

**MINUTES  
REGULAR COUNCIL MEETING  
TUESDAY, FEBRUARY 18, 2014  
TOWN HALL – 6:00 P.M.**

Council Members:

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

Julie Hensley – Town Attorney  
Debora Baca - Treasurer/Clerk  
Bo Phillips – Chief of Police  
Earl Carter – Public Works Director  
Kathy Stewart – Lyric Committee  
Bob Harrison - IDA  
Ray Wright – CHS Wrestling

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

Councilman Salyer asked to add “Clinch River Festival” under new business. Councilman Bailey asked to add “Letter of Commendation” as item #9 under new business. A motion was made by Councilman Holbrook to accept the agenda with the additions requested. The motion was seconded by Councilman Boardwine and unanimously approved.

Under public requests, Ray Wright, coach of Castlewood Wrestling Team, talked about the expanded wrestling program at CHS. After informing Council that he has several team members that have qualified for state competition, he asked them to consider a donation to help with the cost of feeding the 13 students that will be going. The school has given them some money, but not enough to cover the cost of t-shirts and feeding them for three days. Mr. Wright introduced the wrestlers in attendance. The request is on the agenda under new business.

Next, Bob Harrison reported that a committee is being formed to address proposed uses of the Willis Building. The IDA has received the ARC and IRF grants to work on the building. An engineering firm has been selected to work on these projects. Mr. Harrison said one of the goals of the committee is to establish a concrete vision for the Willis Building. He asked Mayor Fletcher to appoint at least two people from the town to be a part of this committee. Mr. Harrison noted the experience of Councilman Salyer in dealing with tax credits. Mr. Harrison said the committee will also have members from the Downtown Revitalization Group and the IDA. An RFP has been advertised for management of the project.

Mayor Fletcher made the following announcements:

- Mark Nash of MNCC has been back to the swimming pool and all warranty items listed on the punch list have been repaired. Mr. Nash advised that the expansion joints will have to be maintained because general wear and tear will cause them to come loose every couple of years. Mr. Nash did not find a water leak on any of his work behind the diving board. Earl Carter will get a water meter for better accountability of the amount of water going into the pool. Mr. Carter said there is still a leaking problem in the skimmers. Mayor Fletcher said Mr. Nash also recommended that the town needs to remake and add color back to the original design plans for the swimming pool. Mr. Nash cleaned the pool

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while he was here and suggested that he come back when we are ready to open the pool for the season.

- Mayor Fletcher thanked employees of the Street Department, Fire Department, and Police Department for all of their work during the cold and snow this winter. The town has kept our streets cleared and we have assisted with numerous frozen water lines.
- The burn law in the State of Virginia is now in effect; burning will only be allowed from 4 p.m.-midnight.
- All jobs available in the near or far future must be advertised and any employee interested must have the ability to perform the job.
- The deadline for filing for candidacy for mayor or town council is 7 p.m. on March 4, 2014.

Councilman Salyer moved to approve the minutes of the January meeting. The motion was seconded by Councilman Kelly and carried unanimously.

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

Randy Beckner asked to address the council regarding the West Hills/Downtown projects. Mayor Fletcher said, with no objection, this would be an appropriate time to discuss this matter. Mr. Beckner explained that VDOT has a pool of money called "revenue sharing" wherein they will pay up to 50% of a project, matching dollar for dollar. If we use the Rural Development money already awarded for the downtown sewer as match money, we could go after the VDOT match money. What Mr. Beckner proposed is to apply for VDH money to redo the water lines, and we could use VDOT match money to do sidewalks, paving, and stormwater drainage. The drawback to this idea is it would delay the schedule of the West Hills/Downtown Sewer project. VDOT applications for revenue sharing are due this fall and the award is announced in early spring and the money would be available July 1, 2015. This would delay the West Hills/Downtown Sewer Project by about a year. Mr. Beckner said RD money has to be spent within five years and they are receptive to this idea. We have until March, 2018 to complete the RD sewer work. Councilman Kelly asked about the possibility of adding the four residents on G. B. Shortt Street to the West Hills project. There was a brief discussion regarding mandatory hook-ups, financial responsibility of property owners for a grinder pump, and other factors to be considered in making a decision to add the extra expense of expanding the project to G.B. Shortt. Mr. Beckner asked Council to be thinking about the proposal to apply for VDH funding to replace the downtown water lines and use that and RD money as match for a VDOT revenue sharing grant to complete downtown sidewalks and paving. He suggested that this matter be placed on the March agenda.

