**MINUTES**

**REGULAR COUNCIL MEETING**

**MONDAY, FEBRUARY 12, 2024**

**TOWN HALL-6:00 P.M.**

Council Members Present: Others Present:

Kenneth Holbrook-Mayor Chad Monday-Town Manager

Bob Salyers Wendee Jones-Treasurer

Jeff Langley Will Wampler-Attorney

Harry Kelly Earl Carter-Public Works Director

Josh Sawyers Travis Jessee-Street Dept. Superintendent

Matt Jordan-Early Leave Travis Stanley-Fire Department

Bill Wallace Bob Harrison-IDA Chairman

 Kathy Stewart-Main Street Manager

 Grant Kilgore-Wise County, VA Sheriff

Mayor Holbrook called the meeting to order at 6:00 p.m. and established a quorum was present.

Approval of Agenda

Town Manager Monday asked to move item number 8, Town Attorney Appointment/Salary to item number one and add 4th Avenue Water Line Project as item number 6.

Councilman Jordan made a motion to approve the amended agenda. Councilman Langley seconded the motion. The motion passed unanimously.

Public Requests/Presentation

Travis Stanley, St. Paul Fire Department, and Grant Kilgore, Wise County Sheriff addressed the council regarding an emergency fire call placed last week. Mr. Stanley explained to the council that when a fire call is placed to the Wise County Sheriff’s Department, it must be transferred to the Russell County Sheriff’s Department for the St. Paul Fire Department to be dispatched. Mr. Kilgore said 911 dispatch also cannot transfer a cell phone call to Russell County Sheriff’s Department because the call will drop. During this transfer, eight minutes of response time were lost. Mr. Kilgore said losing even seconds in an emergency can be detrimental.

Mr. Stanley said the fire department has money in their budget to create a temporary fix to the problem. He said after the new police department radio system is installed in November the fire department will be able to piggyback off the system.

Amy Branson, representing Russell County citizens against the Moss 3 Landfill, spoke to the council. She said the proposed Moss 3 Landfill site will be privately owned. It can affect the Clinch River Water Shed system and the Clinch River State Park since they are downstream of the potential landfill site. There will be increased traffic through the Gravel Lick Community as well. She said the area has worked hard to promote itself as a tourist destination and it would be a shame to allow a private company to make millions while our area values suffered. She said the landfill would be a forever decision. She asked the Town of St. Paul to join the fight against the proposed landfill.

**MINUTES**

**REGULAR COUNCIL MEETING**

**MONDAY, FEBRUARY 12, 2024**

**TOWN HALL-6:00 P.M.**

**PAGE II**

Adrian Robinson spoke against the potential Moss 3 Landfill site. She said our area has worked hard to overcome the decline of the coal business, replacing it with tourism. The potential landfill site would be a step backward if approved. It will affect Russell County and the surrounding areas. She stated that Russell County residents are also members of the St. Paul community, bringing revenue into the town with shopping and dining. The Moss 3 site provided years of jobs and money to our community and it is now our turn to protect that land, environment, and our community.

Jarred Ring said he would like to echo the previous comments about the proposed landfill site. The site would have a cascading effect on our area. The landfill could potentially prevent grants from being awarded to the area due to the proximity of the landfill. He said the proximity of the landfill to the town would do damage. He encouraged the council to look into the matter and also contact the Russell County Board of Supervisors.

Phillip Addington expressed his thanks to Chief Johnson and Officer McCallister for aiding Norfolk Southern Railroad police with a vandalism incident on the railroad property. Mr. Addington said the individual was identified within 24 hours using the park security system.

Billy Hillman said the Clinch River Cruisers car club has dissolved. He expressed his thanks to the employees of the town and the council for the years of help and donations to the car show.

Bob Harrison received a fire claim from an insurance client located at 4704 Abrham’s Branch Road in St. Paul. He reiterated the sheriff’s and assistant fire chief’s concerns about the client being sent back and forth between Wise and Russell County dispatch. He expressed his opinion that the system needed to be consolidated so this situation does not happen again. He said his insurance client would like to express thanks to the fire department for responding to the house fire.

Patsy Sexton spoke to the council concerning a noise complaint. She lives in a Broad Street apartment beside Sugar Plum Tavern. She said the restaurant has a new owner who recently reopened the Tavern. Ms. Sexton said the new axe-throwing wall is attached to her apartment wall. When she called the St. Paul Police Department to complain about the noise she was told there was no noise ordinance. Ms. Sexton said the noise is causing her to lose sleep due to the late hours of the noise. When addressed with the property owner, she was told the axe-throwing would stop at 10:00 p.m. on weekdays and 11:00 p.m. on weekends, but it has not. She asked the council to address this situation.

