**MINUTES**

**REGULAR COUNCIL MEETING**

**MONDAY, MARCH 11, 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 Earl Carter-Public Works Director

Harry Kelly Jonathan Johnson-Police Chief

Josh Sawyers William Wampler-Attorney

Matt Jordan Bob Harrison-IDA Chairman

Bill Wallace Kathy Stewart-Main Street Manager

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

Approval of Agenda

Chief Johnson asked to add DCJS ECO/TDO as item number 13. Councilman Jordan asked to remove item number 7, Dog Park. Councilman Sawyers said the Reporting Committee needed to be added as item number 6 to Old Business. Councilman Kelly asked to add Farmer’s Market Committee as item number 15. A motion to approve the amended agenda was made by Councilman Jordan. The motion was seconded by Councilman Kelly. The motion passed unanimously.

Public Requests/Presentations

Carey Watkins addressed the council. Ms. Watkins said she has been lucky enough to serve on the IDA. As a member of the IDA, she has been able to spearhead a few projects, one of which was how to open a small business in St. Paul. In addition to that she helped negotiate a $75,000 reduction on an IDA loan payoff, and negotiated on a first payment on a project that is over five years old. She said she has enjoyed her time serving on the IDA Board and would like to have the opportunity to continue to serve on the IDA Board.

Debbie Baca addressed the council on the subject of the Lyric Theater Historical Tax credits. $350,900 has recently been paid by a historical tax credit, leaving a balance of $90,000. That amount plus some town expenses should be paid off soon. It will show as revenue for this year, but the expense is in the previous year. The IDA will keep $50,000 in credits for five years of tax returns and equity investment firm expenses.

Bob Harrison said the tennis courts at the park are a key activity and it is in such disrepair that it can’t be used. He also recommends the council reappoint Carey Watkins to the IDA Board.

Council Comments

Councilman Salyers-None

Councilman Langley-None

Councilman Kelly- Councilman Kelly congratulated the Eastside High School Girls Basketball team for bringing home the state championship.

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Councilman Sawyers-None

Councilman Jordan-Councilman Jordan asked the community to support the Lyric Theater with their attendance. He commended the Street Department for their work on a sewer issue. He said April 6, 2024, is the opening day for Little League and asked the council and the public to attend to show their support.

Councilman Wallace-None

Mayor Holbrook provided the council with a report from Solitude Management on Oxbow Lake.

Approval of Minutes

A motion to approve the February 12, 2024, regular council minutes was made by Councilman Kelly. The motion was seconded by Councilman Sawyers. The motion passed unanimously.

Consent Agenda Items

A motion to approve the Consent Agenda Items was made by Councilman Jordan. The motion was seconded by Councilman Sawyers. The motion passed unanimously.

Old Business

Automobiles Driving Across Sidewalks

Councilman Wallace said the survey has been completed. Town Manager Monday said the Beautification Committee has $2,500 left to buy the bollards that were approved. Councilman Sawyers asked if $2,500 would cover the cost. Town Manager Monday said he believes the cost should be covered with this amount. A motion to remove the item from the agenda was made by Councilman Wallace. The motion was seconded by Councilman Langley. The motion passed unanimously.

Pool Elevator/Pool Lighting and Security

Town Manager Monday received a second quote for security that is cheaper that is around $50,000. Councilman Jordan made a motion to table the item. Councilman Wallace seconded the motion. Under discussion, Councilman Wallace said we need to move forward with the elevator since it is already in the budget and needs to be done. Councilman Wallace made a substitute motion to proceed with the pool elevator installation. Councilman Kelly seconded the substitute motion. Under discussion, Councilman Jordan said we need to have a plan to utilize the building. Councilman Kelly said SPES could use it since the attendance is growing and be charged rent. Mayor Holbrook reminded the council that a previous council already approved the motion to install the elevator therefore it will take a 2/3 council vote to do away with that motion. Councilman Sawyers asked if anyone on the council could pinpoint an actual use for the building. He said the town needs to do the pool security and lighting updates to decrease the liability at the pool. Councilman Sawyers said at no point has there been a need for the elevator since 2020. He said the building could not be utilized by the public because St. Paul Main Street leases it.

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Mayor Holbrook said the town can release St. Paul Main Street from that lease. Councilman Wallace said the elevator would have already been installed if it were not for delays from COVID. Councilman Sawyers said the town should not be renting out the building to the public since it could take business away from other local venue rentals. Mayor Holbrook called for a vote on the substitute motion to proceed with installing the elevator. A roll call vote was taken: Salyers-Aye; Langley-Aye; Kelly-Aye; Sawyers-Nay; Jordan-Nay; Wallace-Aye. The motion passed 4-2.