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**Old Business:**

Ms. Baca presented an invoice in the amount of \$3,345.00 from MNCC for fall pool closing and cutting the concrete to check for plumbing leaks. Councilman Kilgore said it looks like the warranty items were taken care of, according to the Mayor's comments. Mr. Carter said the work covered by this invoice has been done. Mayor Fletcher pointed out that MNCC wasn't responsible for cutting the concrete because nothing has been found thus far that indicates the leak is a result of any work done by MNCC. A motion was made by Councilman Holbrook to approve payment of this invoice. The motion was seconded by Councilman Kilgore and approved by unanimous vote.

Last month, Terri Ann Funk asked Council to consider either sponsoring or participating in a marketing grant from Virginia Tourism. Clinch River Adventures, Heart of Appalachia, and Clinch River Days Festival are all participating. The grant requires three entities, so the group has already met the requirement, but wanted to offer the town an opportunity to have the money matched dollars for dollar on any tourism promotion or marketing. It would require a minimum expenditure of \$250.00 to be a participant. Ms. Baca explained that the other option would be to give a flat amount to the group for use in promoting the town. A motion was made by Councilman Kilgore to participate in this grant opportunity. The motion was seconded by Councilman Holbrook. In further discussion, Councilman Bailey stated concern about the town participating in this with a private business. He questioned using government funds to subsidize a private business and questioned if the town is prepared to subsidize advertising for other private businesses that make a similar request. Councilman Salyer commented that private economic development is often subsidized by government dollars. Councilman Kilgore said he understood that participation would mean that the town would be paying for a spot on a billboard or whatever advertising used to promote town events, town logo, or whatever we choose at one-half the cost of doing it on our own. Following a brief debate about the issue, Councilman Kilgore rescinded his motion. Mayor Fletcher noted that without another motion, the matter is now off the table.

At the January meeting, Kathy Stewart asked Council to consider purchasing a sign to put at the Lyric building to display the funding agencies and local groups that have helped to fund renovation. Ms. Stewart was asked to update Council members about the meeting with Sarah Levinson regarding uses for the building. Ms. Levinson will be writing grants for funding renovation of the building. Following her report on that meeting, a motion was made by Councilman Salyer to appropriate up to \$300 for the Lyric sign and ask that the Lyric Committee design the sign and the town install it. A second was offered by Councilman Holbrook and the motion was unanimously approved. Ms. Baca advised that a purchase order must be obtained prior to ordering the sign.

Mayor Fletcher said a request has been made by Castlewood Water & Sewer to abate the water bill penalty on the recent past due bills. Mayor Fletcher said Russell County contended they did

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not receive all of the bills. Ms. Baca said the water bills were mailed to the same address they have always been mailed and all of the bills have now been paid. The only outstanding balance is the penalty which totals approximately \$4,000. Upon inquiry by Councilman Salyer, Mayor Fletcher said the request has not been sent in writing; it was a verbal request. A motion was made by Councilman Kilgore, seconded by Councilman Holbrook, to forgive the penalty upon receipt of a written request from Castlewood Water & Sewer. Councilman Salyer suggested writing a letter of response to their request to include comments about continuing our good working relationship. After a brief discussion about the VDOT property that Russell County once proposed to use as a trash dump, Mayor Fletcher said he will contact VDOT and discuss the proposed agreement sent by Matt Crum of Russell County. Councilman Kelly clarified that the vote is to forgive this penalty one time. Mayor Fletcher called for a roll call vote: Kelly-Aye; Kilgore-Aye; Boardwine-Aye; Holbrook-Aye; Bailey-Aye; Salyer-Aye. The motion passed 6-0.

