

**MINUTES
REGULAR COUNCIL MEETING
MONDAY, MAY 20, 2013
TOWN HALL – 6:00 P.M.**

Council Members:

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

Earl Carter – Public Works Director
Debora Baca - Treasurer/Clerk
Julie Hensley – Town Attorney
Jonathan Johnson – Police Officer
Lou Wallace – Main Street/Downtown Rev.
Christy Lee – Fairview Community Center
Sharon Steele - Resident

The meeting was called to order by Mayor Fletcher.

Councilman Salyer said he just received a request from Jerry Couch and moved to add it to the agenda under New Business Item #11. The motion was seconded by Councilman Kelly and unanimously approved. Upon an inquiry by Councilman Kelly, the town attorney said she has concerns about the MOU between St. Paul Tomorrow Main Street and the Town of St. Paul. Ms. Hensley said she will be contacting another Main Street town attorney to see how they handled the funding proposal for a program manager. A motion was made by Councilwoman Kelly, seconded by Councilman Boardwine, to approve the agenda as amended. The motion carried unanimously.

Under Public Requests/Presentations, Sharon Steele stated her support of giving the town employees \$1.00 per hour raise. She stated the concern of citizens regarding the large sum of money spent on the skateboard park. Ms. Steele said she supported the skate park from the beginning, but it should have been done in phases. She asked one of the council members who voted in favor of this expenditure to reconsider. She also encouraged the council to look for ways to give back to the elderly citizens of the town through a garbage fee reduction or tax credit.

Next, Christy Lee, President of the Fairview Community Center, requested the Council consider donating the old playground equipment to Fairview. She talked about their efforts to provide a community center and playground for the many children in the Sandy Ridge area. Fairview Community Center is a non-profit organization that is in dire need of playground equipment for their park. Their equipment has to be removed because it is in bad shape and they have had some accidents and safety issues. They have volunteers who are willing to repair and install any equipment the town might have to donate to them. Ms. Lee also said she is willing to donate wood chips or anything her company can do to help the Town of St. Paul in return for the playground equipment that is being replaced by the town. Councilman Kilgore said some of the equipment the town has is also out of compliance but there is some equipment that can be used. Ms. Lee said they have swings but their slides cannot be used any longer. Councilman Salyer asked if Fairview is a non-profit or just a community group. Ms. Lee provided a copy of the document showing their non-profit status. Councilman Salyer inquired about the disposition policy of the town, noting that it is easier to donate to a non-profit than an independent community group.

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Lou Wallace gave the Council an update on progress with the Lyric Theater. St. Paul Main Street has been awarded assistance from Kathy Frazier from Frazier & Associates. Carter Green will be coming this week to do an inside and outside plan for the Lyric. Lights are needed inside the theater by Wednesday morning. This work is a gift to the town from Main Street. Frazier & Associates will be working with the St. Paul Main Street Programming Committee, which is currently being developed. Programming specialist Sara Levinson will do a feasibility study including a program assessment. This is also a free service provided by Main Street. This project did not qualify for the CSX grant this year, but will be eligible for funds next year. The downtown committee has been reviewing drawings of the gateway entrance to downtown. They are working with The Lane Group on streetscaping the area on both sides of the underpass entrance. Mayor Fletcher said he wants to make sure that Rob Jones is kept informed of everything that is going on with the Willis Building or Lyric Theater. Ms. Wallace pointed out that Mr. Jones position will phase out at the end of the CDBG grant.

Under Announcements, Mayor Fletcher made the following comments:

- 1) He thanked the Recreation Committee and the Pool Committee for their hard work on our current projects.
- 2) The town received the check from Kentucky Utilities for \$28,400 for the back pay due to an ODP mapping error. Our office staff caught the mistake and it not only helped St. Paul, but also every other town in Wise County. The monthly payment has been corrected as well.
- 3) The Planning Commission has requested that Robert Mullins be directed to inspect the Phipps property on Highway 63 for possible condemnation. Mayor Fletcher advised that he will write a letter to Mr. Mullins regarding this matter, and ask him to report his finding and recommendation to the town council.
- 4) Clinch River Days will be held from May 30th through June 1st. The town crew will be assisting with setup in the park.
- 5) Verizon came to look at the lines that need to come down and everything we need accomplished. Councilman Salyer thanked D. J. Jessee for putting the town in touch with the correct people.
- 6) The brush site in South St. Paul is overflowing and is partially blocking Mr. Hamilton's property entrance. Mayor Fletcher has been discussing options with several people. He has also contacted DEQ requesting permission to burn the brush at the Bull Run site. Wise County does not want to allow the town to bring brush to this site, so Mayor Fletcher is also pursuing a one-time burn permit to burn at the present location in South St. Paul.

