

**MINUTES
REGULAR COUNCIL MEETING
MONDAY, JULY 17, 2017
TOWN HALL – 6:00 P.M.**

Council Members:

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

Others Present:

Debora Baca – Clerk/Treasurer
Julie Hensley – Town Attorney
Jonathan Johnson – Police Chief
Earl Carter – Public Works Director
Bob Harrison – IDA Chairman
Kathy Stewart – Main Street
Karen Dickenson – SPES Principal
Jane Carter – STEM Director
Randy Beckner – Mattern & Craig
Jason Snapp – Mattern & Craig

Mayor Fletcher called the meeting to order at 6:00 p.m.

Councilman Kilgore asked to add “RFP Legal Counsel” under new business. Councilman Salyer requested that “Letter of Support” be added to the agenda. Mayor Fletcher added “SPES Books” as Item #7 under new business. A motion was made by Councilman Holbrook, seconded by Councilman Boardwine, to approve the agenda as amended. The motion passed by unanimous vote.

Jane Carter, the new STEM Director at St. Paul Elementary School, introduced herself along with several students offering a presentation about the upcoming solar eclipse. The students explained what happens during a solar eclipse and the rare opportunity to see such an event. Ms. Carter answered several questions. Following their presentation, the group handed out glasses to everyone and invited the Town Council to the football field on August 21st to join them in witnessing the eclipse.

Main Street Manager Kathy Stewart reported four new businesses have opened in town. She updated council members on the IDA parking lot progress. The educational signage, paid for by a grant, has now been installed. The IDA made some decisions regarding the parking and one way signs will be installed this week and landscaping will be done. Ms. Stewart said she attended the Main Street Conference in Winchester and Sugar Hill Brewing Company received a state award for “Outstanding Business”. St. Paul was also recognized for having private investment up to one million dollars since receiving the Main Street designation. Everyone was encouraged to attend Cooks & Books, a fundraiser for the Lyric Project and Friends of the Library. The Town of St. Paul is the recipient of a \$3,000 grant through the Rally Project. Robyn Lee of UVAWise is leading this project and the Committee is working on two projects through this grant. First, a video is being developed from two days of taping people, activities and places in St. Paul. The other money is being spent on a beautification project on the fence area going from downtown on Wise Street. Metal fish will be painted and placed along the

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fence, representing the river. Councilman Salyer thanked the town crew for assisting with this project and expressed his appreciation to VDOT for their cooperation. Ms. Stewart showed council members "Hometown Placemats" resulting from a CRVI project and created by the Heart of Appalachia. The placemat map shows all of the communities on the Clinch River and the different access points. It also lists all of the locally owned restaurants in the communities.

Mayor Fletcher made the following announcements:

- 1) Hometown Hardware and Clinch Life Outfitters is now open for business.

Councilman Salyer inquired about the status of the pallet situation on Riverside Drive. Mayor Fletcher reported that he has been in communication with Robert Mullins. The town attorney asked that this issue be discussed in closed session under legal since she has been working on it.

A motion was made by Councilman Holbrook to approve the minutes of the June 19, 2017 council meeting and public hearing. The motion was seconded by Councilman Boardwine and passed by unanimous roll call vote.

Under the Consent Agenda, responding to a question from Councilman Salyer, Chief Johnson said the police officers have had Narcan training. Councilman Kelly discussed renting a skylift to get the parks light installed and needed tree trimming done. The cost would be five days for \$1,050 and he suggested using this rental service. Mayor Fletcher said the skylift rental will be considered. Councilman Salyer asked about street repairs, noting that Dogwood Drive is breaking apart. Mayor Fletcher said he will put that on the list of streets that need patching. Jason Snapp reported The West Hills Sewer Project is designed and waiting on Rural Development approval to advertise. The Downtown Comprehensive Project only needs one permit, the hydraulic model is pending approval, and easements are still being obtained. The Water Treatment Plant security upgrades are complete and the final pay request will be sent out next week. At this time, Mayor Fletcher reported that the "gray water" issue at the corner of Broad and Fifth Avenue has been resolved. The other property owner that had issues with wash water draining into the alley by Estonoa is working to correct that situation. Councilman Kelly pointed out that Council has already voted to advertise the West Hills Project. Ms. Baca explained that approval must be received from Rural Development before advertising. She has filed all of the easements, with the exception of one, which the Council is now considering purchasing that property. The package will be sent to Rural Development for approval and the expected time for their review and approval is about two weeks. A motion was made by Councilman Holbrook, seconded by Councilman Kelly, to approve the Consent Agenda items. The motion carried unanimously.

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Old Business:

Councilman Kelly discussed the quotes he has received on the sidewalk work and provided a list comparing the contractor quotes. Greg Hale, one of the bidders from Whitesburg, KY appears to be the lowest bidder, however, he has not yet confirmed that he has a Virginia contractor's license. There was brief discussion about whether a license should be required and what work should be done with the available funds. Randy Beckner advised that the four corners at Wise and Fourth Avenue are included in the downtown project so that work can be removed from the sidewalk repairs. Following further discussion about the disparity in the estimates, Mr. Beckner advised that it is necessary to make sure each contractor is quoting the same thickness of the concrete. Mr. Beckner advised that anytime you don't have written specifications, you run a risk of contractors bidding different specifics. Followed by his motion to table this matter until August, Councilman Kelly said he will check to make sure everyone is bidding on the same concrete specifications. The motion was seconded by Councilman Holbrook and passed unanimously.