In light of an item under new business about a current condition at Oxbow Lake, Councilman Kilgore asked to remove the next item from the table. A motion was made by Councilman Holbrook, seconded by Councilman Salyer, to remove Item#5 from the table. The motion carried by a unanimous vote.

Randy Beckner reviewed the original bids on the Regional Wastewater Treatment Plant. The apparent low bidder was Frizzell Construction at \$6,347,700. Mattern & Craig has examined the bid and found no irregularities. The bid was in excess of the engineer's estimate of \$4,745,000, and they have met with Frizzell who have offered \$1,469,000 in value engineering deducts, of which acceptance of \$1,390,100 in deducts is recommended by Mattern & Craig. Based on the bid received and subsequent negotiation, Mattern & Craig recommended award of a construction contract to Frizzell Construction Co., Inc. in the amount of \$4,957,600, pending Rural Development approval. Mr. Beckner informed Council that we are about \$350,000 short in order to award the contract and maintain a full 5% contingency required by Rural Development. The plan is to apply for the \$350,000 with Virginia Tobacco Commission. If that grant does not come through, we could go back to Rural Development to reduce the contingency and apply for a supplemental loan for about \$300,000. There was discussion about the importance of contacting Tobacco Commission members in support of this project. Wise County PSA and CWSA have been notified of the rate impact and financing plan if we do not get the money from the Tobacco Commission. A motion was made by Councilman Holbrook to award the WWTP construction contract to Frizzell Construction as recommended by Mattern & Craig. 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.

**New Business:**

Considering a Resolution to Apply for Funding from the Virginia Tobacco Indemnification & Community Revitalization Commission, a motion was made by Councilman Holbrook to adopt the resolution. The motion was seconded by Councilman Boardwine and carried unanimously.

Councilman Kilgore talked about the condition of Oxbow lake due to sediment at the lower end of the lake. There was discussion about getting a permit to remove the sediment and the equipment needed to do the work. Randy Beckner said, as the town GES consultant, Mattern & Craig can do the permit application, but there is a permit for dredging and one for excavating. Getting approval to dredge is a much quicker process. After discussion about how much sediment needs to be removed, a motion was made by Councilman Kilgore to move forward with this project and ask Mattern & Craig to proceed with getting a permit for dredging and look into getting a permit for excavating. The motion was seconded by Councilman Boardwine. Councilman Salyer asked Earl Carter how much it cost the last time sediment was removed. Earl said he had no idea what an excavator would cost. Mr. Beckner said they would need to look at it to see how much sediment is there, but his thoughts would be to dredge out the sediments that is there because if you start excavating, it can create all kinds of issues. Councilman Kilgore amended his motion to request TVA Funds for this project up to \$25,000, and Mattern & Craig move forward with obtaining a permit to dredge the lake. Councilman Boardwine seconded the amended motion and it passed 5-0 with Councilman Salyer abstaining.

The Council has previously received noise complaints about the ATV's and dirt bikes in town. Councilman Kilgore said he believes the noise has improved, particularly with the local riders. However, we are still having a problem, especially with dirt bikes. Councilman Kilgore moved to place a large sign at the trailhead asking riders to keep rpms and exhaust noise at a minimum when riding in town. A second was offered by Councilman Salyer, who mentioned riders in the Gray Hill residential area last night. He would be hopeful that signs might help. Councilman Bailey pointed out that driving after dark and speeding is something that is already against the law and he doesn't believe signs will prevent those people from breaking the law. Attorney Julie Hensley suggested adding to the sign that the town has an ordinance and violations can result in ticketing, fines, and criminal response. Councilman Kilgore said we can work on the ones in town, but he would like to proceed with his motion on placing the large sign at the trailhead with Buck Hylton's permission. Councilman Salyer called for the question and the motion carried by unanimous roll call vote. Councilman Salyer asked that the recommendation by counsel be kept in mind when finalizing the wording. There was a brief discussion about putting up the smaller signs, whether or not they would be effective, and about the noise ordinance when we have no equipment to measure the noise. Councilman Boardwine noted that it is difficult catching those violating the rules at night, especially if there is only one patrol officer on duty trying to cover the whole town.