Park Tennis Courts

Town Manager Monday spoke with Will Ferguson, with Baseline Sports, who came to get specs on the tennis courts. We are currently waiting on the quote from him. A motion to table the item was made by Councilman Jordan. The motion was seconded by Councilman Wallace. The motion passed unanimously.

Audit Update

Town Manager Monday said the audit will be completed by the end of the month. It will be presented at the April 8, 2024 council meeting. A motion to table the item was made by Councilman Langley. The motion was seconded by Councilman Sawyers. The motion passed unanimously.

Lyric Roof

Town Manager Monday received quotes from Baker Roofing ($65,000) and Leonard Roofing ($25,000). Mr. Monday said he does not feel comfortable with the Leonard Roofing quote. Attorney Wampler said he visited the roof and it was obvious there were drainage issues and believed that kids had possibly been on the roof. He advised Town Manager Monday to post No Trespassing signs. He said he reviewed the easement with the Baileys. The Baileys have exclusive rights to use the catwalk and are responsible for cleaning and maintaining that area.

Town Manager Monday recommends accepting the Baker Roofing quote pending the end of the bidding process and also looking at a fencing alternative. Councilman Langley asked the Town Manager if he spoke with Leonard Roofing about the price of their quote. Mr. Monday said he has not spoken to them, but he cannot wrap his head around the price difference. Councilman Sawyers asked if Earl Carter or Travis Jessee could review the quotes since they would have more expertise and knowledge in that area. He said he does not feel comfortable approving a bid award since the bidding time frame is not over. Main Street Manager Kathy Stewart informed the council that the new leak is now sitting under the inside tiles. Councilman Sawyers asked if the process of looking at the damage repair has started. Town Manager Monday said that the process has not started yet. Councilman Sawyers said the process needs to begin soon. Mayor Holbrook asked if either company that submitted bids gave a starting time frame. Town Manager Monday said neither company gave a starting time frame.

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A motion to table the item until the bid process closes was made by Councilman Sawyers. The motion was seconded by Councilman Langley. The motion passed unanimously.

Reporting Committee

Councilman Sawyers asked the Town Manager if he heard from VDOT on any of the signage. Town Manager Monday said the Handicap Signage cannot be used unless it is properly marked.

Councilman Sawyers made a motion to table the item. The motion was seconded by Councilman Jordan. The motion passed unanimously.

New Business

IDA Loan Payback

Councilman Sawyers said the hotel has started loan repayment to the IDA. Councilman Sawyers made a motion to request the IDA to start paying the full amount paid to them by Willis Properties to the town and have all those funds go into a checking account for a Capital Improvement fund earmarking them for the Public Safety Building. Councilman Jordan seconded the motion. Under discussion, Debbie Baca said the assignment agreement already states the money will be paid back to the town. Councilman Wallace said speaking on behalf of the IDA, the assignment agreement states all funds will come back to the town. The IDA proposed to pay the VCEDA payment with the leftover portion being paid to the town. If that is not done, the IDA will not have any funds. The IDA would then have to come back to the town to ask for money to pay the VCEDA loan. Councilman Sawyers suggested going to the hotel group and requesting they pay the loan they have with the IDA. Councilman Wallace said that idea has been approached and the IDA is working on that. He said the VCEDA loan was never considered in the forbearance agreement. Councilman Sawyers said it does not make sense to have a forbearance agreement on a property, have a secondary debt, and expect that debt not to be collected. Councilman Sawyers said the IDA may need to start generating income to cover the debt owed. Councilman Wallace said if the town takes all the funds it will leave the IDA with property only and no cash. Debbie Baca said if the money is split the IDA will be back to address the council within a year to ask for funds. Councilman Wallace suggested addressing the agreement made by the IDA to make amendments. Councilman Sawyers asked Councilman Wallace if he was speaking on behalf of the IDA or the Town Council. Councilman Wallace said he was speaking on behalf of the Town Council. Councilman Sawyers said he has faith that the best business leaders and the best minds are on the IDA without having to come back to the Town. Mayor Holbrook called for a vote on the motion. A roll call vote was taken: Wallace-Nay; Jordan-Aye; Sawyers-Aye; Kelly-Nay; Langley-Aye; Salyers-Aye. The motion passed 4-2.

