

MINUTES
REGULAR COUNCIL MEETING
MONDAY, JUNE 17, 2013
TOWN HALL – 6:00 P.M.

Council Members:

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

Earl Carter – Public Works Director
Debora Baca - Treasurer/Clerk
Julie Hensley – Town Attorney
Bo Phillips – Police Chief
Bob Harrison – IDA Chairman
Randy Beckner – Mattern & Craig
Terri Ann Funk – Clinch River Adventures
Alicia Williams – Little League
Misty Lee – Little League

The meeting was called to order by Mayor Fletcher.

Councilman Salyer asked to add VDOT letter regarding Wise St. as #9 under Old Business. Ms. Baca asked to add RFP for West Hills I&I Project as #7 under New Business. A motion was made by Councilman Salyer, seconded by Councilman Kelly, to approve the agenda as amended. The motion passed unanimously.

Under Public Requests/Presentations, Alicia Williams and Misty Lee addressed a fund raising event that is being sponsored by the Clinch River Little League. They are proposing to run a 5K to support T-ball. Ms. Williams provided everyone a map of the planned run. They are hoping to offer a local run for our area, to raise some money for Little League, but to also bring in runners and walkers that will help to promote downtown St. Paul. The event is planned for Sunday, October 6th at 2 p.m. This would be the same route that shuts down the road for the Zombie Walk. Ms. Williams said she has spoken with Mayor Fletcher and feels that they have his support, and is asking Council for their support and permission to close the necessary roads and provide the police force to accommodate this run. The run should last approximately 2 hours. They are also looking for sponsors to cover the race management expenses. Each sponsor will be provided 1 to 4 race registrations, along with free shirts and totes provided by Appalachian Graphics. The sponsors will be advertised on the back of the shirt. Following a brief discussion, Councilman Salyer asked that this matter be placed on the July agenda for formal approval to sponsor the event. It was also decided to go ahead and send a VDOT request letter to close the streets involved.

Next, Terri Ann Funk spoke about a canoe, kayaking, and tubing business she is establishing in town called Clinch River Adventures. She proposed the Town partner with her to allow the use of the Caboose located at the park and she offered to clean it up. Ms. Funk discussed the promotion of recreational activities and what it could mean to the town. She has also signed up for the DHCD Entrepreneur Challenge. There was a lengthy discussion regarding the need for a lease and proof of insurance coverage. She would like to open her business this week. Ms. Baca said she spoke with the VML and was advised that our property and liability insurance would still cover the property. Upon request of Councilman Salyer, the town attorney advised that her

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primary concern would be liability and the insurance coverage which has already been addressed by Ms. Baca. Ms. Funk said she has obtained all of the necessary insurance and, as suggested by Bob Harrison, would be willing to name the Town of St. Paul as additional insured. Ms. Baca pointed out that the town has rented other property such as the library building and the top floor of the pool building, and in both cases, the lessee had their own liability insurance coverage and the town continued to carry property coverage. Ms. Hensley said there could be some difference because this is an individual rather than an institution. Councilman Salyer suggested a short term lease with a hold harmless statement in it. A motion was made by Councilman Kilgore, seconded by Councilman Salyer, to rent the Caboose to Ms. Funk, dba Clinch River Adventures, for \$1 per month beginning June 21st if proof of insurance is provided with the Town of St. Paul listed as the additional insured. Councilman Salyer said he can email a copy of a lease template. Following a brief discussion, the motion was unanimously approved. Ms. Funk noted that it is the caboose area that will be used the most and there will not be a lot of traffic actually inside the caboose. Councilman Salyer asked that the caboose be cleaned and painted as soon as possible. Following further discussion, the motion was unanimously approved by roll call vote: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Absent; Bailey-Absent; Salyer-Aye.

Chuck Reidhammer, Executive Director of Southwest Regional Recreational Authority, addressed Council regarding the opening of the Mountain View Trail System. He stressed the number of people that will be visiting the area and these trails. He introduced Chris Sturgill who is the Field Response Supervisor. All easements have been obtained and Buck Hylton has donated use of his equipment and land. The trail system is now ready to open. The Fisher ATV World, with 13 million viewers, will again air the show featuring the Town of St. Paul on June 24th. The last time the show aired, their website received 50,000 hits and the town received phone calls as well. He encouraged the Council to prepare for the number of ATV's coming to town by placing signage that will direct them through the downtown area in a flow that is best for the town. He also mentioned concerns of DHCD Main Street people. Mr. Reidhammer recommended directing them down 3rd Avenue, up Russell Street to pass the businesses on Russell and 5th Avenue, left onto Rt. 63 to the Johnnie Ramey Drive area. There was a brief discussion regarding parking, the flow of ATV traffic, and the signage need to direct them and prevent ATV's from going into residential areas. Councilman Kelly said the Farmers Market does have a couple of sandwich signs that can be used. Spearhead Trails will be providing brochures with a map of the trail system and they will inform riders as much as possible prior to opening. He emphasized their primary goal is to bring economic development to the community. Mayor Fletcher said he believes the Council, and the local businesses should have input on how ATV's are routed through town. Mr. Reidhammer said when the Council decides what they would like to do, the Spearhead Trails will help them in any way they can.