Nedra Estep spoke on behalf of Patsy Sexton. She said the axe-throwing affects all the tenants. She said the property owner has reduced the weight of the axes to reduce some of the noise, but it is still a problem.

Charles Hartgrove, with the Virginia Institute of Government, presented the council with a PowerPoint presentation. Please see the attached presentation.

**MINUTES**

**REGULAR COUNCIL MEETING**

**MONDAY, FEBRUARY 12, 2024**

**TOWN HALL- 6:00 P.M.**

**PAGE III**

Council Comments

Councilman Wallace had no comments.

Councilman Sawyers said the Street Department did an excellent job pushing snow in January. He thanked them for their work on Third Avenue's main water line break.

Councilman Kelly said town representatives met with several different state agencies while in Richmond and the meetings were very promising.

Councilman Langley thanked the Street Department for snow removal and fixing the Third Avenue water line break last month.

Councilman Salyers had no comments.

Mayor Holbrook said the Town of St. Paul has the best employees in the state of Virginia.

Approval of Minutes

Councilman Sawyers made a motion to approve the January 8, 2024, Organizational meeting and the January 8, 2024, Regular Council meeting minutes. Councilman Langley seconded the motion. The motion passed unanimously.

Consent Agenda Items

Councilman Sawyers said he noticed the Police Department Report increased. He said he appreciated everything the police department does for the town. Councilman Wallace made a motion to approve the Consent Agenda items. Councilman Kelly seconded the motion. The motion passed unanimously.

Automobiles Driving on Sidewalks

Chris Mullins first spoke to the council about Market Square Alley. Mr. Mullins said there wasn’t a plan on paper because there are still some unknowns. Roof gutter drainage is discharging in the alley with nowhere to go. He asked Travis Jessee to allow the town maintenance crew to clean the drop inlets so a flow test with dye could be executed. All the roof drains come to the alley and the rain barrels do not work. Mr. Mullins said he would like to use an asphalt and drain system. Councilman Sawyers asked if there was funding available to help with the project, which will cost at least $75,000. Mr. Mullins said no state or federal funding for stormwater or an alleyway exists. He said this issue should have been addressed in the Downtown Revitalization plan.

**MINUTES**

**REGULAR COUNCIL MEETING**

**MONDAY, FEBRUARY 12, 2024**

**TOWN HALL-6:00 P.M.**

**PAGE IV**

Addressing the automobiles driving on the sidewalk, Mayor Holbrook asked Mr. Mullins if the survey showed a clear response as to whether or not we could put the stops on the sidewalks. Mr. Mullins said the stops can be placed on the sidewalks. Councilman Wallace asked if all the corners were marked with Mr. Mullins responding that they were. Councilman Wallace made a motion to table the item. Councilman Langley seconded the motion. The motion passed unanimously.

Capital Improvement Plan

Town Manager Monday said it is the Planning Commission’s recommendation to adopt the Capital Improvement Plan. Councilman Wallace made a motion to adopt the Capital Improvement Plan. Councilman Langley seconded the motion. Under discussion, Councilman Sawyers said this will require the creation of a capital fund in the budget. With that said, there is no money allocated to create the fund. He said there is a wish list of items in the plan that will have to come from the general fund and a revenue is needed for this. The plan is very heavy in years one and two and he feels we will fall behind in years three and four. Town Manager Monday said the council will have to decide what costs in the Capital Improvement Plan the town can afford. Councilman Sawyers said it concerns him that the plan makes no priorities for amenities and improvements for quality of life for the Town of St. Paul citizens. Mayor Holbrook called for a vote on the motion. The motion passed unanimously.

Pool Elevator or Security System

Town Manager Monday included a quote for the pool security system in the council packets. The total is $65,349.36. He reminded the council of the $15,000 per year allotment (totaling $60,000) for the pool elevator installation. Councilman Sawyers asked Chief Johnson the cost of the security system installed in the park. Chief Johnson said the system was around $65,000. Town Manager Monday said the council can reallocate the elevator funds to pay for the pool security system or it can be discussed at upcoming budget meetings. Councilman Sawyers made a motion to table the item until budget discussions begin. Councilman Wallace seconded the motion. The motion passed unanimously.