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Fire Department Internet

Town Manager Monday said the Fire Department needs to switch their internet service from Shentel to Scott County. The Water Treatment Plant has WIFI, but the Fire Department does not. He asked the council for permission to create a new internet service account through Scott County at an estimated cost of $100 per month for the Fire Department. Public Works Director and Fire Chief Earl Carter said the Water Plant used to use the Fire Department internet because there was no charge for a Public Safety group but switched to Scott County when the town upgraded. A motion to add the Fire Department to the town’s Scott County internet plan was made by Councilman Jordan. The motion was seconded by Councilman Wallace. Under discussion, Councilman Sawyers asked where this will go in the budget. The Treasurer said it would go into the Fire Department Utilities line item. She said it is not in the budget for the current year, but we can add it to next year’s budget. Mayor Holbrook called for a vote on the motion. The motion passed unanimously.

July 4th Celebration

Councilman Jordan asked the Town Manager what the cost of fireworks would be. Town Manager Monday said the standard show is $7,750 and the upgraded show is $8,300. Councilman Jordan made a motion to go with the $8,300 upgraded show. The motion was seconded by Councilman Wallace. Under discussion, Councilman Sawyers asked if the payment was split. The Treasurer said the cost was paid in full. The Treasurer said the office staff is currently working on vendors and bands for the event. Councilman Jordan suggested working with St. Paul Tomorrow and St. Paul Main Street next year to place a Beer Garden near the vendors similar to Clinch River Days. Main Street Manager Kathy Stewart said St. Paul Tomorrow would need an offsite license. Bob Harrison said the only problem is monitoring age limits. Mayor Holbrook called for a vote on the motion. The motion passed unanimously.

St. Joseph University Students

Councilman Langley expressed his thanks to the St. Joseph students who came this year. He said it was the best group he had seen yet. Councilman Langley said they accomplished many tasks in town. He said this is a great program and is glad the town participates.

Councilman Sawyers suggested having goody bags ready upon arrival for next year’s group.

No action was taken on the agenda item.

Cumberland Mountain Pool Use Donation Request

Town Manager Monday said the group used the pool last year for a morning session. He spoke with the group administrator and suggested they do the same this year. Councilman Jordan made a motion to comply with a request to allow Cumberland Mountain to use the pool for a morning session. The motion was seconded by Councilman Wallace. The motion passed unanimously.

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Park Updates

Councilman Jordan said he had a lot of people contact him about the state of the tennis courts. He informed them it was on the agenda to be taken care of. He informed the council that new speakers had been installed at the park. He said the park continues to be full during this time of year. He said there continues to be damage done to the fence.

Councilman Jordan said most users comply with the leash law, but some children are afraid of the animals. The owners cannot be reprimanded for their animals being in the park since they are complying with the leash law. He reiterated his opinion that a dog park is needed in town.

A motion to remove the item from the agenda was made by Councilman Jordan. The motion was seconded by Councilman Sawyers. The motion passed unanimously.

Broad Street One-Way

Councilman Sawyers said there is a section of Broad Street from Stonebriar up to the former Brewery that is not wide enough for two vehicles to pass. He requested contacting VDOT and our engineers about the cost and rules of making it a one-way street. Mayor Holbrook said it was discussed during the downtown project and VDOT was not opposed to the idea. A motion to do preliminary work of speaking to VDOT and the town engineering firm to make Broad Street a one-way street was made by Councilman Sawyers. The motion was seconded by Councilman Wallace. Under discussion, Councilman Kelly said he has not seen any problems on Broad Street and there have been no accidents on that street. Councilman Sawyers said the street needs to be changed to a one-way street before an accident occurs. He said if a full-sized truck is parked on that section of Broad Street two cars cannot pass at the same time. Mayor Holbrook called for a vote on the motion. Salyers-Aye; Langley-Aye; Kelly-Nay; Sawyers-Aye; Jordan-Aye; Wallace-Aye. The motion passed 5-1.

Recreation/Policy Committee Reports

Town Manager Monday said the Recreation Committee recommends applying for the Fitness Circuit Grant (funding for the 2025 cycle with a maximum award of up to $50,000) with the town being responsible for covering the remaining balance between $155,000-$217,500. The committee recommends reaching out to Dominion Energy, McClure Concrete, Tate, and UVA Wise for gap funding. A location near Oxbow Lake is suitable for the project.

