

**MINUTES
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 21, 2015
TOWN HALL – 6:00 P.M.**

Council Members:

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

Allen Gregory-CVTimes

Others Present:

Debora Baca – Clerk/Treasurer
Julie Hensley – Town Attorney
Earl Carter – Public Works Director
Bo Phillips – Chief of Police
Bob Harrison –IDA
Chuck Slempp – Comm Atty Candidate
Kathy Stewart – Main Street Lyric Project
Rob Jones – Willis Project Administrator
Juanita Kelly – Beautification Comm.
Doris Fletcher – Beautification Comm.
Andrea Hicks – Spearhead Trails
Patty Bates – Ultra Runner

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

Councilman Salyer asked to add “Drone Ordinances” under New Business. Councilman Bailey asked to add “CHS Football Request” and “Russell County Lead Program”. A motion was made by Councilman Holbrook, seconded by Councilman Boardwine, to approve the agenda as amended. The motion passed by unanimous roll call vote.

Under public expression, Juanita Kelly, representing the Beautification Committee, thanked the town employees for doing a great job in maintaining the flowers and keeping the town looking so nice. She shared several positive comments made by visitors of the farmers market and the class reunion. Also representing the Main Street Design Committee, Ms. Kelly discussed a project they are currently undertaking to enhance the recycling bins. Greg Cross, from Wise County, has agreed to help with signage and paint. Their plan is to pour a concrete slab and move the bins closer to the town gas tanks, then plant trees and landscape down to the street. Main Street has set aside money for the concrete and shrubbery but will need assistance from the town to dig the holes and to pour the concrete. The volunteers will do the mulching. Councilman Salyer thanked all of the town volunteers for their work and leadership.

Ms. Baca advised that Linda Tiller sent a letter asking the town to consider accepting \$100 for the strip of land that was vacated last month by the Town Council. Ms. Baca asked council members to review the letter and the issue is on the agenda under old business.

Chuck Slempp, candidate for Wise County Commonwealth Attorney, introduced himself to the town council. He commented on his excitement about what is going on in St. Paul and how thrilled he is to see folks so dedicated to making St. Paul great.

Next, Kathy Stewart expressed her appreciation for the new carpet at the library and for the air conditioning in the pool building. She said the work on the Lyric patio is almost finished and

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looks very good. St. Paul is being represented at the Creative Economy Summit and the ARC representative attending will be visiting St. Paul tomorrow. The next item discussed by Ms. Stewart was a three day Gateway Tourism Workshop. This is a collaboration of ARC and the National Endowment for the Arts (NEA) to assist communities with combining the arts, outdoor recreation, and tourism. It will be held in Berea, KY the first week of December. The team should consist of a land management representative, an arts representative, and a cross-section of other town leaders. There will be some assistance available for travel and lodging, and it could help increase the chances of receiving grant funds from both ARC and NEA. Ms. Stewart asked council members to be thinking about this and anyone interested in attending this workshop can contact her.

Andrea Hicks and ultra runner Patty Bates addressed the Council concerning an upcoming running event. With the town's permission, they will be planning an ultra run event on November 28th to be held at Oxbow Lake and Sugar Hill. This is a 24 hour running event that individuals or teams can walk or run. Last year, they put together an ultra run very quickly and had 19 participants. Frank Kilgore has given permission to use the Sugar Hill property for runners and camping. However, they would like to consider allowing tents up near the restrooms at the lake. Ms. Hicks said they would like to make this a well planned signature event for St. Paul. They hope to have several big corporate sponsors, but they have a wish list of items they need such as warming tents, chairs, etc., and would appreciate any assistance from the town. After further discussion and several positive remarks from council members, Ms. Baca said she will place this request on the October agenda.

Bob Harrison commended Kathy Stewart for the St. Paul display at Heartwood. Ms. Baca also noted that Kathy applied for and received \$1,000 grant from Macy's for the Lyric Project. She has also applied for a grant from Fox Theater.

Mayor Fletcher made the following announcements:

- 1) Mayor Fletcher reminded everyone to prepare for winter. He encouraged everyone to get a flu shot and asked citizens that are elderly or need special assistance to make sure their contact information is on the list at the town hall. This list is used to check on people during extreme weather situations.
- 2) The town hall and police department will be sponsoring a "Trunk or Treat" event for Halloween night. Fourth Avenue between Russell and Broad will be blocked off and there will be prizes for the best decorated trunk and costumes. Ms. Baca said letters will be going out to businesses this week.
- 3) The town has received a notice that Kentucky Utilities will be increasing rates.