Jennifer Bailey talked about the ATV Ordinance, suggesting that ATV's should be able to go to any business they want, but maybe block them from the residential areas. She commented on the current ordinance that does not require a driver's license. Ms. Bailey noted that Spearhead requires a driver license and she supports revisiting the ordinance to require a license for both ATV's and golf carts because a driver should know the road rules before driving. There was

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some discussion about insurance requirements for ATV's and the state law regarding ATV's. She also suggested changing the name of Wise Street to Main Street.

Bob Harrison thanked the town employees for their work before, during, and after Clinch River Days. He also mentioned the possibility of using the triangle property for ATV parking and he can place that on the agenda for the IDA meeting.

Mayor Fletcher made the following announcements:

- The swimming pool will open with its first pool party on Friday night.
- CPR class will be tomorrow from 9 a.m. until 3 p.m. and is open to anyone.
- He asked each Council member to bring a cake for the July 4th cake walk.
- The new phone system has been installed.
- Several members of the Revitalization Committee has asked to leave the Main Street sign at Boody and suggest it be landscaped, noting the location is near the trailhead. Mayor Fletcher said the state mows that area, but the town could clean it up and also mow.
- The town has received a VDOT permit to repair the drainage problem in South St. Paul.
- Mayor Fletcher suggested that the chair of each committee report to the Council each month.

A motion was made by Councilman Salyer, seconded by Councilman Boardwine, to approve the minutes as presented. The motion carried unanimously.

Chief Phillips presented the Police Report. For the month of May, there were 9 incidents, 9 offenses, 3 arrests, issued 17 citations and 8 warning tickets. There was discussion regarding the abandoned vehicles at the old Beacon of Life building. Chief Phillips suggested that a letter be sent to the property owner advising that the vehicles will be towed if the vehicles are not moved within a certain time period. Ms. Hensley said the letter should be sent to the address on the DMV record. Mayor Fletcher said he would write the letter allowing them 30 days. The letter will be sent to the attorney for review. Chief Phillips discussed the transmission problem with the Explorer and a problem with the radio after the car had been at Morgan McClure for repairs. Mayor Fletcher said he will talk with Morgan McClure regarding this matter. He also suggested contacting Ford about replacing the transmission since it is still not working properly and is currently under warranty. Councilman Kelly made another request to have a page added to the report listing how many incidents and citations are written by each officer. A motion was made by Councilman Boardwine, seconded by Councilman Kilgore, to approve the Police Report. The motion passed unanimously.

Ms. Baca reviewed the Treasurer Report. She pointed out that \$34,000 paid to Mattern & Craig through the VDH Water Tank grant was paid out and not yet reimbursed at the end of the month. This is the reason the Utility Fund appears to have dropped so much. Ms. Baca said she will open a separate account for the Sludge and 58A Bridge project. If the resolution for the

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\$800,000 bond is passed this construction loan will flow through the new checking account. A motion was made by Councilman Salyer, seconded by Councilman Boardwine, to approve the Treasurer's Report. The motion carried unanimously.

Earl Carter reported on the water and sewer department. He discussed the problems with the mesh screens at the grit chamber. He discussed a warranty matter on the pumps, and Boggs should be working on the warranty issues with these motors. Mr. Carter said he will be ordering \$5,480.00 worth of spare parts for the grit chamber. He has discussed this with the Treasurer and this can be paid from the reserve fund. Parts have been ordered for pumps at the wastewater plant. He provided everyone a copy of the gold award the town received from the Office of Water Programs. The playground equipment is here and installation has been scheduled. The workforce has been focusing on the pool, but once that is done, we will be moving our efforts to the park. Councilman Kelly asked about getting power in the alley by the Lyric. Mr. Carter said the parts are ordered and he has asked Glenda to check on the permit. Councilman Salyer inquired about the trash blowing off the top of the trash truck today. Mr. Carter said there are no openings on the top. Councilman Salyer said there was something red on the top of the truck and the trash was flying off right in front of the library. Mayor Fletcher said it is possible someone could have thrown something onto the top. Councilman Salyer moved to approve the Water & Sewer Report. The motion was seconded by Councilman Boardwine and passed unanimously.