As recommended by the Planning Commission, a motion was made by Councilman Salyer authorizing Mayor Fletcher to write a letter to Robert Mullins regarding the Phipps property. The motion was seconded by Councilman Kelly and carried unanimously.

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

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In the absence of Chief Phillips, Sgt. Johnson reviewed the Police Report. During the month of April, the department had 12 incidents, 4 arrests, and issued 38 citations. Councilman Salyer asked Sgt. Johnson to mention to Chief Phillips that we still have several untagged vehicles parked in town. Sgt. Johnson said they will review the ordinance and address this problem. Councilman Kelly asked that the police department start checking vehicles that do not have a town sticker. He also noted his previous request to report on what each individual officer has done for the month. Councilman Kelly asked Sgt. Johnson to remind Chief Phillips that he would like the breakdown in the new report. Sgt. Johnson reminded council members that the fishing tournament is coming up and they are accepting donations. A motion was made by Councilman Kelly, seconded by Councilman Kilgore, to approve the Police Report. The motion passed unanimously.

The Treasurer's Report was presented by Ms. Baca. She reviewed the Fund Balance Report., pointing out that the \$800,000 has been transferred to the General Fund and the first \$100,000 will be paid back to the Utility Fund prior to year end. Once Boggs has completed the punch list on the Grit System, the Dominion Project checking account will be closed. A motion to approve the Treasurer's Report was made by Councilman Boardwine and seconded by Councilman Salyer. Councilman Salyer asked if the time is nearing when we will not have to use EMI for our wastewater testing. Mr. Carter said the larger bills should go away once our new permit is issued and Dominion will be responsible for the industrial wastewater testing. Once the new wastewater treatment lab is built, it is a high probability that we will not have anything going out to EMI for testing.

Earl Carter presented the Water & Sewer Report. He reported that the damaged screen has been sent back for repair. Once they get it back, the third screen will be sent to be re-screened with a 40 mesh screen, which seems to be performing well at this time. Boggs still needs to address some support structure in the old wet well. Kason was on site to inspect the problems with the screens and some of those issues with Kason have not yet been resolved. A meeting between the town, DEQ, and Dominion was held on May 9th. There are no problems expected for the issuance of a new permit. The testing burden will be passed to Dominion once the new permits are issued. VDH inspected the water plant on April 18th and made three recommendations: bring the chlorine room into compliance with the current regulations; provide spill protection in the grit building; and update the O&M manual for the water plant. He discussed ordering a separate inert building to use as a chlorine storage room. Mr. Carter discussed the problems with the swimming pool. Mark Nash brought diving equipment to see what was actually happening inside the pool. It confirmed that there were broken return lines under the pool floor. The leaks appear to have caused structural damage to the bottom of the pool. Mr. Carter suggested seeking professional expertise to guide us in fixing the pool correctly. He asked Randy Beckner to take a look at it today. Mr. Beckner pointed out the additional cracks in the concrete floor of the pool. He advised that he is a civil engineer, but Mattern & Craig does have a structural engineer he could ask to take a look at it. There was a lengthy discussion about the design of the pool, the damage, and possible remedies. Mr. Carter said the old elementary school playground equipment given to the town is stored and might be something to consider donating to Fairview.

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A motion was made by Councilman Salyer, seconded by Councilman Boardwine, to approve the Water & Sewage Report.

Randy Beckner, with Mattern & Craig, provided a copy of the bids and draft copies of the award notice and contractor agreement. It was recommended to award the contract for the telemetry work on the Water Tank project to the low bidder, Boggs Municipal Services, in the amount of \$65,499. He also recommended a contract award to Southern Corrosion for the paint and repair work on the Water Tank project, with a low bid of \$247,439. With the additives, the total bid is \$282,422. The combined total is a little over the budget of \$383,096, which includes \$356,700 from VDH. Of the budget, \$309,750 was earmarked for construction and contingency. Mr. Beckner proposed removing the Virginia City Tank, the additive items, and a reduction in the engineering inspection fees, bringing the contract amount with Southern Corrosion, Inc. to \$217,144, for a total construction budget for both projects to \$282,643. Any contingency left can be spent for additive items that were eliminated. A motion was made by Councilman Kelly to award the Water Tank Construction contract to Southern Corrosion for \$217,144. The motion was seconded by Councilman Salyer and unanimously approved. Councilman Kelly moved to award the Water Tank Telemetry contract to Boggs Municipal Services. The motion was seconded by Councilman Salyer and passed unanimously.