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

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As part of the Treasurer's Report, Ms. Baca advised that the Dominion tax assessment had a slight increase with the tax due for this year being \$2,407,964. After the 20% rebate, this will result in a net increase of \$137,316 more than last year. Councilman Holbrook moved to approve the consent agenda. After Councilman Kilgore offered a second, Councilman Holbrook pointed out that in the Water & Sewer Report, there has been a request for several months that the town consider getting a cost for a sediment basin. Mr. Carter explained that even with a proposed new water intake, there will still be sand coming in at the grit chamber and the town needs to look at adding a settling basin to resolve the sand issue. After a brief discussion, it was pointed out that this item is on the agenda under old business.

Old Business:

After reviewing the letter from Linda Tiller regarding the property previously vacated by the Council, Councilman Holbrook said he always thought when a road was vacated, it would revert back to the property owner. Ms. Baca said she believes that is also what Ms. Tiller thought, but evidently she was questioned when she went to file the deed. Ms. Baca recalled that Osborne owns Lots 96, 97 and 98, and the vacated road runs between Lots 96 and 97. Following a brief discussion, Mayor Fletcher suggested the issued be tabled until council's questions can be addressed. Councilman Salyer questioned if the sale of this property would have to be offered to the public. Ms. Hensley said she would not think this has to be offered to the public because it is such a narrow piece that runs through the lots of one property owner. Ms. Baca suggested setting a public hearing and asking Ms. Tiller to attend to answer any questions from the council and the public. Ms. Hensley said if Council schedules a public hearing, she can do further investigation prior to that meeting. A public hearing was scheduled for 5:45 p.m. prior to the next council meeting.

Ms. Baca noted that Councilman Bailey previously agreed to landscape around the sewer pump located on the James Holbrook property on Gray Hill. Councilman Holbrook had asked that this matter be placed on the August agenda, but neither Councilman Holbrook nor Councilman Bailey attended the August meeting, therefore, Council tabled it until this month. Councilman Bailey said he just has not had a chance to make a trip to pick up the materials. Following a brief discussion about the issue, Councilman Salyer offered a motion asking Earl Carter to work with the Holbrook family to select what type of landscaping they would like and authorize him to spend up to \$300 to purchase the shrubbery. The motion was seconded by Councilman Boardwine and passed unanimously. Mayor Fletcher reminded everyone that we have to be mindful not to block access to the pump station.

The old sewer plant generator was re-advertised after Council rejected the two bids received from the first advertisement. Ms. Baca said the town received two bids again, one from Jeff Hall in the amount of \$250 and one from Little B in the amount of \$1,100. A motion was made by Councilman Boardwine, seconded by Councilman Kilgore, to accept the higher bid from Little B in the amount of \$1,100.00. The motion passed unanimously.

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Earl Carter presented a draft of an application, rules, and regulations for anyone wanting to dump sewage in the wastewater plant. Mr. Carter reviewed the required forms, including an information form that is required for every load that is dumped. We only have two established customers, but with the new plant coming on line, he doesn't expect to start allowing any dumping until around the first of the year. Councilman Salyer suggested requiring an insurance certificate with the town being an additional insured. Following a brief discussion about liability and cost for dumping, Mayor Fletcher suggested the matter be tabled to allow Mr. Carter time to make revisions to require an insurance certificate and to determine a rate for dumping in the new treatment plant. Ms. Hensley suggested that minimum required levels should be included in the language for liability insurance. Bob Harrison said the town should require at least the same amount of coverage that they have. Councilman Holbrook moved to table this until October. The motion was seconded by Councilman Kilgore and passed unanimously.

Cody McElroy and Earl Carter talked about the sand issue at the grit chamber. The current screens are 50 mesh and even though the proposed new water intake would help the amount of sand coming into the chamber, there will still be fine particles. Cody talked about different options that would help reduce the amount of grit getting through. Earl pointed out that we only have two time frames per year to work on these issues, that being the two times that Dominion is shut down. Councilman Kelly asked about the proposed location of a new water intake. Cody said the proposed location would be near Oxbow and the water depth is not that much greater but the water withdrawal rate would be faster and there would be less sand. There has been discussion about keeping both intakes operational. A motion was made by Councilman Holbrook to table this issue until further information is available. The motion was seconded by Councilman Boardwine and passed unanimously.

New Business:

Last month, the Council voted to reject a \$148,000 loan offer from Virginia Department of Health (VDH). When this was communicated to VDH, they came back with an offer for a 100% grant to upgrade the Water Treatment Plant security. Ms. Baca asked for Council approval to accept the grant funds from VDH for this project. A motion was made by Councilman Kelly, seconded by Councilman Kilgore, to accept the \$148,000 grant. Mr. McElroy said he explained to VDH that the town has raised their rates and are trying to do the right thing, but just didn't feel they could take on more debt at this time. Ms. Baca sent VDH the proposed rate increases and received the grant offer just a few days later. Mayor Fletcher thanked Cody for his guidance in helping to get this grant, and called for the vote. The motion carried unanimously.