The Recreation Committee recommends no action on the skatepark/biking play area. The committee recommends possibly expanding the skatepark or installing a BMX-style bike park.

The Policy Committee created a public on-street handicap parking form. If the criteria are met and approved by the Mayor, a permit request will be sent to VDOT for approval. Upon VDOT approval, town crews will be responsible for creating an enforceable handicapped parking space.

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The Policy Committee presented an updated Noise Ordinance. After council review, a motion to adopt the updated ordinance and proceed to a Public Hearing was made by Councilman Jordan. The motion was seconded by Councilman Sawyers. The motion passed unanimously.

A motion to hold the first Public Hearing for the updated Noise Ordinance adoption was scheduled for April 8, 2024, at 5:45 p.m. and the second Public Hearing scheduled for April 22, 2024, at 5:45 p.m. was made by Councilman Jordan. The motion was seconded by Councilman Sawyers. The motion passed unanimously.

Town Manager Monday asked the Mayor to address the Comp Time recommendation by the policy committee since it is a conflict of interest to him.

Mayor Holbrook said after reviewing other locality Comp Time policies our Policy Committee recommends keeping the current Comp Time Policy. Councilman Sawyers asked what localities use the same policy as the Town of St. Paul with the Town Manager Monday informing him that the Westpoint Town Manager and Police Chief and Leesburg employees use this policy.

Councilman Sawyers said a salaried position is expected to work 40 hours minimum a week and should not expect extra time or pay for just a few hours over, which is why these employees are on salary. He said the surrounding counties' salaried employees do not receive compensatory time.

Councilman Jordan made a motion to use the existing Comp Time system. The motion was seconded by Councilman Kelly. Under discussion, Councilman Jordan said he did not feel that the three salaried employees abuse the current system. He said these employees are in leadership positions and they do not turn their phones off for town business when they go home. He stated the issue could be addressed at a later date if time abuse becomes a problem. Councilman Jordan said hourly employees are paid overtime and those positions may want to strive for a salaried position at a later time. Mayor Holbrook reminded the council that all employees have PTO time. He said the salaried employees are required to use their general leave time if no comp time is available to them for an absence.

Councilman Sawyers said 40 hours should be the bare minimum for these employees. He said we also have a system in place that states an employee must use that Comp Time in 30 days. Using the Chief as an example, Councilman Sawyers said it is not fair to him to lose Comp Time because it isn’t used in that 30-day time frame. Councilman Kelly said the state can accumulate comp time for more than a 30-day period and the town may want to consider doing the same for their salaried employees since the town already uses the state’s holiday system and has a state retirement system.

Mayor Holbrook said these three employees work at the will and pleasure of the council and may be terminated at any time while hourly employees have a grievance policy.

Mayor Holbrook called for a vote on the motion. Wallace-Aye; Jordan-Aye; Sawyers-Nay; Kelly-Aye; Langley-Aye; Salyers-Aye. The motion passed 5-1.

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After reviewing the recommendations on the Light Duty Policy, Councilman Jordan asked if there was a limit to the number of days on light duty until it turns into temporary disability. Town Manager Monday said it was left broad on that point. Councilman Jordan made a motion to accept the Light Duty Policy. The motion was seconded by Councilman Salyers. Under discussion, Councilman Sawyers asked what the process would be going forward if the Supervisor denies an employee’s Light Duty doctor recommendation. Councilman Jordan said an amendment to the policy could be made so that the employee can appeal to the Town Manager and proceed to the Town Council if the issue isn’t resolved. He said an appeals process needs to be in black and white. Councilman Jordan made a substitute motion to amend the Policy Committee’s recommendation to add the appeal process chain of Supervisor, Town Manager, and Town Council. The motion was seconded by Councilman Salyers. Under this discussion, Attorney Wampler recommended also adding a time frame for the number of days, suggesting 21 days, to appeal. A substitute motion to table the item for the legal counsel to review was made by Councilman Jordan. The motion was seconded by Councilman Kelly. The motion passed unanimously.

Russell County Fair Association Donation Request

The Treasurer said the last donation request was accepted for $500.

Councilman Jordan made a motion to donate $500 to the Russell County Fair Association. The motion was seconded by Councilman Wallace. The motion passed unanimously.

SWVA EMS Donation

Public Works Superintendent Earl Carter said the organization supports fire and EMS agencies throughout Southwest Virginia with training efforts and equipment.

Councilman Jordan made a motion to donate $500 to the SWVA EMS. The motion was seconded by Councilman Wallace. The motion passed unanimously.