The basic plans for the wastewater treatment plant redesign will be complete in three to four weeks. Mr. Beckner reviewed the bids for the Sludge Removal and the 58A Bridge Crossing. His recommendation for the Bridge Crossing is to award the contract to the apparent low bidder, Frizzell Construction. The budget for this project was \$385,000. The original bid was \$467,700, however, successful negotiations with Frizzell resulted in a deduct of \$62,930, basically changing the jointed pipe to a continuous pipe across the bridge and changing an air release valve on the force main. The insulation was reduced to 2 inches. The recommended award amount is \$404,770. On the Sludge Removal Project bids, the apparent low bidder was Bionomic Services with a bid of \$336,260, with a budget of \$440,000 including contingency. During subsequent review of the bids, Bionomic qualified their bid, which was not approved by Rural Development and not recommended by Mattern & Craig. The second low bid was submitted by Merrell Bros. in the amount of \$394,386 which is still within budget. Both projects are components of the Wastewater Treatment Plant Project with a total budgeted amount of \$825,000, and a combined contract award total of \$799,156.40. Rural Development requires a 5% contingency, which will make the project \$839,000, or \$14,000 over the original budget. Councilman Boardwine moved to award the contracts to Frizzell Construction and Merrell Brothers as recommended by Mattern & Craig. The motion was seconded by Councilman Kilgore and carried unanimously.

Old Business:

Since the Sludge Removal and Bridge Crossing projects were voted on during the Project Report, Mayor Fletcher skipped to Item#2, West Hills & Downtown Sewer Rehab Project. Mr. Beckner explained that the RD grant and loan for this project was awarded, however, a sewer

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rehab project doesn't pay for itself and the cost for West Hills is high because of the rock in that location. For this project to cash flow, the town will have to pay an estimated \$60,500 annually over the life of the loan. He provided different costs based on a higher annual payment. Mr. Beckner said if the town can pay \$150,000 per year toward this loan, it would be paid off in 11.7 years. Mayor Fletcher pointed out that we will be getting a minimum of \$750,000 per year in Dominion tax revenue for some time, but that it will begin to reduce over the years. He also stated that the town has promised sewer to West Hills residents for over 30 years and the downtown sewer lines are in bad need of repair. Ms. Baca said the town can afford this amount for the next eight or nine years, but cannot sustain a payment like this for 38 years. For the next 7 years, the general fund owes the utility fund an annual payment of \$100,000 for the capital improvement loan made to the general fund this year. She recommended, if Council wishes to move forward with this project, that a minimum of \$100,000 per year be put toward this project. Hopefully, the town will have saved enough money over the next few years to pay off this note within 10 years. She also said that complaints of sewer problems come from both residents and businesses on a regular basis. The loan payment does not begin until two years after closing, and the sooner we are able to pay off the note, the more we will save of the \$900,000 in interest that a 38 year note will cost. Councilman Kelly pointed out a savings of about \$500,000 in interest if we could pay the note off in 11 ½ years. Following a brief discussion about the increased revenue and expenses over the upcoming years, and the importance of careful financial planning, a motion was made by Councilman Salyer to proceed with the West Hills and Downtown Sewer Rehab Project and review the financials again about 90 days before closing. The motion was seconded by Councilman Kilgore and a roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Absent; Bailey-Aye; Salyer-Aye. The motion carried unanimously.

Ms. Baca said she solicited rates from Miners Exchange, Carter Bank, and First Bank & Trust. Miners Exchange and Carter Bank did not respond. First Bank & Trust sent a proposal for a two year construction loan at 2.95%. Ms. Baca said she hopes to close with RD within 6 months and pay off the interim financing note. She recommended the two year loan in the event it takes longer, we would not have to pay bond counsel again to renew the RAN or construction loan. Ms. Baca said 2.95% is a very good rate today, but if Council wishes to allow more time to other banks, she can contact them again. Councilman Salyer moved to accept the proposal from First Bank & Trust. The motion was seconded by Councilman Boardwine and passed unanimously.

