

## TOWN OF COEBURN

### Council Minutes – Regular Meeting August 11, 2014– 6:30 p.m. – 502 Front Street E, Coeburn, VA

**Attendees:** By roll call vote all Council members were present. Scott Brooks – Police Chief, Christy McCoy – Clerk/Treasurer, Russell A. Mullins – Town Manager and William Sturgill - Attorney were also present.

**Call to Order:** Jeff Kiser, Mayor, called the meeting to order.

**Invocation:** Mayor Kiser asked Veronica Buchanan to give the invocation. The group remained standing for the Pledge of Allegiance.

#### **Public Expression:**

*Eula Hughes, 1004 E. Front St.,* stated criticism is part of serving as a public official. She reminded Council members that they were elected by the citizens and are held to high standards. She asked that all members respect one another and work together.

*Gary Taylor, 137 Central St.,* thanked Mayor Kiser for allowing himself and a neighbor to repair the eagle which is part of the veteran's memorial located at the Coeburn Depot. He also asked that the town inspect the POW flag. Mr. Danny Jordan will check the flag for any repairs or adjustments that are needed.

*Charles Kiser, 501 King Ave. SE.,* state that he was very disappointed that 3 Council members were trying to limit citizen subject matter for public expression. He opposed the ne 5 minute time restriction that was adopted. He stated that citizens should not be limited to 5 minutes and they should not be told what they can or can't say. He was in favor of a 10 minute time limit. He reiterated that Council was elected by the citizens and they should listen to the comments and concerns that the citizens have.

There being no additional comments public expression was closed.

#### **Reports:**

*Adam Wells- Guest River Coordinator Upper Tennessee River Roundtable,* spoke regarding the Guest River Residential Septic Program. The purpose of the program is to reduce bacteria levels in the Guest River by working with landowners to maintain, repair, replace or install septic systems through a cost-share program. He informed Council that any residential home located in the drainages of Crab Orchard Branch, Sepulcher Creek, or Tom's Creek (including Little Tom's Creek) would be eligible for the

program. Applications are available at the Wise County Health Department, Norton and Coeburn Town Hall, and online at [www.questriver.weebly.com](http://www.questriver.weebly.com).

Town Manager, Russell A. Mullins, reported that he attended a meeting with the Wise County Planning Commission. Regularly scheduled meetings are planned and will include all area town managers in an effort to improve lines of communications. Mr. Mullins read a letter written by Mr. Jibber Ward. Mr. Ward's church had a problem with water leaking into the church basement. Danny Jordan, Public Works Director, went to the church to assist Mr. Ward in determining the source of the water. The town helped identify a leak on the churches side of the line. The problem was corrected. Mr. Ward wanted to show appreciation to the town's public works department. Mr. Mullins thanked Mr. Jordan for not only helping with the water problem but other situations within the town.

Councilman D. Mooney stated that he received a phone call regarding a burned house on 4<sup>th</sup> Street. The citizen stated that a letter regarding the problem was supposed to be sent out. Mr. Mullins informed Mr. Mooney that the letter was written and he would mail the letter the following business day. Mr. Mooney also asked Mr. Mullins to keep Council informed of all community events that are scheduled. Mayor Kiser suggested using the free publication that the Coalfield Progress offers for community events. Myra Marshall is the contact for community events that need to be advertised. Mr. Mooney also asked if the town manager researched the fire departments pool party policy. Mr. Mullins did not find the policy but will continue to research the policy and report back to Council.

Mayor Kiser asked for an update regarding the Sheffield pump site. Town Manager Mullins stated that was working on the project and was waiting for replies from other parties involved. Chris Mullins, The Lane Group, stated that this was the only hold up for the project. Mayor Kiser asked Mr. Mullins to make this a priority item on his 'to do' list. Town Manager Mullins will email Council with an update.

Sharon Still asked that the town manager return a freezer that was loaned to the town for use at the pool. Ms. Still wanted to avoid any problems regarding the freezer.

Treasurer, Christy L. McCoy, asked for approval of the accounts payable that were due and the interim accounts payable that were issued throughout the month. She reported a cash balance of \$15,318.74. She also requested approval of the minutes for meetings held during the month of July. She reported that Southern Software had completed the installation of the new software program.

July 14, 2014 – Biennial Reorganizational meeting – Deventae Mooney made a motion to approve the minutes as presented. Sharon Still seconded the motion which resulted in all Ayes.