Committee Appointments

IDA

Mayor Holbrook called for nominations for the IDA seat.

Councilman Jordan nominated Carey Watkins.

Mayor Holbrook called for nominations a second time. There were none.

Mayor Holbrook called for nominations a third time. There were none.

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Councilman Wallace made a motion to reappoint Carey Watkins to the IDA Board. Councilman Jordan seconded the motion. The motion passed unanimously.

Planning Commission

Mayor Holbrook called for nominations for the three Planning Commission seats.

Councilman Jordan nominated Travis Stanley.

Mayor Holbrook called for nominations a second time.

Councilman Sawyers nominated Carey Watkins.

Mayor Holbrook called for nominations a third time.

Councilman Jordan nominated Michael Bradley and then Cheyenne Bellamy.

A roll call vote on the nomination for Travis Stanley was taken: Salyers-Aye; Langley-Aye; Kelly-Aye; Sawyers-Aye; Jordan-Aye; Wallace-Aye.

A roll call vote on the nomination for Carey Watkins was taken: Salyers-Nay; Langley-Aye; Kelly-Nay; Sawyers-Aye; Jordan-Aye; Wallace-Nay. Mayor Holbrook voted Aye to break the 3-3 tie.

A roll call vote on the nomination for Michael Bradley was taken: Salyers-Aye; Langley-Aye; Kelly-Aye; Sawyers-Aye; Jordan-Aye; Wallace-Aye.

A motion to appoint Travis Stanley, Carey Watkins, and Michael Bradley to the Planning Commission was made by Councilman Sawyers. The motion was seconded by Councilman Langley. The motion passed unanimously.

Board of Building and Zoning Appeals

Mayor Holbrook called for nominations for the Board of Building and Zoning Appeals.

Councilman Wallace nominated Mike Chafin.

Mayor Holbrook called for nominations a second time.

Councilman Jordan nominated Johnny Fleming.

A motion to appoint Mike Chafin and Johnny Fleming to the Board of Building and Zoning Appeals was made by Councilman Jordan. The motion was seconded by Councilman Langley.

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A roll call vote was taken: Salyers-Aye; Langley-Aye; Kelly-Aye; Sawyers-Abstain; Jordan-Aye; Wallace-Aye. The motion passed 5-0 with Councilman Sawyers abstaining.

DCJS-ECO/TDO Grant

Chief Johnson said the state of Virginia has been awarded grant funds for $5,000,000 to deal with transporting ECO/TDO subjects. This grant will be distributed to localities to help subsidize the cost of wages paid to officers who escort a subject on the ECO/TDO order. The grant will reimburse the town for the wages paid to the officer. Chief Johnson asked for permission to approve the town’s participation in the DCJS-ECO/TDO Grant at a rate of $52.00 an hour per officer to be reimbursed by the state. Councilman Jordan made a motion to approve the police department’s participation in the DCJS-ECO/TDO Grant at a rate of $52.00 an hour per officer to be reimbursed by the state. The motion was seconded by Councilman Langley. The motion passed unanimously.

Mudcat Field

Councilman Jordan said he appreciated the letter of support that was approved by the council for the Mudcat Field. After meeting with Mike Hamilton with the Russell County Fair Association, Councilman Jordan said the possible sight will now be used as part of an expansion plan for the ATV Trails. There are now two different sights that may be available. The Mudcats will now enter into an MOU with the Russell County Fair Association. There was no action taken on the agenda item.

Farmer’s Market Committee

Councilman Kelly made a motion to add Gloria Meade to the Farmer’s Market Manager Committee. The motion was seconded by Councilman Jordan. The motion passed unanimously.

A motion to enter closed session to discuss Personnel under Virginia Code Section 2.2-3711(A)(1) and Legal Matters under Virginia Code Section 2.2-3711(A)(7) with Chief Johnson in attendance was made by Councilman Sawyers. The motion was seconded by Councilman Jordan. The motion passed unanimously.

Councilman Sawyers made a motion to enter into open session. The motion was seconded by Councilman Langley. The motion passed unanimously.

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

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West Hills Issue

No action was taken on the agenda item.

Performance Reviews

A motion to table Performance Reviews was made by Councilman Sawyers. The motion was seconded by Councilman Langley. The motion passed unanimously.

A motion to adjourn was made by Councilman Jordan. The motion was seconded by Councilman Langley. The motion passed unanimously.

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Mayor

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Town Clerk