Councilman Kilgore updated Council on the park improvements. The playground equipment has been ordered and should be here in a few weeks. Joe Jordan offered a quote of \$1800 to pressure wash and paint the tennis courts. Both Mr. Jordan and Bennie Lane have been used for some of the small jobs we have had, and Councilman Kilgore moved to use them as contract labor when we have minor work to be done. Councilman Salyer seconded the motion, specifying that certificates of insurance be required. Ms. Baca said they must also complete a W-9 so the town has the information to send a 1099 if applicable. She also reminded Council that if a project exceeds \$30,000, the town must follow proper procurement, but she would like to continue the past practice of getting verbal bids for anything over \$3,000 and written quotes for any project expected to exceed \$10,000. The motion passed unanimously.

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Councilman Kilgore discussed the additional invoice from Mark Nash Construction. The original amount allocated for the contract to repair the swimming pool was \$112,000. He reviewed the invoice for additional items including the new pump that was previously approved. The added items include outlet covers, drain grates, new ladders. All of the other items are necessary to bring the swimming pool in compliance with current code. A motion was made by Councilman Kilgore to approve a change order with MNCC in the amount of \$15,988.92 to cover these additives. The funds will have to come from the recreation or contingency line item. This would increase the total contract cost to approximately \$128,000, a little more than 10% of the original contract. The motion was seconded by Councilman Boardwine and unanimously approved.

In light of the new problems with the leaks under the pool floor, Ms. Baca raised concern about MNCC continuing to work on the pool without engineering advice and without knowing the estimated cost of additional repair work. Councilman Kilgore said Mr. Nash has not given him an estimate on what work is currently being done. Councilman Salyer said we need to know what costs have been incurred in digging up the pool base. Councilman Kilgore commented on the savings from having our own workers helping for the past few days. The original contract really had nothing to do with any underground water line problems. Following a lengthy discussion on the problems and possible solutions to repair the pool, Councilman Salyer moved to halt all work at the swimming pool until we receive an assessment and recommendation from an engineer. The motion was seconded by Councilman Kilgore and unanimously approved.

Councilman Kilgore discussed the condition of the town's bucket truck. He has been looking for used bucket trucks and found one from Narrows, VA which is priced at \$9500 with a 52 ft. working height. John Hicks has driven it and reported that it appears to be a sound vehicle. Mayor Fletcher expressed opposition to spending this much on a used bucket truck, questioning how much we would use it and where a truck this size would be housed. The town attorney stated her concern about using a bucket truck that has been noted to be in need of repair. There was a brief discussion about the cost of renting a larger bucket truck when needed. Councilman Kilgore moved to purchase the bucket truck for \$9500. Councilman Boardwine seconded the motion. After further discussion, Councilman Salyer offered a substitute motion to make an offer of \$6500 for the truck from Narrows. Councilman Bailey suggested we first check on the price of a rental. Upon inquiry by Councilman Salyer, Mr. Carter said the bucket truck is used to put up flags and take them down, to place planters, to put the windows in at the pool and other repair work. Councilman Boardwine asked if we would use a bucket truck more often if we had a better truck, and Mr. Carter said we have several things we could use it for if we had a larger one. Councilman Kelly offered a second substitute motion to table this matter until we make an offer of \$6500 and then report back to the Council. This motion was seconded by Councilman Salyer and a roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Absent; Bailey-Aye; Salyer-Aye. The motion carried.

The Council voted to appropriate up to \$76,000 for the skate park plan #4083. The actual cost was \$77,377, but Councilman Bailey said he told them that we could not pay more than the

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approved amount of \$76,000, so the company donated the additional \$1,737. They also upgraded the rail from 14 ft. to 16 ft. because they no longer make a 14 ft. rail. A down payment of \$35,000 has been made to ARC, who is a selected vendor of the National Powers Alliance to which the town belongs. The expected delivery date is June 24th and Councilman Bailey would like to plan the grand opening for July 4th. Alex Mays has volunteered to provide the music for the grand opening. It has been suggested that the park be named Clinch River Skate Park at St. Paul, and Councilman Bailey moved to make this the official name of the new skate park. The motion was seconded by Councilman Salyer and unanimously approved. Councilman Bailey moved to authorize St. Paul Revitalization Committee to recommend signage using our new town colors and request that they bring their design and prices back to the Council for approval. Councilman Salyer offered a second. To help pay for the skate park sign, Councilman Bailey suggested offering space on it to businesses for advertisement. Councilman Kilgore suggested adding advertisement for those businesses who have donated to help build the skate park, like W&L. Mayor Fletcher called for a vote and the motion passed unanimously.

