

**MINUTES
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 16, 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
Terri Ann Funk – CR Adventures
Bob Harrison – IDA Chairman
Allen Gregory – CVTimes

The meeting was called to order by Mayor Fletcher.

Councilman Kelly asked to add “Parks” to Old Business. Councilman Holbrook moved to approve the agenda as amended. The motion was seconded by Councilman Kelly and unanimously approved.

Terri Ann Funk of Clinch River Adventures thanked the Town Council for their cooperation and support of her new business. She explained how she has promoted the business and the routes offered for tubing. Both a two hour and four hour trip was offered for canoe and kayak rentals leaving from Carterton and Cleveland. Over the course of the summer season, she had over 600 tubing customers from 14 states and 3 countries as well as surrounding counties. Many renters were people visiting relatives who had heard of Clinch River Adventures through advertisement and Facebook. This number does not include the canoe and kayak rentals. She reported that they were able to make a very small profit in their first year. She discussed a cooperative effort between UVAwise and Dominion to be able to have classroom floats down the river and the goal is to be able to scan a QR code through your cell phone to take a virtual tour of the river. Clinch River Adventures had to turn down more than 10 groups that wanted to take more than 25 individuals down the river, but the watercraft they had available only services about 6 people at one time. Councilman Salyer thanked her for having interest in starting a business which promotes our tourism and recreation.

Cody McElreoy of Mattern & Craig discussed the Water Tank Rehab Project. The upper West Hills tank had a logo on it and it has been requested that the new town logo be placed on it. The project is grant funded from VDH and they may allow the town to replace the logo with money from the project. The logo suggested is the Town of St. Paul with the swish. Councilman Kelly asked about the colors being used and stressed the importance of using our branding colors. Mr. McElroy said he will make sure that the branding colors are used in any future projects now that he is aware of the town logo and color palette. There was discussion about the contractor going past the contract date. Mr. McElroy said he will talk with them about working with the town on the cost of the branding. Following further discussion about exactly what to put on the tank and the cost of \$7200, the Council agreed to authorize Cody to place the town logo on the tank only

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if it is covered by the VDH grant. The Council agreed with Mr. McElroy's suggestion to place the logo where it can be seen coming into town from Castlewood.

Mayor Fletcher made the following announcements:

- The town did not receive any bids on the Lion's Den. Mayor Fletcher is waiting on a call back from Robert Mullins to see if he will work with the owner if they begin repairs.
- The fall festival and apple butter stir will be held from 10am to 2pm on Saturday, October 19th.
- Mark Nash will be coming back the first week of October to check out any problems we still have with the swimming pool.
- The Sludge Removal Project is complete and Mayor Fletcher said he sent a letter thanking Merrell Bros. for the extra things they did to get this project completed.
- A second notice of the letter to VDOT has been sent regarding the needed repairs on Wise Street. Mayor Fletcher said VDOT has indicated that Route 63 will not be done this year, but they have committed to paving .7 mile in South St. Paul. He is still discussing the need to crown the curb to solve the water problem in South St. Paul.
- Mayor Fletcher asked Council to consider disposing of the Street Department's black truck, the bucket truck, and the old fire truck.
- Letters have been sent regarding the cleaning of both the N&S railroad trestle and the CSX and N&S underpass. The Mayor will follow up on these requests.
- The Fisher ATV television crew will be in St. Paul on October 11th and 12th to film at the Spearhead Trails.

Councilman Salyer thanked Mayor Fletcher, the town crew, the police department, both Wise and Russell County emergency management, and the WCRHA staff for their assistance with relocating the residents during the recent sprinkler incident at Stonebriar.

Mayor Fletcher also reported that the hunting issue between Dominion and Spearhead Trails has been resolved according to his information.

A motion was made by Councilman Salyer, seconded by Councilman Holbrook, to approve the minutes of August 19th and September 4th meetings. The motion passed unanimously.

Councilman Salyer offered a motion to approve the Consent Agenda. The motion was seconded by Councilman Boardwine and carried unanimously.

Old Business:

Cody McElroy reviewed the bids received on the library, railroad museum, and swimming pool building. In summary, the bid packet was sent out to four contractors, a mandatory pre-bid conference was held and three contractors attended. However, King Construction was the only

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contractor submitting a bid. The total base bid for all three buildings was \$78,000 and the amount allocated by Council for this project was \$21,000. One option recommended and discussed was to eliminate the pool building, re-advertise the railroad museum as painting only, and hope to solicit a better price from painting contractors. Mayor Fletcher said the town crew could work on the upstairs of the pool building during the winter months. This would leave the \$21,000 to apply to the library. Mr. McElroy contacted King Construction to negotiate the library bid and they have responded by reducing the original bid by \$5,000, bringing the cost for the library repairs down to \$23,250. He also spoke with Amy Bond of the Lonesome Pine Regional Library who indicated they may be able to contribute the extra \$2,250 if the Mayor would make a request to the Library Board. King also reduced the bid on the railroad museum from \$17,750 to \$12,750 if the Council chooses to move forward with that building. Cody said the library should be a priority in order to prevent further water damage to the building.

