

Council Minutes
Regular Meeting
December 14, 2015 – 6:30 p.m. – 502 Front Street E., Coeburn, VA

Attendees: Upon a roll call vote the following Council members were present: Veronica Buchanan, Jeff Kiser, Deventae Mooney, Jess Powers, and Sharon Still. Scott Brooks – Police Chief, Christy McCoy - Clerk/Treasurer, Russell Mullins – Town Manager, and William Sturgill – Town Attorney were also present.

Reverend Steven Baker, Coeburn Presbyterian gave the invocation. The group remained standing for the Pledge of Allegiance, which was led by attending veterans.

Agenda Amendment

Sharon Still made a motion to allow the Front Street Cruise-In to do a presentation. Deventae Mooney seconded the motion, which resulted in all Ayes.

Coeburn Front Street Cruise-In representatives presented Town Council with funds raised by Cruise-In volunteers. The events that took place during the year to raise money included the Cruise-In beauty pageant, the Guest River Rally auction, a half and half raffle, a quilt raffle, and money contributed by independent donors. The total amount raised for the Ringley Park Extension during 2015 was \$4,230. The Mayor and Council thanked the volunteers for their time and dedication to the project.

Water Discoloration

Council asked a panel of individuals working closely with the water discoloration issues to answer questions regarding the specifics of the issue. The panel included Chris Mullins, The Lane Group; Russell Mullins, Town Manager; Tracy Garrison, Steve Rutherford, Brian Markham, Water Treatment Plant Operators; and Jillian Galloway, Department of Health.

Before the panel took their seats Mr. Jess Powers questioned the notice that was given to the public regarding the discussion with the panel. He stated that the public was not given enough notice to participate in the meeting. Town Attorney, William Sturgill stated that the agenda was posted in accordance with the FOIA requirements. Mr. Powers stated that he didn't feel that the public had sufficient notice of the meeting. The Mayor called for the panel to begin the question/answer portion of the meeting.

Chris Mullins began by explaining what that the town felt was causing the discoloration problems. He explained that the problem started during the flushing process that took place during the spring months. He asked everyone to keep in mind that the town's water lines were approximately 60-70 years old and over time debris builds up within the pipes. When the flushing began it took the water in a different direction causing the debris to break loose and cause water discoloration. The panel also believed that some of the problem could also be caused by debris building up in the water storage tanks. There could also be sediment build up within the clear well, which holds treated water at the water treatment plant.

The Lane Group wrote a plan for the town that will tell when, where and with how much velocity to flush the lines in the future. The town would also be cleaning the tanks and would begin the flushing program again. The public would be made aware of the flushing schedule. The tanks would be cleaned during the month of January.

Doug Neal, 719 Second Street NE, asked the panel to discuss more in depth about the water discoloration. Mr. C. Mullins reiterated the aging of the lines and the flushing process contributed largely to the discoloration. He discussed the series of events that took place throughout the spring and summer that could have caused these problems. Mr. Neal asked what type of testing was done on the water and the results. Ms. Galloway stated that all of the bacteriological tests were given and all came back negative.

Joe Still, 209 Grand Avenue, asked for clarification of the flow patterns of the water. Mr. C. Mullins stated that there were new lines tied into some of the older lines during the Downtown Water Project, but he didn't think that the lines contributed to the problem. Mr. Still thanked the WTP operators, Ms. Galloway and the Lane Group for their continued efforts to finding and resolving the problem.

Reggie Campbell, 612 Meadow Street, asked what the town's PSI was, if anyone looked at the end of the lines to see if there were any major leaks, and if it was possible that a leak could be pulling mud into the system. Mr. Markham stated that the town's PSI was approximately 60, the flow rate was approximately 260 gallons per minute and he informed Mr. Campbell that the town was actively looking for leaks.

Eddie Johnson, 210 Grand Avenue, stated that his son took some water out of the faucet and put red food color in it and it looked like fish scales floating around. He asked if the town was treating with enough chemicals.