Councilman Salyer asked the town attorney to address the sale of the Lion's Den property. At the last meeting, Ms. Hensley said she was asked to research whether or not the town could put a stipulation that the property would have to be revitalized within 18 months. She said it is likely that there are code sections that can be used if the buyer does not fix the property after purchasing it. The purchaser should be made aware of this, but it would not necessarily be a part of the purchase contract. She would like to speak with Robert Mullins about code requirements, but does not believe the seller can require a buyer to renovate as a condition of the sale. Since the town council has already unanimously approved to sell the property, Councilman Salyer suggested Ms. Hensley get back with him and once that determination is made, the town can proceed with an RFP to be approved by the attorney.

New Business:

Councilman Kelly advised that a temporary power pole is needed at the Lyric Theater, and temporary lighting is needed for the architect that will be coming this week. Mayor Fletcher said arrangements have been made and asked Earl Carter to address the issue. Mr. Carter suggests that power be set on the building instead of setting a pole. Mr. Carter suggested said we can place a 200 amp box for just slightly more than the cost of 100 amps. He also said he will make sure there is lighting available this week.

Councilman Bailey talked about the branding package that was done for the town by Arnett Muldrow through the DHCD grant. A logo sample was provided in the council packet, but there is an entire notebook of the colors, fonts, and signage that council can view if they would like. The new lettering and colors are already being used for some trail signage. Councilman Bailey moved to approve the town logo and the entire branding package. The motion was seconded by Councilman Boardwine and unanimously approved.

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It was mentioned earlier that we are having a problem with brush. Councilman Bailey proposed that the town start looking at the possibility of getting a mulcher. Mayor Fletcher said we had a small mulcher at one time, but if we can get clearance to take our brush to the Dominion site, he would prefer to do that. Councilman Bailey suggested talking to the lady who spoke from the Fairview Community Center about how she might be able to help. Mayor Fletcher said he would ask her if she could help us with chipping the town's brush.

Next, Councilman Bailey discussed having the pool manager to check on the park grounds and restrooms 3 or 4 time a day and contact the proper people, like Glenda or Johnny, if she sees something that needs to be done. He actually spoke with Ms. Carter who said she wouldn't even mind cleaning the restrooms, but Councilman Bailey said he is only asking that she keep a check on the park facilities. Most recreation managers who actually stay on site at parks are in charge of recreational activities. Councilman Bailey said he spoke with Neva Bryan about scheduling college interns who could provide this type of service for the town. The intern would actually work for a Recreation Manager. Councilman Bailey moved to offer the Pool Manager an additional 50 cents per hour to keep an eye on the maintenance of the park and be the Recreation Manager for the purpose of overseeing any recreation intern that will be working at the park for recreational purposes. Mayor Fletcher commented that we had problems at the pool previously and we hired a pool manager to oversee the swimming pool. Councilman Salyer seconded the motion to bring the matter to discussion. Mayor Fletcher advised that he has talked with John about working one of our part time summer guys at the park 4 hours on Sunday and Monday just cleaning the park. Stating that during normal work hours, our regular crew can maintain the park, Mayor Fletcher stated his opposition to this idea. Councilman Salyer provided pictures of the park this afternoon and there was a lengthy discussion about lack of maintenance. Councilman Kilgore reminded everyone that we are still in the process of working on the park restrooms. Councilman Kelly said he believes we need someone who can work in the park on the weekends. Following further debate, Councilman Salyer offered a substitute motion to also pay the Pool Manager for an additional seven hours to perform her weekly duties to inspect the park and report to the appropriate department heads. The substitute motion was seconded by Councilman Bailey and there was more discussion about who she would report to on the weekends. Councilman Salyer called for the question. Before voting, Mayor Fletcher told Councilman Kelly that there would be someone working to clean the park on weekends. A roll call vote was taken: Kelly-Nay (clarifying his vote because the motion does not specifically require someone to be cleaning the park on the weekends); Kilgore-Aye; Boardwine-Aye; Holbrook-Absent; Bailey-Aye; Salyer-Aye. The motion passed 4-1. Mayor Fletcher said he has already worked it out with John to make sure Mr. Gray (one of the summer employees) will be at the park on the weekend. Councilman Kelly said if that is the case, he has no problem voting for the motion and changed his vote to Aye.