Mr. McElroy reported on the completion of the Sludge Removal Project. The original contract was approximately \$470,000. The final count was 976 dry tons at \$839.12 per ton, for a total of \$819,000 which is a difference of \$349,000. The Council previously approved allocating \$200,000 toward removal of old sludge. Considering the savings on the bridge project, approximately \$100,000 will be used from the contingency of the wastewater plant project.

A motion was made by Councilman Kelly to approve the contract amount of \$23,250 with King Construction for repairs to the library building, pending the \$2,250 from Lonesome Pine. The motion was seconded by Councilman Boardwine and unanimously approved.

Councilman Kilgore asked if Councilman Salyer has looked into using the TVA money to remove the rapid from the river. Mayor Fletcher said he called TVA and they have indicated that the engineer and contractor involved in the river change would be the responsible party. However, they are sending a representative to look at the rapid to offer recommendations. Mayor Fletcher pointed out that the town's TVA funds are to be used for maintenance at Oxbow Lake. Councilman Salyer said since Mayor Fletcher has contacted TVA, he will let him work with TVA and will not be able to approve funds for this project from the TVA funds overseen by the Housing Authority. Councilman Kilgore moved to table this matter again until next month. The motion was seconded by Councilman Holbrook and approved by a vote of 5-0. Councilman Salyer abstained from voting on this matter.

Town Attorney Julie Hensley has reviewed the draft lease of the high school football field between the town and Wise County School Board. She reported on her conversation with the school board attorney Scott Mullins, who recommended any changes be put in the form of an addendum instead of rewriting the agreement. Ms. Hensley reviewed several points that cause her concern. Councilman Salyer said a committee has been appointed by the Council to be the contact people on this issue and moved to remove the mayor as the contact person. The motion did not receive a second. Following a brief discussion, Councilman Holbrook moved to turn this issue over to the Town Attorney to prepare an addendum to the lease and work it out with the school board attorney, and ask that she also address the concerns mentioned by Councilman

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Salyer regarding the committee members being the contact people. Ms. Hensley said she would also like to get input from the town insurance representative regarding the insurance language in the proposed lease. Ms. Baca said she will contact VML tomorrow and copy Ms. Hensley. A second to the motion was offered by Councilman Salyer and unanimously approved. Councilman Bailey stated concern about planning a big event like ATV Appreciation Day and the county having the power to shut it down as the lease is currently written.

Next, Councilman Bailey reviewed the three changes recommended by the ATV Ordinance Committee: The first change is to require all operators of recreational vehicles in the town be licensed drivers. He noted that Spearhead Trails has changed the language in their brochure to say that a license is required once you drive onto pavement. The second change is to replace the language "during periods of darkness" to "from sunset to sunrise". The only other change is to require a town sticker for anyone operating a recreational vehicle in town but does not have a Spearhead Trails permit. The cost of this permit would still be \$10.00 but the town will keep the full amount. If the ordinance is changed with these recommendations, then the brochure handed out to the Spearhead Trail permit holders will basically reflect the same rules as in our ordinance. Councilman Bailey made a motion to advertise for a public hearing to consider these changes to the ATV Ordinance. The motion was seconded by Councilman Kilgore and carried unanimously. Following further discussion, it was decided that the public hearing and special council meeting would be advertised and held at 5:30 p.m. on October 3, 2013 at the town hall. Councilman Kelly asked for clarification that dirt bikes and golf cart operators would also have to be licensed. Councilman Bailey said the recommended change is to cover all recreational vehicles.

Councilman Salyer read a letter addressed to the Chief of Police written by a visitor from Ohio who arrived in St. Paul on a Sunday to ride the ATV trail. The writer commended the St. Paul Police Department for their assistance in helping him find a business where he could purchase a Spearhead Trail permit. The letter had nothing but praise for how friendly and helpful Officer Horner had been when he stopped by the police department to see if anyone could help him.

Councilman Salyer reported that no bids were received on the advertisement of the Lion's Den. He expressed his preference in lowering the minimum bid in another attempt to sell it rather than investing money into the building, even to tear it down. There was discussion about re-advertising with no minimum, a lower minimum, or by absolute auction. Councilman Kelly pointed out that an extension from Robert Mullins on making repairs to the building could be requested. A motion was made by Councilman Kilgore, seconded by Councilman Holbrook, to sell the property by absolute auction. There was further discussion about accepting the price of an absolute auction and the minimum Council is willing to accept. Councilman Kelly said he opposes accepting just any price by absolute auction. Councilman Salyer said we could simply advertise it again with a lower minimum. Councilman Bailey offered a substitute motion to re-advertise for sealed bids. There was discussion with the town attorney about whether or not the town can reject any and all bids if none of them are an acceptable amount. Mayor Fletcher suggested a \$15,000 minimum. Councilman Bailey restated his motion to include a minimum of

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\$15,000, to be advertised in the Clinch Valley Times. Councilman Salyer seconded the substitute motion and it passed unanimously.