Tennis Courts

Town Manager Monday reached out to Chris England for a quote to repair the park tennis courts. Mr. England provided a quote of $85,000 to rip up and resurface the tennis court. Councilman Sawyers made a motion to table the item. Councilman Langley seconded the motion. The motion passed unanimously.

Audit Update

Town Manager Monday said the audit is not complete but has gone a step further to Quality Review. Councilman Wallace made a motion to table the item. Councilman Sawyers seconded the motion. The motion passed unanimously.

**MINUTES**

**REGULAR COUNCIL MEETING**

**MONDAY, FEBRUARY 12, 2024**

**TOWN HALL-6:00 P.M.**

**PAGE V**

Dog Park

Town Manager Monday asked for a motion to remove the item from the agenda until he has had a chance to work with Virginia Tech to create a plan. Councilman Wallace made a motion to remove the item from the agenda. Councilman Langley seconded the motion. The motion passed unanimously.

Town Sign Quotes

Town Manager Monday received three quotes for the town signs. Councilman Wallace asked if the quotes included the cost of installation. Mr. Monday said the quotes were for signs only. Councilman Sawyers asked if the new signs included the Oxbow Lake fishing rule. Mr. Monday said the rule is included in the signs. A motion to award the Town Sign purchase to the lowest bidder was made by Councilman Sawyers. Councilman Langley seconded the motion. The motion passed unanimously.

Possible Rename of Bush Drive

Town Manager Monday said he has heard nothing else from Tate Industries about requesting the street name to be changed. Councilman Sawyers asked Mr. Monday if McDonald’s had been contacted to see if a street name change would affect them. Mr. Monday said McDonald’s was contacted and the name change would not affect them. Councilman Sawyers asked what kind of effect with DEQ a name change would have on our Sewer Plant. Earl Carter, Public Works Director, said he has not gotten a response from DEQ yet. Councilman Sawyers made a motion to remove the item from the agenda. Councilman Kelly seconded the motion. The motion passed unanimously.

New Business

Attorney Appointment/Salary

Town Manager Monday said The Law Office of Terry Kilgore’s base $750 will cover the first six hours of work. An additional $150 per hour will be charged for every hour exceeding this. Mr. Monday also suggested upping the line item at budget discussions to cover overages. A motion to appoint The Law Office of Terry Kilgore (William Wampler) as Town Attorney was made by Councilman Kelly. Councilman Wallace seconded the motion. The motion passed unanimously.

**MINUTES**

**REGULAR COUNCIL MEETING**

**MONDAY, FEBRUARY 12, 2024**

**TOWN HALL-6:00 P.M.**

**PAGE VI**

Bicycle/Playground Trail

Town Manager Monday requested a motion to send the agenda item to the Recreation Committee for review. A motion to send the Bicycle/Playground Trail agenda item to the Recreation Committee for review was made by Councilman Sawyers. Councilman Langley seconded the motion. The motion passed unanimously.

Phillips Trailer Park

Mayor Holbrook said after the Third Avenue water line break, Paul Phillips's daughter requested financial reimbursement for fixing an issue that occurred on his side of the meter going into his trailer park. Mr. Phillips’s daughter said she felt the town’s issue with the water line break resulted in the problems caused to the trailer park’s water line. She asked for reimbursement for charges incurred to repair the problem. Mayor Holbrook said this may be a possible closed session item. Councilman Sawyers asked how much the total amount was to repair the trailer court problem. Town Manager Monday said he believed the amount was $1,600. Mayor Holbrook said during the water line break the town only cut the water off to the trailer park for the Phillips’s. Councilman Sawyers made a motion to refer this item to closed session. Councilman Langley seconded the motion. The motion passed unanimously.

Byrne Justice Equipment Grant

Chief Johnson requested a motion for permission to apply for the Byrne Justice Equipment Grant for $47,069. The grant is a 25% match grant, with the town paying $11,767.25. The grant will assist in purchasing a virtual reality wrap and AED monitors for all patrol cars. He asked for a motion of approval at tonight’s meeting since the deadline is March 13, 2024. Councilman Sawyers made a motion to allow Chief Johnson to apply for the Byrne Justice Equipment Grant. Councilman Salyers seconded the motion. Under discussion, Councilman Sawyers asked if these items were separate from the items included in the Capital Improvement Plan. Chief Johnson said these items were not included in the Capital Improvement Plan. Councilman Sawyers asked what priority number these items were. Chief Johnson said these items were in the top three on his priority list. Mayor Holbrook called for a vote on the motion. The motion passed unanimously.