Ms. Baca reported that all of the general engineering procurement documents have been sent to VDH for approval. Councilman Salyer made a motion to accept the task order from Mattern & Craig for the Water Treatment Plant project, pending VDH approval of the procurement documents. The motion was seconded by Councilman Boardwine and unanimously approved.

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Councilman Salyer said there is now seven extended use buildings within our town, none of which asked for a special permit. A meeting was held with Robert Mullins and the Planning Commission regarding requirements for these types of buildings. Councilman Salyer made a motion to place a notice in the local paper stating that this requirement is on the books and any future “extended use buildings” will require an extended use permit. The motion was seconded by Councilman Boardwine and passed by a unanimous roll call vote: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Kilgore-Aye; Kelly-Aye.

Ms. Baca reminded the Council that they agreed to use money allocated for a wood chipper and spend it to install air conditioning at the pool buildings. She asked for approval to reallocate \$7200 from line item #10-500-2600 to Recreation Capital Outlay, line item #10-621-4500. Councilman Kelly moved to reallocate these funds. The motion was seconded by Councilman Kilgore and passed unanimously.

Councilman Salyer offered a motion to address items 8, 9, and 10 before closed session and items 6 and 7. The motion was seconded by Councilman Boardwine and carried unanimously. Councilman Salyer said he received a call from a constituent concerned about drones and inquiring about any ordinances regarding drones. He asked everyone to inquire at the VML Conference about other towns that might have ordinances regarding this issue, and asked the Town Attorney to look into any current laws regarding drones. Ms. Hensley said this is a national issue and the area is extremely gray. You cannot hack into the communication between the drone and its operator, and shooting one down opens the door for a lot of other problems. She said she will investigate further, but it could be years before there is any test cases on this issue. Mayor Fletcher said this is a very serious security problem, and the drone leaders in Wise County does not have an answer for this. A motion was made by Councilman Salyer, seconded by Councilman Boardwine, to authorize the Town Attorney to investigate further. The motion passed unanimously.

Councilman Bailey said the Russell County Lead Program will be visiting St. Paul next month. He made a motion to provide lunch for the group. The motion was seconded by Councilman Salyer and carried unanimously.

Ms. Baca said the group that was going to feed the CHS football team this Friday has canceled, and the CHS Football Moms have asked if the Town of St. Paul would consider providing the food for a spaghetti dinner to feed approximately 55 people. The CHS Moms will prepare the dinner. A motion was made by Councilman Bailey to approve up to \$200 to provide food for the CHS football team and cheerleaders. The motion was seconded by Councilman Salyer and unanimously approved.

A motion was made by Councilman Holbrook, seconded by Councilman Kilgore, to enter into Closed Session to discuss Personnel under VA Code Section 2.2-3711(A)(1) and Acquisition & Disposition of Property under VA Code Section 2.2-3711(A)(3), and Legal under VA Code

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Section 2.2-3711(A)(7). Bob Harrison and Rob Jones was asked to stay for closed session. A roll call vote was taken: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Kilgore-Aye; Kelly-Aye. The motion passed 6-0.

Councilman Holbrook moved to enter back into Open Session, certifying that the only matters discussed were Personnel under VA Code Section 2.2-3711(A)(1), Acquisition & Disposition of Property under VA Code Section 2.2-3711(A)(3), and Legal under VA Code Section 2.2-3711(A)(7). 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 passed 6-0.

Councilman Salyer asked that a member of the Creative Boutique Hotel team be present at the public hearing on the proposed acquisition of the Ezra Dye property. Councilman Kelly offered a motion to hold a public hearing on the proposed purchase of property, coordinating the date and time with a representative of Creative Boutique Hotels. The motion was seconded by Councilman Kilgore and passed unanimously. Ms. Baca said she will touch base with Todd Morgan to set the date.

A motion was made by Councilman Holbrook to authorize the Town Attorney to negotiate a settlement regarding a police matter. The motion was seconded by Councilman Boardwine and passed unanimously.

Councilman Holbrook moved to engage the services of attorney Greg Gilbert for advisement in the Willis Building Project real estate matters. The motion was seconded by Councilman Kilgore and a roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Aye; Salyer-Abstain. The motion passed 5-0.

A motion to hire Travis Scarberry as a full time Garbage Department Laborer at \$8.94 per hour was made by Councilman Salyer. The motion was seconded by Councilman Kilgore and passed unanimously.

Councilman Kilgore moved to hire Travis Stanley as a full time police officer per Chief Phillips recommendation. The motion was seconded by Councilman Boardwine and unanimously approved. Ms. Baca asked about the beginning salary. Council agreed it should be the minimum starting pay.

A motion was made by Councilman Bailey to adjourn. The motion was seconded by Councilman Holbrook and passed unanimously. Mayor Fletcher adjourned the meeting.

_____ Mayor

_____ Clerk