July 14, 2014 – Special Called Meeting – Jess Powers asked for a correction to be made to the minutes. Mr. Powers made a motion that Ms. McCoy add additional information about the regular meeting that was called. Mr. Powers recalled that a meeting was not called until 3 a.m. on a Saturday before the meeting. He asked that the minutes be changed to reflect the meeting. Mayor Kiser stated that there were no minutes for a meeting that was not held. Mr. Powers said that he had an email showing that a meeting was called. He recalled town Council members agreeing to the meeting. Mayor Kiser reiterated that no meeting was held and therefore, there were no minutes taken. Attorney William Sturgill agreed that minutes could only be taken for meetings that existed. Mayor Kiser stated that all Council members were present when the special called meeting was called. Mr. Powers reminded Mayor Kiser that he had a motion on the floor. The Mayor asked Mr. Powers to clarify the motion. Mr. Powers stated that only the mayor or two Council members could call a meeting. Mr. Kiser stated that he did call a special called meeting and the agenda was presented. Mr. Powers stated that the agenda was amended 6 times and that was not allowed according to Roberts Rules of Order. Mr. Sturgill once again stated that minutes are only required to be recorded during all open meetings. Mayor Kiser stated that the item on the floor was minutes from the meeting held July 14, 2014 at 8:03 p.m. Deventae Mooney made a motion to accept the minutes as written. Sharon Still seconded the motion which resulted as follows: V. Buchanan – Aye, D. Mooney – Aye, J. Kiser – Aye, J. Powers – Nay, S. Still – Aye.

July 28, 2014 – Recessed Meeting – Deventae Mooney made a motion to approve the July 28, 2014 minutes as written. Sharon Still seconded the motion which resulted in all Ayes.

August 1, 2014 – Workshop Meeting – Deventae Mooney made a motion to approve the July 28, 2014 workshop minutes. Sharon Still seconded the motion which resulted in all Ayes.

Accounts Payable: Jeff Kiser made a motion to approve the accounts payable due in the amount of \$7,611.29. Sharon Still seconded the motion which resulted in all Ayes.

Interim Accounts Payable: Veronica Buchanan made a motion to accept the interim accounts payable in the amount of \$96,948.09. Sharon Still seconded the motion which resulted in all Ayes.

Scott Brooks, Police Chief, reported the incidents that took place during the month of July 2014. He reported that the Town of Coeburn was approved for a highway safety grant which would be used during fiscal year 2015. The grant would help pay for overtime worked within the police department. Chief Brooks also presented a letter addressing the policy that was passed by Council that limited the use of police vehicles

to only police officers. Chief Brooks state that this was creating a problem when maintenance needed to be performed on the vehicles. The chief asked Council to reconsider the policy that was passed during the July 2014 regular meeting. D. Mooney asked if the police officers were still patrolling the town parks. The police department had been patrolling the parks on a regular basis.

Danny Jordan, Public Works Director, reported assisting with the Farmers Market, the Cruise In and the Tom's Creek reunion. S. Still asked about the Crab Orchard road repair. Mr. Jordan reported that the repair was scheduled for August 12, 2014. D. Mooney asked why public works was mowing the track. Mr. Jordan presented Council with a contract that stated that the town was required to mow and do weed removal. Mayor Kiser asked the town attorney to review the contract. S. Still recalled that the agreement was made so that citizens could continue to use the track. Mayor Kiser asked Town Manager Mullins to contact the school board for clarification. Mr. Mullins will report back to Council regarding the contract. Mayor Kiser asked Mr. Jordan about the trucks that are pulling up on the sidewalks while watering flowers. Mr. Jordan stated that they pulled up on the sidewalk as a safety precaution. Mr. Kiser also asked about the tree trimming schedule. He asked that Mr. Jordan consider trimming the trees on Main Street to ensure growth.

William Sturgill, Town Attorney, thanked Council for the opportunity to serve the town. He also added that if there are any issues that need addressed, he would be happy to help. Mayor Kiser asked Mr. Sturgill to review the town code. He also asked that Mr. Sturgill review any agreements that the town is involved in. Mr. Sturgill asked for a copy of the employee handbook so that he could familiarize himself with the town's policies.

Chris Mullins, The Lane Group, thanked Council for attending the project meeting that was held August 1, 2014.

### **Approval of Agenda (amendment by majority vote)**

Sharon Still made a motion to add amendment of the resolution for police vehicle usage to the agenda as item 'f'. Deventae Mooney seconded the motion which resulted in all Ayes.

Deventae Mooney made a motion to approve the agenda as amended. Sharon Still seconded the motion which resulted in all Ayes.