Portable Radios

Chief Johnson said he spent $10,000 awarded through an ARPA grant on the BOLA wraps. He now has an additional ARPA grant for $30,000. He would like to spend this grant money on a P25 Repeater ($18,000) and P25 in-car radios ($12,000) needed to communicate with the Russell County Sheriff’s Department. Councilman Langley asked what the radio lifespan is. Chief Johnson said these will last 7-8 years. Councilman Sawyers made a motion to authorize Chief Johnson to purchase the portable radios. Councilman Kelly seconded the motion. The motion passed unanimously.

**MINUTES**

**REGULAR COUNCIL MEETING**

**MONDAY, FEBRUARY 12, 2024**

**TOWN HALL-6:00 P.M.**

**PAGE VII**

Public Safety Building

Town Manager Monday said the current PAR for the public safety building cannot be used. He asked the council for a motion to authorize The Lane Group to update the public safety building PAR to include the Police Department not to exceed $5,000. Councilman Kelly made a motion to authorize The Lane Group to update the Public Safety Building PAR to include the Police Department. Councilman Salyers seconded the motion. The motion passed unanimously.

Fourth Avenue Water Line Project

Chris Mullins said the project has $150,000 in construction contingency funds. The request to replace the East Broad Street water line has been approved by VDH. Councilman Sawyers asked if the $150,000 was included in the original project. Chris Mullins said yes, this is not an additional expense. Mr. Mullins requested a motion to accept the change order, which will not affect the total outcome of the project. Councilman Wallace made a motion to accept the change order. Councilman Langley seconded the motion. Under discussion, Councilman Kelly said at one time VDOT was going to pave a portion of 4th Avenue to 3rd Avenue. That paving project was moved to Wise Street. He asked Mr. Mullins to check with VDOT to see if we can get that paved now. Mayor Holbrook called for a vote on the motion. The motion passed unanimously.

Budget Calendar

The Town Manager included a possible budget calendar in the council packets. He asked the council if any changes needed to be made to accommodate schedules. After checking individual schedules and changing dates to April 22, 2024, May 6, 2024, May 24, 2024, and June 3, 2024, Councilman Sawyers made a motion to set the budget calendar dates. Councilman Wallace seconded the motion. The motion passed unanimously.

Disposition of Assets

The Town Manager said the red Ford F150 Street Department vehicle has been taken out of rotation. He asked the council for a motion to accept bids for the vehicle. Councilman Kelly made a motion to advertise and accept bids for the red Ford F150 Street Department vehicle. Councilman Salyers seconded the motion. The motion passed unanimously.

Pool Pass Donation

Town Manager Monday asked for a motion to donate four pool passes to the Castlewood Archery Club to be auctioned. Councilman Wallace made a motion to donate four pool passes to the Castlewood Archery Club. Councilman Salyers seconded the motion. The motion passed unanimously.

**MINUTES**

**REGULAR COUNCIL MEETING**

**MONDAY, FEBRUARY 12, 2024**

**TOWN HALL-6:00 P.M.**

**PAGE VIII**

Short-Term Rentals

Town Manager Monday said short-term rentals have been a topic of debate throughout the Commonwealth. He asked the council to send the short-term rental policy to the Planning Commission for review because a Grey Hill resident is asking for a short-term rental, which is not zoned for use. Councilman Langley made a motion to send the short-term rental policy to the Planning Commission for review. Councilman Salyers seconded the motion. Under discussion, Councilman Sawyers said short-term rentals are already allowed in specifically zoned areas and we already collect the taxes generated from that. He said this is more of an ordinance enforcement issue. Councilman Sawyers said this is a tricky discussion since the Western Front Hotel also uses Airbnb to book short-term rentals. Mayor Holbrook called for a vote on the motion. The motion passed unanimously.

Gray Hill Water Line

Town Manager Monday said due to weather and public health issues, the Street Department laid a temporary above-ground water line to resolve the 3rd Avenue issue. ARPA funds can be used to install the waterline underground. The cost will be $22,431. A motion to use ARPA funds to redeposit the 3rd Avenue waterline underground was made by Councilman Sawyers. Councilman Langley seconded the motion. The motion passed unanimously.

Moss 3 Landfill

Councilman Kelly asked the council to write a strong letter addressing potential water effects of the landfill sight to the Russell County Board of Supervisors, Steve Breeding, and Lonzo Lester. Town Manager Monday added that the possible sight may also affect the town’s wastewater system. A motion to table the item and also write a letter of strong concern was made by Councilman Kelly. Councilman Sawyers seconded the motion. Under discussion, Councilman Sawyers said he agrees 100% with Councilman Kelly on this issue because it is a concern for our water system, tourism, and air quality. Mayor Holbrook called for a vote on the motion. The motion passed unanimously.