Next, a motion was made by Councilman Kilgore to donate \$400 to the Castlewood High School Wrestling Team for their trip to the state tournament. The motion was seconded by Councilman Boardwine and passed unanimously.

Considering a request from the Scott County Horse Association, a motion was made by Councilman Salyer, seconded by Councilman Holbrook, to donate \$100, which will provide advertising on their website and allow the town to place a banner at the horse ring. Councilman Salyer called for the question and the motion carried unanimously.

Ms. Baca provided the Council with a list of board positions whose term will end March 31<sup>st</sup>. Councilman Salyer asked if all of the people currently holding those positions still live in town. It was a consensus of those present that all current positions on appointed boards are held by town residents. Ms. Baca suggested that anyone wanting to nominate a candidate should contact

them first to make sure they are interested in serving. Nominations and appointments will be on the March agenda. Councilman Salyer asked Mayor Fletcher to contact the board members whose terms will be up in March.

Ms. Baca provided a list of old records she is recommending be destroyed in order to provide adequate storage space for more recent records. She also provided the Library of Virginia Records Retention and Disposition Schedule and Policies for Record Retention and Disposition. Ms. Baca said she has contacted the Library of Virginia and is awaiting their call back to guide her on what forms need to be filed with them when destroying public records. Upon inquiry by Councilman Salyer, Ms. Baca said she would prefer burning the records, but will destroy them by whatever method Council chooses. Councilman Salyer said he will provide a number to a company called Shred-it. They will shred it on site and provide a receipt. A motion was made by Councilman Salyer to authorize the Treasurer to destroy the listed records according to the Code guidelines. The motion was seconded by Councilman Boardwine and unanimously approved.

On behalf of the Clinch River Festival Committee, Councilman Salyer moved that the Budget Committee consider a line item for the Clinch River Days Festival for next year. The motion was seconded by Councilman Kelly. Due to a decline in business donations to the festival, the committee has some financial concerns about festival funding. Councilman Bailey pointed out that we have money available this year under the Recreation Advertising/Promotions line item and he offered a substitute motion to give \$750 to the Clinch River Festival. The substitute motion was seconded by Councilman Boardwine and passed unanimously. Councilman Salyer restated his motion that the Budget Committee consider an allocation to Clinch River Festival in a line item of the upcoming budget preparation. The motion was seconded by Councilman Kelly and passed unanimously.

Councilman Bailey offered a motion to issue a letter of commendation to a gentleman who stopped to help one of our police officers in trouble. Chief Phillips said another incident occurred when Officer Packard was working alone Friday morning and another citizen stopped to help when the officer was struggling with a suspect. Councilman Holbrook offered a second to the motion. It was suggested that matted frames be purchased and the letters be presented at the next council meeting. Mayor Fletcher asked if they want this to be a letter or in the form of a resolution. Councilman Salyer clarified that it could be in the form of a resolution. The motion carried unanimously.

Councilman Holbrook reminded Mayor Fletcher that Bob Harrison asked that two town representatives be appointed to the Willis Building Committee whose primary function will be to determine uses for the building. Mayor Fletcher asked Councilman Boardwine and Councilman Kilgore to serve on this committee. They agreed.

A motion was made by Councilman Holbrook to enter into Closed Session to discuss Personnel under VA Code Section 2.2-3711(A)(1) and Legal under VA Code Section 2.2-3711(A)(7). The motion was seconded by Councilman Bailey 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 matters discussed in Closed Session was Personnel under VA Code Section 2.2-3711(A)(1) 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.

A motion was made by Councilman Holbrook to advertise to all current employees the opening previously held by Mike Jessee, for a period of seven days. Any interested employees will be considered for the job. The motion was seconded by Councilman Bailey and carried unanimously.

Councilman Salyer moved to authorize the Town Attorney to research the personnel issue discussed in closed session and to contact any appropriate parties, and to advise the St. Paul Town Council as to the need of any special called meeting. The motion was seconded by Councilman Boardwine and unanimously approved.

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

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Mayor

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Clerk