Randy Beckner reviewed the ongoing projects. Regarding the mesh screens, he is checking to see if a heavier screen can be used for the grit. The company denied the warranty on the motors stating the reason being the schedule of maintenance. However, a letter of appeal was sent and Mr. Beckner said it is his understanding that the company is going to replace the first motor under the warranty. The second motor is just now going out and Boggs will be looking into this. The wastewater treatment plant plans will be ready for review by the town in the next 2 to 3 weeks. The pre-construction meeting for the Sludge Removal, 58A Bridge Attachment, and the Water Tank projects is tentatively scheduled for next Wednesday, June 26th. By the next meeting, all these projects should be under construction. Upon request by Mayor Fletcher, Mr. Beckner said he will investigate where we could send the sand to be analyzed. A motion was made by Councilman Boardwine, seconded by Councilman Kilgore, to approve the Project Report. The motion passed unanimously.

Old Business:

A motion was made by Councilman Salyer to adopt the Resolution Authorizing the Issuance of \$800,000 Bond for interim financing. The motion was seconded by Councilman Kilgore and a roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Absent; Bailey-Absent; Salyer-Aye. The motion passed 4-0.

Regarding the two final invoices for the pool, Ms. Baca recommended that the invoice including the marsite work be paid, but the final invoice be paid only after all of the work is finished and inspected. Since Council already approved for Mr. Nash to move forward with the additional

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work, she wanted approval to pay the invoices so they would not have to wait until the next meeting before getting paid. The total amount spent on the pool including these invoices is just under \$200,000. The additional \$ 80,000 for the pool and the building repairs will come out of the remaining \$150,000 still in contingency. Councilman Kilgore said Virginia Metals did not charge us for making the high dive steps. Lounge chairs have also been purchased at \$50 each. Councilman Salyer moved to approve the final invoices for the pool renovations. The motion was seconded by Councilman Boardwine. The motion passed unanimously.

Councilman Kelly asked if it would be possible to purchase the chemicals for the pool from the new local pool supplier. Mr. Carter said everything used is industrial strength and is purchased in bulk. Mayor Fletcher said if they can supply industrial chemicals in bulk, they should come and discuss it with Mr. Carter.

Councilman Kilgore said the camera system has been ordered from the low bidder, Shields Electronics in Bristol and they should be delivered this week. There will be 12 cameras and one will be completely dedicated to taking pictures of license plates. Following discussion regarding the ongoing issue with the tennis court lights and vandalism, a motion was made by Councilman Boardwine to close the park at 11 p.m. The motion was seconded by Councilman Salyer and unanimously approved.

As previously approved, Councilman Kilgore reported that he made an offer of \$6500 on the bucket truck, but the owner declined the offer. He found another truck, but it has been sold. Councilman Kilgore said he will continue to look for a good deal on a used bucket truck. Mayor Fletcher said he has been talking with some people who have a truck to help us for now. Councilman Kilgore asked if he can bid on a truck if he finds something for the \$6500 (or less) that has already been approved. Councilman Boardwine moved to authorize Councilman Kilgore to spend up to \$6500 for a bucket truck. The motion was seconded by Councilman Kelly and unanimously approved.

The next two items were placed on the agenda by Councilman Bailey. In his absence, Councilman Kilgore reported that the skate park installation is scheduled for June 24th.

Councilman Salyer addressed the second item and moved to set a public hearing date to discuss the ATV Ordinance. The motion was seconded by Councilman Kilgore. Councilman Salyer asked the Clerk to set a date as early as next week. Ms. Baca advised that a public hearing for amendment of an ordinance requires advertisement for two consecutive weeks and the hearing cannot be held less than seven days from the advertisement. Councilman Salyer amended his motion to reflect "at the earliest possible date". Councilman Kilgore seconded the amended motion and it passed unanimously.

Information on the Lion's Den was referred to the Town Attorney by Councilman Salyer. In response to a previous request by Councilman Salyer to sell the property and attach a caveat requiring the purchaser to have the building up to code within 18 months, she has concern

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whether or not that would stand up. Ms. Hensley spoke with Robert Mullins and they discussed consideration of condemnation. That may not be a good selling point, however, any potential buyer could be notified, and if it is sold as a condemned property, the buyer would only have 6 months to bring it up to code. Mr. Mullins said the building is structurally sound, but property may also be condemned if the restoration cost is greater than 50% of the property value. From a legal standpoint, Ms. Hensley recommended taking this route. A motion was made by Councilman Salyer authorizing the Mayor to request Robert Mullins or his designee to look at this property. The motion was seconded by Councilman Boardwine and carried unanimously. Mayor Fletcher said he would call Mr. Mullins and write him an official letter. Ms. Baca stated her concern that it might not sell and then the town would be obligated to bring it up to code.