### **New Business**

- a. Monthly Water Report – Town Manager Mullins presented the July 2014 water report. Ms. Buchanan asked why the schools usages were not listed. Mr. Mullins will review the usage and make corrections if needed.

- b. Veolia Water invoice for R&M due – The town manager reported that the previous Council agreed to pay the early termination fees upon non-renewal of the Veolia contract. Council minutes reflected that Attorney, Gary Gilliam, suggested paying the R&M upon receipt and upon review of the charges. The R&M overage was not agreed upon at the time. Mr. Powers asked if there was an itemized list of the charges. Council asked that the town manager meet with Veolia and see if the town could make 2 payments. The invoice was due within 30 days of the issuance date. This would make the R&M amount due prior to the next voting meeting. Mayor Kiser suggested recessing the August 11, 2014 meeting until August 20, 2014 at 6:30 p.m. This would allow the town manager time to speak with Veolia regarding the payments. Council agreed to recess the meeting.
- c. Virginia Department of Health Office of Drinking Water Crab Orchard and Beech Avenue Water Line Replacement Project Approval to Advertise for Bids – Approval to advertise for bids was received. Jeff Kiser made a motion to allow The Lane Group to advertise for bids for the Town of Coeburn Crab Orchard and Beech Avenue Water Replacement Project. Veronica Buchanan seconded the motion which resulted in all Ayes.
- d. Reminder of Guest River Rally – The Guest River Rally will kick off August 25, 2014. The Rally will be held August 25, 2014 through August 31, 2014.
- e. Reminder of Justin’s Walk – Town Manager Mullins also reminded Council that Justin’s Walk will also take place during the Guest River Rally.
- f. Discussion Amending Police Vehicle Usage – Chief Brooks advised Council that the new vehicle policy was creating a problem for the department when vehicles needed serviced. Town employees, including public works, are currently not allowed to drive the vehicles. Chief Brooks stated that this makes servicing the vehicles very difficult. Mayor Kiser asked the town attorney to look at the policy that was in place and recommend proper language for a revision. Mr. Sturgill agreed to review the policy and report back to Council during the recessed meeting. Deventae Mooney made a motion to table the policy change until the recessed meeting but in the meantime, allow the vehicles to be driven by other town staff for maintenance purposes only. Sharon Still seconded the motion which resulted in all Ayes.

## **Old Business**

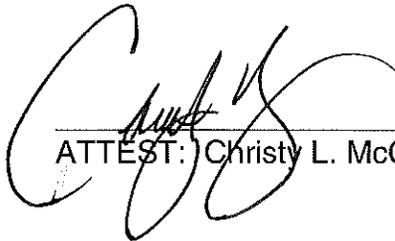
Public Expression Decorum Guidelines – Ms. Sharon Still proposed a Decorum and Order for Public Expression. VML Attorney, Mark Flynn, assisted Ms. Still with the Decorum that was presented to Council. Ms. Still assured Council and citizens that there were no intentions of silencing the public. She stated that the idea of the Decorum and Order for Public Expression was to have public expression in an orderly manner. She stated that everyone needed to respect one another and express ideas and opinions in an open and helpful manner. Mr. Powers asked Mr. Sturgill to review the decorum and to specifically address the

sentence that states a speaker must focus on the issues that are on the agenda or pertain to legitimate town business. Mayor Kiser made a motion to table the issue until the September regular meeting in order to allow Mr. Sturgill time to review the decorum. Sharon Still seconded the motion which resulted in all Ayes.

### **Recess**

Mayor Kiser made a motion to recess the meeting until August 20, 2014 at 6:30 p.m. Veronica Buchanan seconded the motion which resulted in all Ayes.

Respectfully Submitted,

  
ATTEST: Christy L. McCoy, Clerk

  
Jeffery G. Kiser, Mayor

## TOWN OF COEBURN

### Council Minutes – Recessed Meeting August 20, 2014– 6:30 p.m. – 502 Front Street E, Coeburn, VA

**Attendees:** By roll call vote all Council members were present. Scott Brooks – Police Chief, Christy McCoy – Clerk/Treasurer, Russell A. Mullins – Town Manager and William Sturgill - Attorney were also present.

