

**MINUTES
REGULAR COUNCIL MEETING
MONDAY, OCTOBER 21, 2013
TOWN HALL – 6:00 P.M.**

Council Members:

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

Debora Baca - Treasurer/Clerk
Julie Hensley – Town Attorney
Randy Beckner – Mattern & Craig
Cody McElroy – Mattern & Craig
Bo Phillips – Chief of Police
Earl Carter – Public Works Director
Bob Harrison – IDA Chairman
Chuck Reidhammer – Spearhead Trails
Kathy Stewart – Lyric Ad Hoc Committee
Lou Wallace – CRVI
Teresa Vencil – CRVI & Estonoa
Brad Kreps – Nature Conservancy
Teresa Harless – Main Street

Allen Gregory – CVTimes

The meeting was called to order by Mayor Fletcher.

Ms. Baca asked to add the Crooked Road advertisement as Item 13 under New Business. Councilman Holbrook moved to approve the agenda as amended. The motion was seconded by Councilman Boardwine and unanimously approved.

Kathy Stewart, representing St. Paul Tomorrow's Lyric Ad Hoc Committee, asked the Town Council to offer guidance on the roof repair of the Lyric building and consider either partially or completely funding the remaining amount to complete the roof replacement. Main Street awarded St. Paul Tomorrow \$25,000 for a structural assessment, environmental assessment, and architectural design and cost estimate for renovation of the building. The Lane Group submitted the design for the roof and the only bid received was from King Construction for \$125,000. The committee has asked for a breakdown of the costs to see if something can be changed to lower the bid. There is approximately \$38,000 left in the DHCD money that can be used on this project. However, if this money is not used by February 25th, it will be returned to DHCD. Ms. Stewart pointed out that it is necessary to repair the roof in order to complete the façade work and move forward with other grant applications. She asked the Council to consider her request as quickly as possible because of the time frame of the DHCD project. Ms. Stewart said she will be making the same presentation to the IDA Board. Mayor Fletcher pointed out that the Council would have to look at the budget before considering such a large dollar amount.

Next, Lou Wallace, Terry Vencil, and Brad Kreps discussed the CRVI initiative and invited anyone interested to get involved. Lou pointed out that St. Paul has been a center point of CRVI since its inception. She thanked the IDA for their \$5,000 pledge to CRVI and thanked Mayor Fletcher for obtaining the easement allowing the main access point in Old Castlewood. That access is already being used by Clinch River Adventures and St. Paul has already seen the economic impact this is having. Brad discussed the partnership between the Nature

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Conservancy, DCR, Virginia Tourism, UVAWise, DHCD, and the towns located along the Clinch River. Ms. Vencil said 87 educators attended the Environmental Education Symposium and another one is planned for next March. The group explained the goals of CRVI, including water quality enhancement, the development of a state park within 5 years, and expansion of environmental education as a spinoff of Terry Vencil's work with students through the Estonoa project. Their goal is to promote economic development along the Clinch River from Tazewell County to the Tennessee line and assist communities in marketing the region. It is estimated that during construction of a state park, the economic impact would be 3-3 ½ million dollars and about 30 jobs. Once the park is up and running, it would be about 2-2 ½ million with approximately 20 jobs, directly and indirectly.

Teresa Harless, Main Street Director, reported that she has attended two Main Street workshops. She is also tracking volunteer hours, and 992 volunteer hours was recorded for July, August and September. Ms. Harless has also been working on marketing downtown and improving our social media sites such as increasing our Facebook presence. Ms. Harless is preparing a monthly Main Street newsletter and sends it to Ms. Baca each month to be included in the council packets. Ms. Baca said she has just been forwarding the newsletter electronically. Ms. Harless has been visiting the downtown businesses and offering her assistance with advertising their business.

Chuck Reidhammer, Director of Southwest Virginia Recreational Authority, gave an update on the trail system. While Fisher ATV was here filming the trail system last weekend, the TV crew came into town and actually did some filming on the river. Mountain View Trails had more than 1,000 visitors last weekend and the trail has had a huge economic impact on St. Paul over the last four months. Mr. Reidhammer thanked the Town of St. Paul for all of their help in setting up for the Fisher ATV weekend. He commended the Town Council for making smart decisions and encouraged them to enforce the ATV ordinance so that everyone knows the rules will be enforced by local authorities.

Mayor Fletcher made the following announcements:

- The Farmers Market Committee would like to invite council members to the Annual Vendor Appreciation Luncheon to be held at the Town Hall on Saturday, October 26th at 1 p.m.
- Mayor Fletcher thanked Lee County for giving us more than 400 auditorium chairs. He also thanked the Assembly of God Church and Junior Dickenson for their assistance in transporting the chairs to St. Paul.
- The estimate to install the camera system at the park was about \$10,000. Mayor Fletcher is trying to contact Tom Cook to discuss other options to get the work done.
- Bill Shelton and Jackie Stump will be visiting St. Paul on December 5th to discuss the progress of our downtown project, the need for lodging, and other matters in which DHCD may be able to assist the town.