Jason Snapp of Mattern & Craig reported that Dominion has requested a hard price on the cost of a larger generator. Dominion was given the price of \$42,736 and they are still waiting to hear back from them to see if they want to participate. A motion was made to table this item until next month. The motion was seconded by Councilman Holbrook and unanimously approved.

Councilman Salyer discussed funds to be set aside as a pledge to the Lyric Project to be used in the future for grant match. Councilman Salyer provided a letter regarding this request and moved to commit \$300,000 for the Lyric Project. Councilman Kilgore seconded the motion. Mayor Fletcher noted that \$100,000 is in the 2017-18 budget and the Lyric Project has received a \$300,000 grant. After discussion about whether the \$100,000 in the budget is part of the \$300,000 to be reserved, Kathy Stewart explained that the \$100,000 in the budget will be spent this budget year. The request now is to reserve \$300,000 that can be used as a proposed match for grant applications. Ms. Baca explained the difference in restricted, committed and reserved (or assigned) funds. Mayor Fletcher asked for clarification that the request is to set aside an additional \$300,000 to be used if needed. Ms. Stewart replied "yes", but noted that she is not asking the town to write a check, but to make a commitment to the project. Councilman Kilgore pointed out that it is important for the citizens to know that we may be able to use this commitment to get a larger amount of grant money. Ms. Stewart noted that the grants are written for the Town of St. Paul so council would be supporting its own project. Councilman Boardwine said he supports the Lyric Project but it is hard to explain to the citizens. **As an example**, Mayor Fletcher pointed out that it isn't hard to commit \$300,000 if you **may gain** \$700,000. Ms. Baca commented that if there was another need for this money, the council could vote to change or remove the specified use of funds. Following further discussion about the long term vision and importance of the project, Councilman Salyer called for the question and a roll call vote was taken; Salyer-Aye; Bailey-Absent; Holbrook-Aye; Boardwine-Nay; Kilgore-Aye; Kelly-Aye. The motion carried by a vote of **4-1**.

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Mayor Fletcher asked IDA Chairman Bob Harrison to discuss the request from Spearhead Trails for a moral obligation bond. Mr. Harrison said he, Councilman Bailey and Councilman Kelly met to discuss this matter and came to a conclusion that a moral obligation bond in the amount of \$200,000 would be appropriate if Spearhead makes a commitment to locate the maintenance building in the Town of St. Paul. Additionally, if money comes later for an office, it also be located in St. Paul. Mr. Harrison offered the highlights of their plan for ATV rentals. He said the Committee recommends that the town approve a Moral Obligation Bond (MOB) of \$200,000 subject to the condition that Spearhead guarantees the purchase of the IDA property, the maintenance shop and any future development be located on the property. Mr. Harrison further stated that he is going to recommend to the IDA Board that if they are unable to meet any of the obligations to the town or the IDA, the IDA can repossess the property with any and all improvements. There was discussion about their office being located in St. Paul and the number of permits sold here compared to their current location. There was a brief discussion about what the Tobacco Commission is requiring in the MOB. Mr. Harrison said he will attend the Spearhead board meeting to explain the conditions of the MOB.

Councilman Salyer reported that the Committee revised the resolution and Ms. Hensley has reviewed it. He offered a motion to authorize the Town Attorney to present the resolution to the Wise County School Board attorney for their consideration. Councilman Holbrook seconded the motion. Councilman Salyer explained the concept of the forgivable loan and called for the question. Mayor Fletcher asked for a roll call vote: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Absent; Salyer-Aye. The motion passed 5-0.

Mayor Fletcher said the Town Attorney needs to address the yard sale questions. Ms. Hensley said she has not received any information to review. Ms. Baca said she has searched the ordinances and found nothing regarding yard sales. She recalled that Councilman Salyer brought it to the table for discussion at one time and she will look back at those minutes to see what was said. Ms. Baca said she believes the other concern of Councilman Bailey is regarding whether or not people setting up on a regular basis should be required to get a business license. The town does have an ordinance covering itinerant merchants. There was a brief discussion about previous complaints on itinerant merchants. Ms. Baca provided the Town Attorney a copy of the ordinance. Since this issue was placed on the agenda by Councilman Bailey and he is absent, a motion was made by Councilman Salyer to table this item. The motion was seconded by Councilman Holbrook and passed unanimously.