**Call to Order:** Jeff Kiser, Mayor, called the meeting to order.

#### Old Business

- a. Veolia Water Invoice for R&M Due – Town Manager Mullins presented an email from Mr. Donald Patterson, Veolia Project Manager which gave the Town of Coeburn the option to pay the R&M overage invoice in two installments. Council agreed that they would like to see a detailed invoice for the overage. Mr. Mullins informed Council that a request for the detail was submitted to Veolia. Veolia has agreed to provide an invoice detailing the expenses that resulted in the overage. Council was concerned that late fees and penalties would be assessed if the payment was past due. Council agreed that paying half of the invoice would allow time to review the detail but still avoid late fees. At that point the town would agree or dispute the second payment due. Deventae Mooney made a motion to pay the Veolia R&M charge in two installments of \$8,687.77. If there was an issue upon receipt of the detail, the town would make adjustments as needed before remitting the second payment. Veronica Buchanan seconded. Mr. Jess Powers disagreed with paying any portion of the invoice until the detail was received. A roll call vote resulted as follows: V. Buchanan – Aye, D. Mooney – Aye, J. Kiser – Aye, J. Powers – Nay, S. Still – Aye.
- b. Request to Amend Police Department Usage of Police Vehicles – After reviewing the Town of Coeburn’s employee handbook, Will Sturgill, Town Attorney, suggested adding Section 8-8: Use of Town Owned Police Vehicles to the employee handbook. Section 8-8 states that Town owned police vehicles shall be driven only by town police personnel. Such police vehicles shall be used only for official police business, and when approved in accordance with Section 8-7, for commuting to allow police employees to respond to department-related business and emergencies outside of their regular work hours. This Section does not apply to maintenance of such vehicles, as it may be necessary for non-police personnel to transport or use such vehicles for maintenance related purposes. Upon the attorney’s recommendation Veronica Buchanan made a motion to adopt Section 8-8 Use of Town Owned Police Vehicles. Sharon Still seconded the motion. A roll call vote resulted as follows: : V. Buchanan – Aye, D. Mooney – Aye, J. Kiser – Aye, J. Powers – Nay, S. Still – Aye.

#### Closed Session

Jeff Kiser made a motion to enter into executive session in accordance with Virginia Code §2.2-3711 (A.7) for consultation with legal counsel specifically surrounding probable litigation. Deventae Mooney seconded the motion which resulted in all Ayes.

Council entered into closed session.

Immediately following closed session, Christy McCoy, Clerk, read the "Certification of Closed Meeting", which is attached to these minutes and made a part hereof. A roll call vote certifying that only matters that were identified in the motion convening were discussed, resulted in all Ayes. A roll call vote to the certification resulted in all Ayes.

There were no actions resulting from the closed session.

**Council Comments and Concerns**

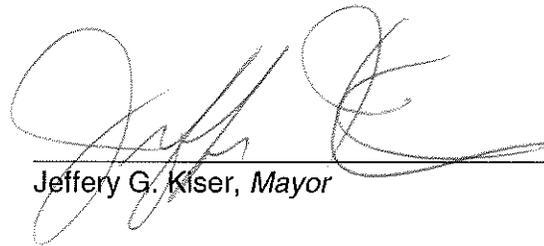
Mayor Kiser expressed appreciation to Mr. Gary Taylor and Mr. Gary Kiser for their time dedicated to repairing the eagle on the Veterans Memorial.

**Adjournment**

Jess Powers made a motion to adjourn meeting. Veronica Buchanan seconded the motion which resulted in all Ayes.

Respectfully Submitted,

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ATTEST: Christy L. McCoy, *Clerk*

  
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Jeffery G. Kiser, *Mayor*

**Council Minutes  
Workshop Meeting  
August 25, 2014 – 6:30 p.m. – 502 Front Street E, Coeburn, VA**

**Attendees:** By roll call vote all Council members were present. Scott Brooks – Chief of Police, Christy McCoy – Clerk/Treasurer and Russell A. Mullins – Town Manager were also present.

**Call to Order:** Mayor Jeff Kiser called the meeting to order.

Mayor Kiser asked Veronica Buchanan to give the invocation. The group remained standing for the Pledge of Allegiance.

**Public Expression:**

There being no public comment, public expression was closed.

**Reports:**

Town Manager

Town Manager Mullins reported that he attended a meeting at the Wise County Administrators office. Mr. Mullins reported that there were several town managers that participated in the meeting. Monthly meetings will be scheduled to continue communications between the county and town representatives. Mr. Mullins will keep Council informed of topics that are discussed during the meetings. Guest River Rally activities will begin August 25, 2014 and will continue throughout Labor Day weekend. The town manager reported that he sent the letter, as requested by Deventae Mooney, regarding the burned house on Fourth Street. Mayor Kiser asked for a report regarding the pump station as previously discussed. He reported that per the last conversation that he had with Chris Mullins, The Lane Group, all documents were obtained from trustees. Mr. Kiser asked if all requirements were met. The town manager informed Council that the requirements were met.

