

MINUTES
REGULAR COUNCIL MEETING
MONDAY, MAY 16, 2016
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
Bob Harrison – St. Paul IDA
Kathy Stewart – Main Street Director
Cody McElroy – Mattern & Craig
Bo Phillips – Chief of Police
Earl Carter – Public Works Director

Allen Gregory-CVTimes

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

Mayor Fletcher asked for approval of the agenda. Councilman Salyer asked to add “Lyric Repairs” under New Business. Councilman Kelly asked to add “Crosswalk at Wise Street and Morgan McClure Ford” under New Business. Councilman Holbrook moved to approve the agenda as amended. Councilman Boardwine seconded the motion and it passed unanimously.

Under public comments, Kathy Stewart reported that the gateway and wayfinding sign designs are ready and they are soliciting bids. As soon as they find a sign company willing to place a bid, the signs and posts will be placed. A business appreciation reception was held as part of the criteria of the Hometown on the Clinch Award. Ten downtown businesses were represented. Ms. Stewart asked for two portable toilets for downtown during Clinch River Days with signs directing people to public restrooms. She reported that water has been discovered in the Lyric building. The contractor for the hotel is using the building for storage and he discovered that the wall and floor on the upper side was wet. Ms. Stewart and Bill Wallace looked at it and do not believe it is the roof itself, but possibly blowing in between the sidewalk and the Lyric roof. She asked Council to act promptly on making necessary repairs to prevent further damage.

Mayor Fletcher made the following announcements:

- 1) To accommodate bands and other groups that need power to operate, 400 volt power is now installed at the park. The work that has been done will also allow improved lighting at the basketball court.
- 2) A new sewer pump has been installed at the park and should be completed tomorrow.
- 3) The stop sign at Nevada and Lee Streets has been replaced.
- 4) Bids on demolition of the Lion’s Den building have not been advertised. The Mayor is waiting to see what Councilman Salyer can get worked out with Habitat for Humanity.
- 5) Clinch River Days will be held on June 2nd, 3rd, and 4th.
- 6) Mayor Fletcher talked to John Hick about the street workers exercising caution when mowing, not to leave grass on the sidewalk, especially near buildings and business entrances.

**MINUTES
REGULAR COUNCIL MEETING
MONDAY, MAY 16, 2016
PAGE II**

- 7) Chief Phillips estimates the cost to be \$1,500 to install the antenna and one radio necessary to switch police radios back to Wise County.
- 8) The educational symposium had 83 participants and was once again very successful.

A motion was made by Councilman Holbrook to approve the minutes from the April public hearing and council meetings. The motion was seconded by Councilman Kilgore and passed unanimously.

A motion was made by Councilman Boardwine, seconded by Councilman Kilgore, to approve the consent agenda. The motion carried unanimously.

Old Business:

Councilman Kilgore asked that Item #1, Oxbow Lighting, be tabled until June since Earl and John have been busy with the park and getting the wastewater plant online. All agreed.

Ms. Baca reminded Council they asked to table the question regarding the purchase of a booth at the VML Conference. Councilman Salyer moved to table this matter again until next month. The motion was seconded by Councilman Boardwine and passed unanimously.

Councilman Kelly presented quotes on sidewalk repairs previously discussed. The quotes cover repairs and replacement from a list the Street Committee provided. Mayor Fletcher noted that we have \$10,000 remaining in this year's budget for sidewalk repair. The first quote was from King Contractors in the amount of \$7,450 for five sidewalk locations. The second quote was submitted by Ken Construction in the amount of \$20,597. Mayor Fletcher inquired about the disparity between the two quotes. Councilman Kelly said he listed and showed both contractors the exact same work that needed to be done. A copy of a map and solicited quotes to pave parts or all of the park road were also presented by Mr. Kelly. He reviewed the scope and quotes from King Contractors, Rogers Group, and W-L Construction, with the best quote for paving the park from the park gate to Bluebell Trail being Rogers Group at a price of \$36,430 (Base Scope with Option 1 and 2). Rogers Group also included \$10,000 worth of donated material and labor. Councilman Kelly said he is working with VDOT and Wise County to try making the road in front of Oxbow down to the park gate VDOT maintained. If this can be accomplished then VDOT will pave that portion of the road. Following a lengthy discussion about the park map, the location of sewer lines, the different options, and what areas are a priority, Councilman Salyer asked how long the bid will be good. Councilman Kelly advised it is good for sixty days. A motion was made by Councilman Kelly to accept the bid from Rogers Group and direct the Budget Committee to include the \$36,430 in the proposed 2016-17 budget. Ms. Baca asked for clarification of the scope of work and amount being approved. Councilman Salyer had concern about accepting a bid at this time. He suggested the motion at this time simply be to appropriate the money in the upcoming budget. Following further discussion, Councilman Kelly amended his motion to read that this matter be referred to the Budget Committee, asking them to include \$36,430 in the proposed budget for paving the park. The amended motion was seconded by