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- Mayor Fletcher has spoke with the VML about other options for investment of public funds. He also attended other workshops at the VML Conference concerning blight, tourism, and state laws regarding liquor by the drink. He shared information packets on the workshops he attended.
- Mayor Fletcher said he has informed the Police Department to strictly enforce the rules for ATV's and dirt bikes, making sure that they have the spark arrestors required by the ordinance. People have to understand that they cannot just pleasure ride through town on these recreational vehicles.

A motion was made by Councilman Holbrook to approve the minutes as presented. Councilman Bailey made a correction to the minutes of the October 3rd special council meeting. He pointed out that the minutes reflect that Councilman Kelly voted Nay, but stated that the "motion passed by a vote of 5-0." He asked that the reflection of the vote be corrected to read "by a vote of 5-1." Councilman Kelly pointed out that in the September 16th minutes, it states that the bid by both companies for administrative services was below \$10,000. He asked that the minutes accurately reflect that CESCO's bid was not below \$10,000, but was actually \$12,500. Councilman Holbrook restated his motion to approve the minutes as amended. The motion was seconded by Councilman Bailey and unanimously approved.

Councilman Salyer offered a motion to approve the Consent Agenda. The motion was seconded by Councilman Kilgore. Councilman Salyer commented on the work order system, noting that the key to a work order system is making sure that work requests are going through the proper channels instead of just asking an employee to do the work. This also helps the Council to see the work that is going on and what is being asked of the employees. Mayor Fletcher said we will continue to be diligent in using the work order system. Ms. Baca will email everyone a copy of the work order spreadsheet for September. With no other discussion, the motion passed unanimously.

Old Business:

Town Attorney Julie Hensley said she forward the addendum and her suggestions of using the revised lease agreement for the high school football field. Scott Mullins contacted Ms. Hensley to say that he would be working with the revised lease, but she has not heard from him since. Ms. Hensley has left a couple of voice mails asking Mr. Mullins to follow up with her. A motion was made by Councilman Holbrook to leave the matter on the table. The motion was seconded by Councilman Kilgore and carried unanimously.

Councilman Kilgore moved to table the issue of clearing the Clinch River cut until Mayor Fletcher hears from Mr. Clisso regarding permitting. The motion was seconded by Councilman Boardwine and passed unanimously.

Councilman Salyer shared a sample ordinance with the Council regarding inappropriate signage.

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A motion was made by Councilman Salyer to refer to the Planning Commission concerns about some of the signage being used and ask them to review and update the town ordinance and begin enforcing our signage restrictions. The motion was seconded by Councilman Kilgore and unanimously approved.

Mayor Fletcher advised that no bids were received on the Lion's Den building. He also reported that concerns have been raised about the asbestos in the building. He suggested having an environmental assessment to determine if this is true. Councilman Salyer made a motion that the Mayor send a request to the Wise County Building Inspector asking that a one year extension be granted on the mandatory requirement to bring the building up to code. The motion was seconded by Councilman Kelly and passed unanimously.

Earl Carter reported on his meeting with Mark of MNCC regarding the remaining leak in the swimming pool. He indicated that the problem seems to be in the skimmer system near the alley and not in the area where work was done by MNCC. Councilman Kilgore asked if the other items such as the chipping around the coping have been addressed. Mr. Carter said he was not aware of a list of items to be addressed and did not discuss anything other than the leak with Mark. Councilman Kilgore said he will email a list of other items that need to be addressed. Following further discussion regarding the leaking issue, a motion was made by Councilman Holbrook to table this matter until all items are reviewed with Mr. Nash. The motion was seconded by Councilman Kilgore and unanimously approved. The motion carried unanimously.

New Business:

Mayor Fletcher said the Committee met and scored the engineering proposals submitted for the West Hills/Downtown Sewer Project. The highest ranked firm was Mattern & Craig and this is the firm recommended by the Committee. A motion to accept Mattern & Craig as the engineering firm for this project was made by Councilman Holbrook and seconded by Councilman Boardwine. Following questions from Councilman Salyer about the process, Ms. Baca read the criteria used for scoring and explained the process. Ms. Baca also pointed out that Lane was the second highest ranked firm, therefore, if the Town is unable to negotiate an acceptable contract with Mattern & Craig, Lane Engineering would be the next firm to be recommended. Councilman Salyer said he was very hopeful that Crossroads Engineering, in working with The Lane Group, could have been involved in this project. Randy Beckner noted that Mattern & Craig would be more than happy to use Crossroads Engineering for this project. Councilman Kelly also expressed his desire to see Crossroads involved because they did the original PER on the West Hills Project, and if a problem arises, they are just five minutes away. Upon inquiry by Councilman Salyer, Ms. Hensley advised Councilman Salyer to abstain since one of the contending firms is also a firm employed by his agency. Ms. Baca reminded everyone that it is a difficult job to score these proposals and the whole point of the state guidelines is to prevent you from making a decision based on personal preference. That is why you must list the criteria that will be scored and follow that guideline. She also pointed out that many times individuals will rank firms differently, and you never really know what the end result will be