Treasurer

Clerk/Treasurer, Christy McCoy presented Council with minutes from August 11, 2014 and August 20, 2014. She also discussed the projected cash balance for the remainder of August 2014. Ms. McCoy reported a reconciled cash balance of -28,531.05. She presented the accounts payable due and the interim accounts payable. Mayor Kiser expressed concern about meeting the FY15 projected budget. He asked that all departments review their current budget and expenses. He asked that all departments review any possible savings that would make operations more cost effective. He asked each department head to report suggestions during the September 8, 2014 regularly

scheduled meeting. Ms. McCoy suggested raising revenue and cutting expenses. She asked Council to revisit the suggested water policy revision. Suggesting that disconnections take place once the customer is twenty (20) days past due. She felt that this would improve the town's cash flow from operations. The item will be added to the September 8, 2014 agenda.

#### Police Department

Chief Brooks reported that day to day operations were normal. He did not have anything additional to report. Council thanked Chief Brooks and his department for their commitment to public safety.

#### Public Works Department

Danny Jordan, Public Works Director asked for a department budget summary to review prior to the September 8, 2014 meeting. Public works has been busy preparing for the Guest River Rally. Ms. Still asked Mr. Jordan what his schedule was and who was in charge when he left work early. Mr. Jordan reported that Randall Meade was the immediate supervisor in his absence. Mayor Kiser asked about a sink hole in the vacant lot beside Jack's Floral. Mr. Jordan reported that the issue was addressed by filling and packing the hole. There was no determination regarding the cause of the sink hole. The mayor asked that someone from public works check the sink hole on a daily basis during the Guest River Rally for public safety reasons.

There was no reports given for the Volunteer Fire Department, Attorney or The Lane Group.

#### Farmer's Market

The town manager reported that the farmer's market continues to grow. They are accepting senior citizen vouchers that are offered through the Department of Agriculture.

#### Coeburn EDA Board

Ms. Veronica Buchanan reported that the EDA Board meets the third Thursday of each month at 4:30 p.m. at the Depot.

#### **Approval of Agenda**

Deventae Mooney made a motion to accept the workshop agenda as presented. Veronica Buchanan seconded the motion which resulted in all Ayes.

## New Business

- a. Request from Coeburn Improvement Association for Town's Guest River Rally donation – The CIA requested that the town pay out the \$7,000 donation that was budgeted for the Guest River Rally. Mayor Kiser suggested that the town delay paying the donation until the town was more financially stable. As a CIA member he notified Council that the Rally expenses have been cut drastically due to a lack of donations. Mr. Powers asked Mr. Kiser if the filing status of the CIA was resolved. Mr. Kiser suggested that the town manager review this and report back to Council.

Council discussed the parking situation at the farmer's market. Ms. Still suggested that the town manager talk to VDOT about closing a portion of the road to resolve the parking problem. This would also help the vendors to sell produce directly out of their vehicles. Mr. Mullins will file a request with VDOT.

## Council Comments and Concerns:

Veronica Buchanan stated that she was looking forward to the Guest River Rally events that will be held in town.

Deventae Mooney announced that a town wide pep rally would be held at the Depot stage on Tuesday, August 26, 2014.

Sharon Still stated that a group from the Central European Country Hungary visiting the Bond Town Cemetery. She asked that the Town of Coeburn welcome the group. Billy Porter is seeking volunteers to clean up the cemetery prior to the group's visit.

Jeff Kiser followed elaborated on Ms. Still's comment regarding the group's visit.

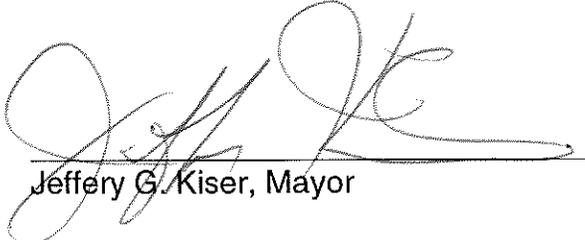
There were no additional comments or concerns.

## Adjournment:

Deventae Mooney made a motion to adjourn the meeting. Veronica Buchanan seconded the motion, which resulted in all Ayes.

Respectfully Submitted,

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ATTEST: Christy L. McCoy, Clerk

  
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Jeffery G. Kiser, Mayor