Jess Powers, 289 Martin Avenue, stated that he began experiencing water discoloration on June 22, 2016 and that the water cleared up on December 6. He stated that he has a washing machine torn up and an ice maker torn up. He asked for the actual results of the water tests. He stated that he wanted to compare the testing results to the tests that he performed. He asked for the date of the sample, number of samples, contaminants listed and the location that the samples were taken from. Ms. Galloway stated that all of the test results were made available to the town manager. She will send the tests again. Mr. Powers showed pictures of the samples water from his water lines. Ms. Galloway stated that the discoloration of the samples taken were not to the extent that his was.

There were no other questions or comments for the panel.

Public Expression:

Eddie Johnson, 210 Grand Avenue asked if Council would be giving a discount for the dirty water. He informed Council that his water was charged a \$60 disconnect fee because he was on the disconnect list the morning that payment was due. It is the town's policy to charge the fee upon issuance of work orders for disconnects. Mr. Johnson also complained about not being able to reach the town manager when needed. The town manager explained that he returned Mr. Johnson's calls and discussed the issues with him.

Doug Neal, 719 Second Street, inquired about the cemetery proposal that he previously presented to Council. He thanked the EDA for their contribution to the cemetery clean up on School House Hill. However, he stated that he didn't feel like it should be the EDA's responsibility to continue to pay for cleaning the cemeteries. He would like to see Council agree to clean up all of the cemeteries that are located within town limits. He asked Council to discuss the proposal.

There was no additional public comment. The Mayor closed public expression.

Agenda Approval:

Jeff Kiser made a motion to add Scott Mullins, Wise County School Board Attorney for discussion of the Coeburn Middle School Property as item A. under old business. Veronica Buchanan seconded the motion, which resulted in all Ayes.

Jess Powers made a motion to add the consideration of the cemetery proposal to the agenda as item H. under new business. Veronica Buchanan seconded the motion, which resulted in all Ayes.

Jess Powers made a motion to add the water tank maintenance to the agenda as item I, under new business. Sharon Still seconded the motion, which resulted in all Ayes.

Sharon Still made a motion to add item J., under new business to discuss a resolution for the East Side One Act team. Deventae Mooney seconded the motion, which resulted in all Ayes.

Sharon Still made a motion to add item K., under new business to discuss a resolution recognizing the VFW Post for their national recognition. Jeff Kiser seconded the motion, which resulted in all Ayes.

Deventae Mooney made a motion to move the Friends of the Library to the front of the agenda, before reports. Sharon Still seconded the motion, which resulted in all Ayes.

Jeff Kiser made a motion to accept the agenda as amended. Deventae Mooney seconded the motion, which resulted in all Ayes.

E. Friends of the Library

Suzie Mullins, teacher at East Side High School, was present to ask council to consider allowing the Friends of the Coeburn Library to operate as an organization under the umbrella of the Town of Coeburn. The organization would use its own bylaws and governance. Any money would be placed in the Friends of the Coeburn Community Library bank account and would only be used to meet the purposes defined in the Bylaws presented by Mrs. Mullins. The town attorney reviewed the bylaws and stated that they did a good job. He informed Council that a formal motion would have to be made to adopt the bylaws and accept the Friends of the Coeburn Library under the umbrella of the town. Ms. Still stated that she didn't have a problem with accepting the group. Mayor Kiser asked if there were any differences between the formation of the EDA or other groups that the town accepted in the past. The town manager and the treasurer were unsure of the insurance requirements and/or cost to add the group to the policy. They will contact VML to inquire about the formation of the group and report back to Council.

Jeff Kiser made a motion to table the Friends of the Library until the January 11, 2016 regular meeting. Veronica Buchanan seconded the motion, which resulted in all Ayes. Deventae Mooney asked if updates could be provided to Council regarding the insurance.