Ms. Baca said the storage room is running out of room. She checked with the auditor to see if it is okay to destroy accounts payable invoices that are more than 20 years old. A motion was made by Councilman Boardwine, seconded by Councilman Kilgore, to authorize the Treasurer to destroy accounts payable invoices more than 20 years old. The motion passed unanimously.

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The contract with Thrower & Blanton will end this year unless the town exercises the option to renew for up to three years. Ms. Baca said the contract can be extended for three successive one year periods. After that, the town should go through procurement again. She recommended extending the agreement with Thrower & Blanton. A motion was made by Councilman Bailey, seconded by Councilman Kilgore, to extend the agreement for three years. The motion carried unanimously.

Councilman Kilgore moved to adopt a resolution thanking Freddie Arrington for the trail easement he gave the town. Mayor Fletcher provided a draft thank you letter to Mr. Arrington. Councilman Kilgore said that was fine. His motion to authorize Mayor Fletcher to send the letter was seconded by Councilman Bailey and carried unanimously.

In light of the recent issues regarding maintenance of buildings we own, Councilman Kilgore moved to appoint a Building Committee to assist in making sure that needed maintenance is not overlooked and buildings are kept up in a timely manner. He recommended the Mayor appoint a council member, and those who are in charge of these buildings, like Charlie Engle and Jerry Couch. A second was offered by Councilman Salyer. Councilman Bailey pointed out that there has been previous discussion regarding maintenance of the Hillman House, but that building is owned by the IDA. Councilman Kelly said volunteer labor is going to be used to finish the upstairs and he will bring this up at the IDA board meeting. Mayor Fletcher called for a vote on appointing Charlie Engle, Jerry Couch, and Councilman Boardwine to serve as the Building Committee. The motion passed unanimously.

Bill Steele is moving and has submitted his resignation on the Planning Commission and the IDA Board. Councilman Kelly moved to accept Mr. Steele's resignation of his position on the IDA Board and the Planning Commission, and further moved to appoint Bill Wallace to the vacant seat on the IDA Board. The motion was seconded by Councilman Salyer and passed unanimously. Councilman Kilgore nominated Terri Ann Hill to the Planning Commission, but said he has not asked her if she would be willing to serve. Councilman Kelly nominated Aubrey Ward to fill the position on the Planning Commission. He has talked with Mr. Ward, who said he is willing to serve on the Planning Commission. Following a brief discussion, Councilman Kilgore said he is fine with appointing Aubrey Ward and withdrew his nomination since he has not talked with Terri Ann about it. There being no other nominations, Aubrey Ward was unanimously appointed by acclamation.

The budget workshop for the full council was set for 5:30 p.m., Wednesday, May 29th. Ms. Baca will advertise the notice.

Councilman Salyer presented a request that the town accept a short term loan of paintings from Nadya Warthen-Gibson to be displayed at the Railroad Museum beginning May 28th until a date beyond Clinch River Days, to be determined by owner. Mr. Couch will send a photo inventory of her work. Councilman Salyer further requested that the town accept two paintings from Allen Gregory to be displayed at the Railroad Museum. The duration of display of these two paintings

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will be determined by the owner. Councilman Salyer moved to accept the loan of these paintings. The motion was seconded by Councilman Kelly and unanimously approved.

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

Councilman Kelly 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-Aye; Salyer-Aye. The motion passed 5-0.

Councilman Boardwine moved to authorize the Town Attorney to write a letter to Don Chaffin's attorney advising that the town is not pursuing any zoning issues at the present time because he has removed the business signage and is actively developing the property. The motion was seconded by Councilman Kilgore and a roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Absent; Bailey-Aye; Salyer-Aye. The motion carried 5-0.

There being no further business to discuss, the meeting was adjourned by Mayor Fletcher.

Mayor

Town Clerk