Ms. Baca reviewed the MOU draft between the town and St. Paul Tomorrow Main Street. The agreement was reviewed by the town attorney. Ms. Baca said she would like to change the payment requirement from monthly to quarterly and the Main Street representatives asked that requirement 9(b) be deleted. Ms. Hensley recommended replacing it with language that a financial report would be submitted to the town quarterly. A motion was made by Councilman Salyer to approve the MOU with the recommended changes. The motion was seconded by Councilman Kelly and unanimously approved.

Councilman Salyer provided a rough draft of a letter to VDOT regarding the Wise Street repairs. He read the letter and moved that Mayor Fletcher send such a letter to VDOT. Councilman Kelly seconded the motion and added that the road needs to be milled and resurfaced. He also suggested sending it to the Wise Residency office with a copy to the Bristol office. Councilman Salyer said the Mayor could insert the wording recommended by Councilman Kelly and any changes he feels is necessary. The motion passed unanimously.

New Business:

A motion was made by Councilman Salyer, seconded by Councilman Boardwine, to approve the tax exonerations for 2012-13 tax year as presented by the Treasurer. The motion was unanimously approved.

Ms. Baca presented a letter of support and agreement to administer a CRVI grant as requested by Doug Jackson. This request is asking that the town process the two or three pay requests involved with this grant. A motion was made by Councilman Salyer, seconded by Councilman Kilgore, to approve the agreement and the support letter. The motion passed unanimously.

Jessica's Little Feet submitted a letter requesting use of the pool to conduct an Aqua Zumba class on Monday morning. Ms. Baca said Jessica is a certified lifeguard and a certified Aqua Zumba instructor. She also provided Council a copy of an email response from VML Insurance stating that our insurance would cover this type of event as any other swimming pool function. A motion was made by Councilman Kilgore, seconded by Councilman Salyer, to allow Jessica's

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Little Feet to conduct an Aqua Zumba class at the swimming pool. The motion was unanimously approved.

As Chairman of the Building Committee, Councilman Boardwine reported that the group has met and a list of needed building repairs was reviewed. Councilman Boardwine said the Committee has concern about possible unseen water damage and suggested having an engineer look at the library and other buildings before bidding out the work. Mayor Fletcher said he thought asking a contractor would be sufficient and it is unnecessary to use an engineer. Ms. Baca said she believes we need an engineer to also complete the specs and bid documents. Following lengthy debate, a motion was made by Councilman Boardwine to hire an engineer for the building repairs. The motion was seconded by Councilman Salyer. Following further discussion, Councilman Salyer called for the question. A roll call vote was taken: Kelly-Nay; Kilgore-Aye; Boardwine-Aye; Salyer-Aye. The motion passed 3-1.

Councilman Salyer expressed concern about the absence of a written organizational chart. He requested that such a chart be designed to reflect our current organizational system and presented at the meeting next month. He commented on the need for Council, as a government body, to be provided such information. Councilman Kelly said this issue should be addressed along with the policy and salary grades. Mayor Fletcher agreed to design a chart to present next month.

Ms. Baca advised that the town needs to re-enact the Motor Vehicle Code. A motion was made by Councilman Salyer to set a public hearing at the first available date to consider adoption of the Motor Vehicle Code. The motion was seconded by Councilman Kilgore and passed unanimously.

The Council previously voted to proceed with the West Hills I&I Project. Ms. Baca recommended proceeding with the RFQ for this project and to include a general engineering service in this advertisement. Retaining a general engineering service would not replace solicitation for large projects. A motion was made by Councilman Boardwine to advertise a combined request for proposal for general engineering and I&I project. The motion was seconded by Councilman Salyer and unanimously approved.

A motion was made by Councilman Salyer to enter into Closed Session to discuss 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-Absent; Bailey-Absent; Salyer-Aye. The motion passed 4-0.

Councilman Boardwine moved to enter back into Open Session, certifying that the only matter discussed in Closed Session was Legal under VA Code Section 2.2-3711(A)(7). The motion was seconded by Councilman Kilgore and a roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Absent; Bailey-Absent; Salyer-Aye. The motion passed 4-0.

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Councilman Salyer moved to authorize the Town Attorney to write a letter to Don Chaffin regarding the Blue Belle Island issue. The motion was seconded by Councilman Boardwine and unanimously approved.

Ms. Baca pointed out that the budget cannot be voted upon less than seven days following the public hearing. With business still pending on this agenda, the meeting was recessed by Mayor Fletcher until 6 p.m. on Tuesday, June 25, 2013.

Mayor

Town Clerk