**MINUTES
REGULAR COUNCIL MEETING
MONDAY, MAY 16, 2016
PAGE III**

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

Next, Councilman Kelly moved to accept the \$7,450 bid from King Contractors to repair and replace the sidewalks in the locations stated in the quotes. 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.

Last month, Council voted to donate \$552 to sponsor the Castlewood FBLA trip to Florida for the national competition. Ms. Baca said she was asked to place this item back on the agenda for May to consider an additional donation, depending on how much was left in the donation budget. Councilman Kilgore made a motion to sponsor another student by donating an additional \$552 to the FBLA to help with trip expenses. The motion was seconded by Councilman Salyer and passed unanimously.

Councilman Salyer said it has been mentioned to him by some constituents and some council members about approaching Habitat for Humanity to determine if they have an interest in using the Lion's Den property as a possible Habitat housing site. He talked with representatives from Habitat for Humanity and sent them a copy of the appraisal and a quote we had solicited a couple of years ago regarding the cost to repair the house. Councilman Salyer said he was told that if the town desired to give the property to Habitat, they would probably tear it down and use the lot. He suggested the Council formally offer the property to them or invite them to come and look at it and possibly make the town an offer as to what they would do with the property. Councilman Salyer said he would just like to begin a dialogue to discuss the matter. Town Attorney Julie Hensley recommended any further discussion regarding an agreement or proposal on the property be conducted in closed session.

Bob Harrison gave a brief report on the Western Front Hotel Project. We may have a roof leak at this building and Mr. Harrison will be checking with T&L Engineering to see if this may be covered under warranty. The IRF and ARC contracts have been signed. The historical tax credits have been conditionally approved through Phase II. A three month extension will be requested from VCEDA, and Debbie said VRA has two or three items they have requested during their review of the Tobacco Commission application. She has submitted some of the requested documentation. There is ongoing communication with VCC about their requirement. He also reported that all of the Dye property is now vacant. MB Contractors, under Supervisor Gary Barker, are moving along in removing the debris from inside the building. Mr. Harrison said he will try to give a monthly report, but if anyone has questions, they can call him anytime.

New Business:

On April 27th, a meeting was held with the Town (Mayor, Debbie, & Earl), Mattern & Craig (Randy Beckner and Cody McElroy), Frizzell Construction (Mark Jackson) and T&B Contractors (Bruce Hawks and Rick Clifton) to discuss project delays and liquidated damages. To date, we were looking at about \$150,000 in damages pursuant to the contract between the

MINUTES
REGULAR COUNCIL MEETING
MONDAY, MAY 16, 2016
PAGE IV

Town and Frizzell. It has been the recommendation of Mattern & Craig to assess the full amount of damages because it is easier to negotiate a dollar amount and pay some of it back than to collect once it is paid. The group had some spirited discussion regarding issues each party had with the WWTP project and the amount of damages assessed. The goal was to capture the true cost to the Town, which was arrived at, negotiated, and agreed upon to be \$68,000. Therefore, M&C recommends the Town assess a total of \$68,000 in liquidated damages and return the remaining funds to the contractor. Once this figure was agreed upon, Mr. McElroy advised Mr. Jackson that Council has final approval. This amount will cover all of the change orders, some additional costs due to the delay, and allow for a little extra money. Mr. McElroy said he feels like there will be some court action taken by Frizzell if we cannot come to an agreement. The Town Attorney recommended this discussion be continued in closed session since this could become a legal matter.

A motion was made by Councilman Salyer, seconded by Councilman Kilgore, to allocate up to \$4,800 to purchase fireworks from Pyrotechnico for a display the same size as last year. The motion was unanimously approved.

A motion was made by Councilman Kilgore to purchase a one-half page ad in the VML Magazine Conference edition. The motion was seconded by Councilman Boardwine and passed unanimously.

Councilman Kilgore moved to donate \$300 to the Russell County Drug Free Graduation. The motion was seconded by Councilman Boardwine and carried unanimously.