Residential Ground Floor Dwelling in a Commercial District

Councilman Sawyers said issues can happen when residential dwellings and commercial districts are mixed. He said this point was addressed in public expression. He said this is due to a lack of ordinance enforcement. He believes the town needs options and legal advice on how to enforce this ordinance. Councilman Sawyers said residential dwelling in a Commercial District infringes on a business's right to operate. Town Manager Monday suggested speaking with Town Attorney Wampler and Town Zoning Administrator McElrath to see what the town’s options are.

**MINUTES**

**REGULAR COUNCIL MEETING**

**MONDAY, FEBRUARY 12, 2024**

**TOWN HALL-6:00 P.M.**

**PAGE IX**

Mayor Holbrook said the specific property addressed in Public Comment was grandfathered in with a variance, with the variance being voided if the property is sold. Councilman Sawyers asked when the variance went into effect. Main Street Manager Kathy Stewart said it was quite a few years ago, done by a previous mayor. Councilman Sawyers said after the property was sold again in 2006 there was not a new variance permit issued. Attorney Wampler said the property owner can request a special permit be filed if needed. Ms. Stewart said the Cornerstone building on Broad Street may also be in violation. A motion to authorize the town attorney and Town Manager to look into the issue and table the issue was made by Councilman Sawyers. Councilman Langley seconded the motion. The motion passed unanimously.

Reporting Committee Update

Councilman Sawyers said he reviewed previous council minutes and saw some issues that may not have been addressed yet.

\*Two-Hour Parking: There are no longer two-hour parking signs on Russell Street. There was a bit of a delay in taking care of this matter. Can we address issues assigned to various committees in a more timely manner?

\*Handicap Parking: Councilman Sawyers asked the Town Manager if he got any answers from VDOT addressing handicap parking. Town Manager Monday said VDOT has not issued a response yet.

\*Ordinance Enforcement: The town needs to figure out a way to enforce passed ordinances. He suggested possibly training an officer or administrative employee to do this. Town Manager Monday said this goes through the Zoning Administrator. The Zoning Administrator cannot act unless a complaint is filed.

\*Handicap Parking Application: Councilman Sawyers asked the Town Manager if a handicap parking application has been created yet. Town Manager Monday said the application has not been created yet.

Council Sawyers made a motion to table the item. Councilman Salyers seconded the motion. The motion passed unanimously.

Noise Ordinance

Councilman Sawyers said the town has a non-enforceable noise ordinance and it needs to be referred to the Policy Committee for review. Councilman Sawyers made a motion to refer the item to the Policy Committee for review. Councilman Salyers seconded the motion. The motion passed unanimously.

**MINUTES**

**REGULAR COUNCIL MEETING**

**MONDAY, FEBRUARY 12, 2024**

**TOWN HALL-6:00 P.M.**

**PAGE X**

Performance Reviews

Councilman Sawyers said performance reviews for appointed employees need to be done by the council or can it be assumed that since these employees were reappointed and given raises last month no review was needed? Councilman Langley asked if any criteria were in place for a review. Town Manager Monday said there were criteria in place. Councilman Sawyers said this needs to be handled in closed session or at a budget workshop. Councilman Sawyers made a motion to give the three appointed employees performance reviews. Councilman Wallace seconded the motion. A roll call vote was taken: Salyers-Aye; Langley-Aye; Kelly-Nay; Sawyers-Aye; Wallace-Aye. The motion passed 4-1.

Councilman Sawyers made a motion to do appointed employees' performance reviews at the March 2024 council meeting. Councilman Langley seconded the motion. The motion passed unanimously.

Exempt Employee Comp Time

Councilman Sawyers said our current policy states exempt employees earn comp time after their regular 40 hours are worked. He said industry standards, government standards, professional standards, and state agencies' expectations require a minimum of 40 hours and must work 55-60 hours before earning comp time. Councilman Sawyers made a motion to refer this to the Policy Committee for review and bring it back to the next council meeting. Councilman Salyers seconded the motion. Under discussion, Mayor Holbrook strongly suggested the policy committee make sure of the salaried employee's schedules. The motion passed unanimously.

Mudcat Multiuse Field

Councilman Wallace made a motion to write a letter of support from the council and to authorize free dirt to be given to the Mudcat Multiuse field. Councilman Kelly seconded the motion. The motion passed unanimously.