New Business:

Mayor Fletcher said any changes to the Comprehensive Plan must be approved by the Town Council. The Planning Commission has discussed several issues and are submitting the

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recommended changes. He emphasized that the Comprehensive Plan is written in generalities and is an ever changing document. Mayor Fletcher discussed some of the issues regarding downtown parking. Ms. Baca commented that Robert Mullins asked her to remind everyone that the Comprehensive Plan is to be used as a guide; if the Town Council wants to adopt parking regulations, those would be adopted by ordinance. Mayor Fletcher said Robert Mullins has been working on language regarding some of the parking issues. Councilman Holbrook moved to accept the recommendation of the Planning Commission. The motion was seconded by Councilman Boardwine. Councilman Salyer said he would like to see what proposed writings Mr. Mullins has done on a parking ordinance. Ms. Baca asked if the Council can vote to make changes to the Comprehensive Plan without holding a public hearing. Councilman Holbrook said the approval of the recommendations is to get authorization to have someone work on language to amend the Comprehensive Plan so a public hearing could be scheduled. Councilman Holbrook confirmed that the intent of his motion was to start this process. Mayor Fletcher asked for a roll call vote: Salyer-Aye; Bailey-Absent; Holbrook-Aye; Boardwine-Aye; Kilgore-Aye; Kelly-Aye. The motion passed 5-0. Councilman Salyer asked again to see a draft of any language Robert Mullins has prepared regarding ordinances. Mayor Fletcher advised he would make sure everyone gets a copy of any drafts or proposed ordinances as soon as they are available from Robert Mullins.

A motion was made by Councilman Holbrook to sponsor a hole for \$100 for the "Christmas in July" program to benefit children who are in foster care during Christmas. The motion was seconded by Councilman Kilgore and passed unanimously.

Councilman Kilgore will be relocating and he submitted his resignation from the Town Council effective July 18, 2017. He said it has been an honor and a pleasure to serve as a member of this town council and see the accomplishments made in the years he has been on the council. Mayor Fletcher presented Councilman Kilgore with a plaque of appreciation. A motion was made by Councilman Holbrook, seconded by Councilman Kelly, and unanimously approved to accept Councilman Kilgore's resignation.

Councilman Kilgore made a motion to appoint Josh Sawyers to fill the vacancy on the town council. The motion was seconded by Councilman Salyer and a roll call vote was taken: Salyer-Aye; Bailey-Absent; Holbrook-Aye; Boardwine-Aye; Kilgore-Aye; Kelly-Aye. The motion passed unanimously. Councilman Holbrook said the offer to Mr. Sawyers should be made by Mayor Fletcher. If he accepts, he will be sworn in to fill the unexpired term of Councilman Kilgore.

A motion was made by Councilman Kilgore to solicit bids (or RFQ) for Town Attorney, stating that several interested parties could not be considered the last time a town attorney was appointed because of a conflict of interest while he sat on the town council. The motion was

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seconded by Councilman Kelly and discussion followed. Councilman Holbrook questioned why this would be done now instead of July. He said the present town attorney was appointed for two years, asking if it is the intent to fire her. If not, Councilman Holbrook pointed out, then we would be soliciting proposals without having an opening. Mayor Fletcher suggested this be tabled at this time. Ms. Hensley advised that Councilman Kilgore's motion is not out of line and the council has every right to do as they wish. Mayor Fletcher asked for a roll call vote: Salyer-Aye; Bailey-Absent; Holbrook-Nay; Boardwine-Aye; Kilgore-Aye; Kelly-Aye. The motion passed **4-1**.

Councilman Salyer asked that a letter of support be sent to our representatives supporting continued state funding for the Clinch River Valley Initiative (CRVI). Mayor Fletcher read the proposed letter. Councilman Boardwine made a motion to send the letter of support. The motion was seconded by Councilman Kelly and unanimously approved.

Mayor Fletcher asked the council to consider sponsoring a program to supply a promotional book to St. Paul Elementary School students. A motion was made by Councilman Holbrook to sponsor the book program at a cost up to \$300. The motion was seconded by Councilman Boardwine and passed unanimously.

A motion was made by Councilman Holbrook to enter into Closed Session for the purpose of discussing 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 Salyer and a roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Absent; Salyer-Aye. The motion passed by a vote of 5-0.

Councilman Holbrook moved to enter back into Open Session. The motion was seconded by Councilman Boardwine and passed unanimously.

A motion was made by Councilman Holbrook to certify that the only matters discussed in closed session were Legal under VA Code Section 2.2-3711(A)(7) and Personnel under VA Code Section 2.2-3711(A)(1). 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 passed by a vote of 5-0 with one absent.

Councilman Salyer moved to authorize the Mayor to direct the town crew to clear the pallets off of the Kanwal and Jonsrud properties and bill the appropriate property owners. He further moved to withhold the issuance of any business license from any business intending to open in that building until the bills are paid. Mayor Fletcher said a letter should be sent notifying the property owners what the town has voted to do. The motion was seconded by Councilman Boardwine. Following a brief exchange between Mayor Fletcher and Councilman Salyer, a roll call vote was taken: Salyer-Aye; Bailey-Absent; Holbrook-Aye; Boardwine-Aye; Kilgore-Aye; Kelly-Aye. The motion passed 5-0.

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A motion to adjourn was made by Councilman Salyer, seconded by Councilman Boardwine, and passed unanimously. Mayor Fletcher adjourned the meeting.

Mayor

Clerk