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when the scores are combined until the process is complete. Councilman Kelly said he would like to see Mattern & Craig work with Crossroads on this project. There being no further comments, a roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Aye; Salyer-Abstain. The motion carried 5-0 with Councilman Salyer abstaining.

The Town of St. Paul was awarded \$22,500 to replace the water fluoride system. After reviewing the proposed Fluoridation Grant Agreement with the Department of Health, a motion was made by Councilman Salyer to approve the Agreement. The motion was seconded by Councilman Kilgore and carried unanimously.

Ms. Baca said she provided in the council packets a synopsis of the T&L contract for the VDOT Enhancement Grant. She also provided Ms. Hensley with a complete copy of the agreement today. A motion was made by Councilman Boardwine to accept the T&L Agreement. 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-Aye. The motion passed 6-0.

Upon reviewing the proposed contract with Summit for providing administrative services, a motion was made by Councilman Holbrook to accept the Agreement pending attorney review. 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-Abstain. The motion carried 5-0.

Morgan McClure has purchased the lot where the old ambulance business was located, diagonally across the street from their main building. There is an old fire hydrant sitting well into their lot which needs to be removed or relocated. A motion was offered by Councilman Kilgore that the Town move this fire hydrant. The motion was seconded by Councilman Boardwine and passed unanimously. A brief discussion followed about exactly where to place the hydrant.

Councilman Kilgore discussed setting a long term goal to make another trail entry as an alternative to 3rd Avenue. He also said that most of the complaints regarding the ATV noise are coming from citizens on 3rd Avenue and their complaint is the dirt bike noise. Councilman Kilgore moved to consider another trail entry as a future project. The motion was seconded by Councilman Boardwine and passed unanimously.

Councilman Kilgore reported that the restroom facilities at Oxbow Lake are in terrible condition. Mayor Fletcher said the town crew is aware that the restrooms need to be cleaned up, painted and repaired. Councilman Kilgore said he would like to see the same improvements to those restrooms that were done to the park restrooms; automatic lights, new faucets, fixtures, plumbing, and painting. Councilman Kelly agreed that lights are definitely needed. Councilman Kilgore made a motion to get a quote on what it would cost to upgrade these restrooms with the same improvements we did at the park. Councilman Kelly seconded the motion and it passed unanimously. Mayor Fletcher said he would get a quote.

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Councilman Holbrook reported that a Planning Commission meeting was held regarding a proposed exception to the zoning on Wise Street. It was intended to hold a public hearing regarding this issue, but in order to properly notify property owners, the public hearing has been scheduled for October 29th at 6 p.m. The public hearing has been advertised and the adjacent property owners have been notified. Secondly, the Planning Commission discussed special uses in the residential area zones as R-1. They passed a motion to recommend to the Town Council to ask the Town Attorney to meet with Robert Mullins regarding a land use change in the R-1 Zoning to allow boarding houses. Ms. Hensley said her immediate response is it would require an amendment to the zoning ordinance, but she will get with Mr. Mullins to discuss the matter if that is what Council would like her to do. Following a brief discussion about the meaning of “special use”, Mayor Fletcher pointed out that if someone challenges any changes, it can be reviewed by the Board of Zoning Appeals, and can be taken to Circuit Court. Councilman Salyer said once an exception or “special use” is allowed, the Town is setting precedence. Councilman Holbrook said there were questions about at what point it ceases to be “special use” and becomes permanent rentals. He also said Mr. Mullins indicated he has received several calls inquiring about renting rooms in R-1 areas. Following further discussion about room rentals, permanent rentals by landlords, and other issues that could arise from a special use amendment to R-1 zoning, Mayor Fletcher read some of the information from the VML regarding changes in land use and special use permits. A motion was made by Councilman Holbrook to authorize the Town Attorney to meet with Mr. Mullins to look into this matter. The motion was seconded by Councilman Boardwine and passed unanimously.