Planning Commission Appointment

Mayor Holbrook said Chandra Booker has resigned from her appointment on the Planning Commission and that seat needs to be filled. He said the newly appointed position will expire in March 2026.

Three statements of interest were submitted for this position: Danny Webb, Carey Watkins, and Cheyenne Bellamy.

Mayor Holbrook called for nominations to fill the empty seat on the Planning Commission. Councilman Wallace nominated Danny Webb.

**MINUTES**

**REGULAR COUNCIL MEETING**

**MONDAY, FEBRUARY 12, 2024**

**TOWN HALL-6:00 P.M.**

**PAGE XI**

Mayor Holbrook called for nominations to fill the empty seat on the Planning Commission a second time. Councilman Sawyers nominated Carey Watkins.

Mayor Holbrook called for nominations to fill the empty seat on the Planning Commission a third time. There were none.

A roll call vote was taken on the first nomination made by Councilman Wallace for Danny Webb: Salyers-Aye; Langley-Aye; Kelly-Abstain; Sawyers-Nay; Wallace-Aye. The motion passed 3-1 with Councilman Kelly abstaining.

Councilman Langley made a motion to appoint Danny Webb to the vacant Planning Commission seat. Councilman Wallace seconded the motion. Under discussion, Councilman Sawyers said the council needs to heed the warning given by former Councilman Monty Salyers and former Councilwoman Carey Watkins of relatives being on the same boards. Mayor Holbrook called for a vote on the motion: Salyers-Aye; Langley-Aye; Kelly-Abstain; Sawyers-Nay; Wallace-Aye. The motion passed 3-1 with Councilman Kelly abstaining.

Southern Software Conference

The Treasurer asked the council for permission to attend the Southern Software Conference on

March 18-21 in Myrtle Beach, South Carolina. This conference will address subjects on the new computer system updates that will be done in April. Councilman Kelly made a motion to allow the Treasurer to attend the Southern Software conference on March 18-21 in Myrtle Beach, South Carolina. Councilman Salyers seconded the motion. The motion passed unanimously.

Anna McKnight Memorial 5k Run

Town Manager Monday said the family of Anna McKnight has asked to use Oxbow Lake again on September 21, 2024, for a second Memorial Run. A motion to allow the family of Anna McKnight to use Oxbow Lake on September 21, 2024, for the Memorial Run was made by Councilman Sawyers. Councilman Langley seconded the motion. The motion passed unanimously.

Councilman Sawyers made a motion to enter closed session with Travis Jessee and Earl Carter in attendance to discuss Personnel under Virginia Code Section 2.2-3711(A)(1), Legal Matters under Virginia Code Section 2.2-3711(A)(7), and Public Finance under Virginia Code Section 2.2-3711(A)(6). Councilman Langley seconded the motion. The motion passed unanimously.

Councilman Sawyers made a motion to enter into open session. Councilman Wallace seconded the motion. The motion passed unanimously.

**MINUTES**

**REGULAR COUNCIL MEETING**

**MONDAY, FEBRUARY 12, 2024**

**TOWN HALL-6:00 P.M.**

**PAGE XII**

Councilman Sawyers made a motion to certify only Personnel under Virginia Code Section 2.2-3711(A)(1), Legal Matters under Virginia Code Section 2.2-3711(A)(7), and Public Finance under Virginia Code Section 2.2-3711(A)(6) were discussed in closed session. Councilman Wallace seconded the motion. A roll call vote was taken: Salyers-Aye; Langley-Aye; Kelly-Aye; Sawyers-Aye; Wallace-Aye. The motion passed unanimously.

Councilman Sawyers made a motion to hire Mike Hale part-time beginning May 1, 2024, at the rate of $25.00 per hour, 15 hours a week. Councilman Wallace seconded the motion. The motion passed unanimously.

Councilman Sawyers made a motion to advertise for a Street Department tech and laborer. Councilman Langley seconded the motion. The motion passed unanimously.

Councilman Sawyers made a motion to send a light duty policy to the Policy Committee to be reviewed. Councilman Salyers seconded the motion. The motion passed unanimously.

No action was taken on the Phillips Trailer Court agenda item.

A motion to table the Lyric Theater roof was made by Councilman Sawyers. Councilman Salyers seconded the motion. The motion passed unanimously.

Councilman Sawyers made a motion to adjourn. Councilman Wallace seconded the motion. The motion passed unanimously.

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Town Clerk