would consider providing garbage service to his property. She also noted that we do not yet know if all residents want the service. Ms. Baca said the out of town garbage rate is \$10.50 per resident and the question before the Council is whether or not we want to add these out of town customers to our garbage service, and if so, the question is would we pick them up and bill them individually or ask the owner to purchase a dumpster for his residents and we would charge the owner for the dumpster pickup. Ms. Wallace confirmed that there are 16 apartments in the Town & Country Apartments. Again, Mayor Fletcher mentioned how time consuming it would be to pick up 16 individual cans and to bill and collect for that many single customers. Councilman Kelly asked how much revenue it would be to pick up a single dumpster versus the \$168 if all 16 residents wanted the service. Ms. Baca said she believes the single dumpster cost would be slightly less, but would be much easier. Following further discussion, a motion was made by Councilman Kelly to approve this request if the owner is willing to use a dumpster system. Councilman Salyer asked for clarification that the motion is a consideration, not a commitment. Councilman Kelly said if he did not agree to get a dumpster, it would have to come back to Council to consider individual pickup. The motion was seconded by Councilman Boardwine and unanimously approved by a roll call vote: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Kilgore-Aye; Kelly-Aye. Mayor Fletcher said his understanding is if the owner agrees to get a dumpster, we will pick up their garbage. Councilman Salyer said he understands that if the owner is willing to get a dumpster, Council will then consider the request.

Mayor Fletcher asked for a motion to dispose of an old welder. Upon a question by Councilman Salyer regarding its value, Mr. Carter said the welder has been here longer than he has and he believes it was originally purchased from Surplus Sales. A motion was made by Councilman Holbrook, seconded by Councilman Kelly, to advertise the welder. The motion passed unanimously.

Due to the President's Day holiday, a motion was made by Councilman Kelly to move the February council meeting to Thursday, February 16<sup>th</sup> at 6 p.m. The motion was seconded by Councilman Boardwine and passed unanimously. Ms. Baca will advertise the meeting change.

A motion was made by Councilman Holbrook 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). The motion was seconded by Councilman Kelly and a roll call vote was taken: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Kilgore-Aye; Kelly-Aye. The motion carried 6-0.

Mayor Fletcher called for a five minute break before entering into Closed Session.



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Councilman Holbrook moved to enter back into Open Session. The motion was seconded by Councilman Kelly and passed by unanimous roll call vote.

A motion to certify that the only matter discussed in closed session was Personnel under VA Code Section 2.2-3711(A)(1) and Legal under VA Code Section 2.2-3711(A)(7). The motion was seconded by Councilman Kelly and a roll call vote was taken: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Kilgore-Aye; Kelly-Aye. The motion passed 6-0.

A motion was made by Councilman Kelly, seconded by Councilman Boardwine, to hire Dakota Grizzel as a full time police officer with a pay rate according to the policy, effective the beginning of the next pay period. Mayor Fletcher called for the vote and the motion carried unanimously.

Councilman Boardwine moved to schedule the interviews for the Chief of Police candidates on February 13, 2017 beginning at 6:00 p.m. in a Special Called Meeting of the Town Council for the purpose of discussing Personnel in closed session. The motion was seconded by Councilman Kelly and a roll call vote was taken: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Kilgore-Aye; Kelly-Aye. The motion passed 6-0.

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

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Mayor

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Clerk