Earl Carter recommended disposing of a John Deere 455 mower that the Town has owned for 25+ years. It is too costly for the Town to continue to maintain. A motion was made by Councilman Boardwine to advertise for bids on the mower. The motion was seconded by Councilman Kilgore and passed by unanimous vote.

Ms. Baca said since the Dye Property has been vacated, she would like to plan a date for a public hearing to considering the sale of the property to Willis Properties, Inc. Ms. Baca discussed setting the Budget Workshop for Monday, May 23rd in order to advertise for a public hearing on the budget and selling the Dye property on the same date. All agreed to hold the workshop on May 23rd and set the public hearing date at that time.

Councilman Salyer entertained discussion regarding Kathy Stewart's request to get someone to look at the water leak problem at the Lyric. There was a brief discussion about where the water is coming from. Ms. Stewart said she and Bill Wallace looked at it and the water appears to be coming down between the sidewalk and the wall. The question was raised whether or not warranty might cover it. Mayor Fletcher recommended that King be contacted since they did the work on the roof. Councilman Salyer made a motion authorizing Councilman Kelly to contact Chad King, pass it through Bill Wallace, to take a look at the Lyric to see what the specifics are to stop the water leak at the Lyric building. The motion was seconded by Councilman Kelly and unanimously approved.

MINUTES
REGULAR COUNCIL MEETING
MONDAY, MAY 16, 2016
PAGE V

Councilman Kelly said he has talked with Jeff Buchanan and Harmon Kilgore of VDOT regarding placement of a crosswalk at Morgan McClure so they can cross over Fourth Avenue to get to their used car lot. Previously, they requested a crosswalk closer to the traffic light and VDOT would not allow it. Councilman Kelly said that VDOT will consider the crosswalk closer to the underpass, but will require a resolution to do an engineering analysis on the initial installation of a crosswalk at this intersection which could cost up to \$1,000 for data acquisition and legal fees. After further discussion regarding the location of the proposed crosswalk and the warning signals needed for a pedestrian crosswalk, Mayor Fletcher said he has previously worked on this and isn't sure that VDOT will allow any crosswalk at this intersection because of the close proximity of the traffic off of Highway 58 and traffic coming from the underpass. A motion was made by Councilman Kelly to allocate up to \$1,000 and adopt a resolution requesting the VDOT study. The motion was seconded by Councilman Boardwine. Following another brief discussion about the need for the crosswalk, Councilman Salyer called for the question and a roll call vote was taken: Salyer-Aye; Bailey-Aye; Holbrook-Aye; Boardwine-Aye; Kilgore-Aye; Kelly-Aye. The motion to adopt the resolution passed by a vote of 6-0. Mayor Fletcher asked that the record show he is not sure about this action.

Councilman Holbrook moved to enter into Closed Session to discuss 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 Matters under VA Code Section 2.2-3711(A)(7). The motion was seconded by Councilman Kelly and a roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Aye; Salyer-Aye. The motion passed 6-0.

Councilman Holbrook moved to enter back into Open Session, certifying that the only matter discussed in Closed Session was Personnel under VA Code Section 2.2-3711(A)(1), Acquisition & Disposition of Property and 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-Aye; Bailey-Aye; Salyer-Aye. The motion passed 6-0.

Councilman Salyer made a motion to hire Dakota Grizzel and Kirsten Lasley as part time police officers starting at \$12.00 per hour. The motion was seconded by Councilman Kilgore and the motion carried unanimously.

For pool employees, Councilman Kilgore made a motion to hire Derek Evans as manager at \$9.25 per hour, Eva Sue Blevins as concession manager at \$9.25 per hour, and the following as lifeguards at \$7.50 per hour: Kaci Jessee, Alexis Kennedy, Noah Phillips, Loren Evans, Gill Shepard, Jacob Baker, Peyton Jessee, Lauren Couch, Alex Chase Lambert, and Cassidy Fleming. The motion was seconded by Councilman Holbrook. Mayor Fletcher asked if new lifeguard swimsuits need to be purchased. Councilman Kilgore said Glenda is the person to ask about the swimsuits. Councilman Boardwine asked about new umbrellas for the stands. Councilman Kilgore said we purchased nice umbrellas last year. There being no further discussion, a roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Aye; Salyer-Aye. The motion passed 6-0.

**MINUTES
REGULAR COUNCIL MEETING
MONDAY, MAY 16, 2016
PAGE VI**

A motion was made by Councilman Holbrook to accept the recommendation from Mattern & Craig to settle with Frizzell for \$68,000 in liquidated damages. 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.

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

_____ Mayor

_____ Clerk