Councilman Kelly said he has received several complaints regarding the noise from the dirt bikes going up and down 3rd Avenue. Chief Phillips said the police department has had several complaints from 3rd Avenue residents and residents in the Gray Hill subdivision. He talked with the riders that have been riding around the subdivision and there hasn't been any more complaints since last week. Chief Phillips said the complaints received by his department and the summons that have been written are on local riders. He has put the word out that violations will not be tolerated. Chief Phillips said his first obligation is to the residents of St. Paul. He also said additional signage for the out of town ATV riders would help. There was a brief discussion about the actual route ATV riders should use when coming in from the trail or going back to the trail. Councilman Holbrook said some church members were complaining of the ATV noise during services. The trail route suggested by Spearhead was down 3rd Avenue all the way to Russell Street, up to 5th Avenue down to Rt. 63 and return to the trail by reversing the same route. Councilman Salyer agreed that a sign is needed at Lee and 3rd Avenue, and asked Mayor Fletcher to make sure that we get the suggested signage up as soon as possible. Councilman Bailey pointed out that these suggested routes are not the law. There being no need for action at this time, a motion was made by Councilman Holbrook to remove “ATV/Dirt Bike Noise” from the agenda. The motion was seconded by Councilman Kilgore and unanimously approved.

Chief Phillips asked if he could address Council at this time. Mayor Fletcher allowed Chief Phillips to discuss using auxiliary police officers. Chief Phillips handed out information packets

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on establishing an auxiliary police force. Council agreed to review the material and Mayor Fletcher advised Chief Phillips he could put this on next month's agenda for consideration. There was a brief discussion regarding recent gang activity in our area.

Ms. Baca said a \$750 Christmas bonus for each full time employee, and one \$250 bonus for the part-time employee was budgeted for this fiscal year. She asked Council to consider a motion to approve payment of the Christmas bonus. A motion to authorize the Treasurer to pay the Christmas bonus was made by Councilman Holbrook, seconded by Councilman Kilgore and passed unanimously. Councilman Kelly commended the Mayor for an excellent job and moved to pay him a Christmas bonus for all the time he puts into his work. The Town Attorney stated concern for offering an employee bonus to the mayor because he is not an employee. Mayor Fletcher said he appreciated the gesture, but he would have to decline the offer. Councilman Kelly withdrew his motion.

Ms. Baca reviewed the agreement with Mountain Heritage wherein the Town and the IDA each pay \$2500 per year for trail maintenance of the Sugar Hill Loop Trail. The payment was included in this year's budget. A motion was made by Councilman Holbrook to authorize the Treasurer to disburse the payment to Mountain Heritage. The motion was seconded by Councilman Kelly and a roll call vote was taken: Kelly-Aye; Kilgore-Abstain; Boardwine-Aye; Holbrook-Aye; Bailey-Aye; Salyer-Aye. The motion passed 5-0 with Councilman Kilgore abstaining.

Under VML reports, Councilman Bailey shared information he learned at the VML Conference. He provided information from Municode, a vendor who assists localities in updating town ordinances and creating them in an electronic format. He discussed information about pedestrian lighting for crosswalks, speed monitoring equipment, and utility billing companies. Information was shared regarding breweries and becoming a beer friendly community. There was also discussion regarding requirements to allow killing of deer or other animals within town limits to help control the animal population.

After reviewing the advertising costs for this year's Crooked Road Visitors Guide, a motion was made by Councilman Salyer to purchase ½ page advertisement for \$1,200. Councilman Bailey suggested looking into placing something in the Virginia Tourism Association magazine because they produce 350,000 issues per year. Following discussion about the advertising budget and other advertising Council would like to do in the spring, Councilman Salyer amended his motion to approve 1/3 page advertisement at \$750. The motion was seconded by Councilman Holbrook and unanimously approved.

A motion was made by Councilman Holbrook to enter into Closed Session to discuss Acquisition & Disposition of Property under VA Code Section 2.2-3711(A)(3). 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-Aye. The motion passed 6-0.

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Upon return to Open Session, a motion was made by Councilman Holbrook, seconded by Councilman Kelly, certifying that the only matter discussed in Closed Session was Acquisition & Disposition of Property under VA Code Section 2.2-3711(A)(3). A roll call vote was taken: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Aye; Salyer-Aye. The motion carried 6-0.

A motion to dispose of the following vehicles was made by Councilman Holbrook: 1962 Fire Truck, 1989 Ford Bucket Truck; 1989 Yellow Truck; 2000 Black Jeep; 2000 Maroon Jeep. The motion was seconded by Councilman Kilgore and unanimously approved.

A motion was made by Councilman Salyer to accept the gift deed for the old Imperial Oil property. The motion was seconded by Councilman Kelly and unanimously approved. Mayor Fletcher will work with the attorney and the property owner regarding this property gift to the town.

Councilman Salyer moved to adjourn. The motion was seconded by Councilman Boardwine and passed unanimously. Mayor Fletcher adjourned the meeting.

Mayor

Town Clerk