Councilman Kelly asked about the status of building a restroom facility near the pavilion at the park and about the installation of the camera system. He has talked with Tom Cook who advised that he didn't have time to install the cameras, but recommended a contractor who could do it. Mayor Fletcher said he contacted Castle this afternoon and he will be here tomorrow to look at the work and give us an estimate on the cost for installing the camera system. Mayor Fletcher also agreed that we need to address the additional bathroom at the pavilion. Councilman Kelly moved to refer the bathroom facility to the Recreation Committee for a recommendation. Councilman Salyer asked if we had money budgeted for camera installation. Ms. Baca advised that \$9,000 had been allocated for the camera system and the cost of the cameras was a little over \$6,000, so there is almost \$3,000 available for installation. He suggested referring the camera installation to the Recreation Committee to oversee the project within the current budget. Councilman Kelly agreed to add that to his motion. Councilman Salyer seconded the motion and it passed unanimously. Ms. Baca also recommended asking the electrician to include the Estonoa security cameras in the cost estimate. Mayor Fletcher said he would also show him where the Estonoa cameras need to be installed.

New Business:

Terri Ann Funk asked Council to consider allowing Clinch River Adventures to operate a haunted trail called "Nightmare on the Clinch" for two weekends prior to Halloween. She proposed her plan to start at the caboose and take visitors down the left side of the trail and they will cross over to the Blue Bell Island trail and walk back to the park. All of the liability insurance will be run through Clinch River Adventures. Terri Ann requested permission to use the Blue Bell Island trail and asked Council to consider closing the park down and turning the lights off at 8 p.m. and closing the gate so vehicles cannot enter. She also proposed showing scary films as part of the adventure. This request would be for 4 hours on 5 nights. Mayor Fletcher expressed concern about allowing kids too close to the river. It was pointed out that the trail walk is for kids 13 and older. Councilman Salyer moved to accept Terri Ann's proposal and allow her use of the trail and the park for this attraction. The motion was seconded by Councilman Boardwine. Councilman Kilgore asked Chief Phillips to make sure we have officers available to lock the gate and have an officer in the area. Terri Ann said they have made arrangements to have a rescue squad at the park. She also asked Council if they could consider a no-compete clause to prevent another outfitter from coming into town for five years because she believes that more than one could not be successful. Councilman Bailey and Mayor Fletcher both expressed opposition to considering a no-compete clause at this time. There being no other comments, the vote was taken on the motion by Councilman Salyer and it passed unanimously.

Cody McElroy advised that Virginia Department of Health offers a grant to upgrade water fluoridation systems. If there is a need for a new or upgraded fluoridation system, we can write the VDH Dental Division and request that St. Paul be considered for the grant. The request will

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be reviewed and the grant process started. The current system used by the town is more than 30 years old and Mr. McElroy talked with a VDH representative who suggested applying now because funds are available at this time. He further explained that this is a grant where the town pays for the upgrades and submits a request to VDH for reimbursement. The engineering expenses are also covered by the grant and there would be no cost to the town. A motion was made by Councilman Bailey, seconded by Councilman Kilgore, to authorize Mattern & Craig to prepare an application for this VDH grant. The motion carried unanimously.

Mayor Fletcher recommended appointing himself, Earl Carter, and Debbie Baca to score and select an engineer for general engineering services and the West Hills/Downtown Sewer Project. Councilman Holbrook moved to appoint the committee to select an engineering firm as recommended by Mayor Fletcher. The motion was seconded by Councilman Kilgore and passed unanimously.

There was a lengthy discussion about the VDOT Enhancement Project and whether or not VDOT will allow relocation of utility lines. Ms. Baca and Mr. Carter explained that VDOT will pay for pedestrian lighting, but will not pay to relocate utility lines unless it is necessary to the VDOT project.

Councilman Kilgore moved to purchase a full page ad in a cook book to support the Eastside Senior Trip. The cost for a full page is \$75.00. The motion was seconded by Councilman Salyer who suggested promoting our recreational facilities and using the branding logo and fonts. The motion passed unanimously.

Ms. Baca provided the two proposals received from consultants for administrative services. Mayor Fletcher opened the floor for comment. There was a brief discussion about the services offered by both Cesco and Summit. Councilman Salyer noted that he utilizes Cesco at his job and asked the Town Attorney if he should abstain. She confirmed it would be best if he abstained from voting. After reviewing both proposals, a motion was made by Councilman Kelly to accept the proposal from Summit. The motion was seconded by Councilman Boardwine. Ms. Baca advised that the amount budgeted for this service was \$10,000 and the price given by Summit was less than \$10,000. CESCO placed a bid of \$12,500. She also noted that this is for a professional service and the cost is not part of the evaluation of the proposals. Mayor Fletcher took a roll call vote and the motion carried 5-0 with Councilman Salyer abstaining.

Ms. Baca noted that Council did not vote on the disposition of property mentioned during the Mayor's announcements. Councilman Kelly suggested, and everyone agreed, to place this matter on the agenda for next month.

Mayor Fletcher said if the football field lease is ready, it will be placed on the agenda for the October 3rd special meeting.

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A motion to adjourn the meeting was made by Councilman Salyer, seconded by Councilman Kelly, and unanimously approved. The meeting was adjourned.

Mayor

Town Clerk