Reports:

Town Manager, Russell A. Mullins, reported that he was working with Wise County in an effort to clean up dilapidated properties within the town limits. He also requested that Council enter into closed session regarding the VDOT bridge construction located at Front Street East. He was also working with public works and Camp 18 to coordinate a time to trim the trees on Front Street. He informed Council that town employees would be off December 24, 25 and January 1 in observance of the Christmas and New Year holiday. He asked if Council would like to give an additional holiday day on December 31. After discussing the holiday schedule, Council agreed that they would stick to the policy that was adopted by previous Council. The policy states that the town will follow the Commonwealth of Virginia's holiday schedule.

Sharon Still reminded the town manager of the Christmas Dinner that would be sponsored by Celebrate and Miners Exchange Bank. Employees would be allowed to bring 1 guest to the dinner. Celebrate needed everyone to RSVP. The town manager would get a count of employees planning on attending.

Sharon Still asked when VDOT would be cleaning up the trees on the exit ramp. The town manager informed her that VDOT told the town not to clean the trees. VDOT would be taking care of the clean-up. She asked about the ATV mapping coordination with VDOT. She stated that she would like to suspend the sales of ATV stickers until the town is VDOT approved.

She asked if Wise County gave an answer regarding the Line of Duty Act. There was no additional contact with the county. The county currently pays the Line of Duty premiums for towns that didn't pass a resolution to pay the premium for the state required coverage. Ms. Still stated that the County should equally pay for all or pay for none. The town manager will contact the County again regarding the premium payments.

She asked about safety classes for public works. Mr. Mullins said that the program will begin after the first of the year. There are programs available through VML that he and the public works director will be reviewing.

She asked about the decorative lighting insurance issue. Mr. Mullins filed the claim with the insurance company. He explained that the hold-up was finding the street lights that match the others. Jeff Kiser asked about the lights in front of Ringley Park. The lights have been out for quite a while. The public works director explained that an electrical issue was causing the outage.

She asked about the roof repairs on the MEOC building. Mr. Mullins explained that the reason the roof was put on hold was that VML would not cover any of the damage for the roof. He explained that the damage would cost approximately \$6,000 to fix. Mayor Kiser asked why the roof couldn't be patched, considering it is a rubber membrane roof. Mr. Mullins explained that the patching would cost \$6,000. VML determined that the damage was pre-existing and would not be covered.

She asked about the Loretta Mays forensic audit. Mr. Mullins informed her that the audit couldn't be discussed. The attorney informed Council that there was no information that could be given. She stated

that she would just like a progress report. There was no information that could be given regarding the audit.

Danny Jordan, Public Works Director, presented the monthly report for November/December 2015. He stated that there were several leaks that were found and corrected. Public works have also been on a few sewer jetting jobs. He reviewed the garbage pick-up schedule with Council. The schedule will be posted on Facebook and the website. Ms. Still asked that the garbage schedule be posted in the Coalfield Progress. The schedule will be posted for public information.

The Lane Group, Chris Mullins, Project Manager was present to update Council on the Sheffield Sewer Project and the Crab Orchard/Beech water line project. He reported that the Sheffield project was almost complete. The contractor was working on a creek crossing but was delayed by the weather. Job Corp. is ready to hook onto the line. Crab Orchard/Beech project is complete with the exception of a few clean up jobs. Mayor Kiser asked about phase II of the Sheffield project. He asked when the citizens could expect to hook onto they system. Mr. C. Mullins stated that phase I would have to be completed prior to phase II beginning. Mayor Kiser also asked about the status of Camp 18 hooking onto the sewer line. Mr. C. Mullins informed him that Camp 18 showed no interest in hooking onto the system. He stated that the town could go back to Camp 18 and ask if they would reconsider hooking onto the line. Camp 18 has an independent packaging plant that is maintained by their own operators. Ms. Still asked if The Lane Group could approach Camp 18 again. The town manager explained that the funding agreement was only based on the Job Corp. Ms. Still stated that it would be worthwhile to approach Camp 18.

Clerk/Treasurer, Christy McCoy presented Council with the minutes from November 9, 2015 Regular Meeting, November 23, 2015 recessed meeting and the November 23, 2015 workshop meeting. She requested Council approval of the minutes. She reported the total accounts payable due in the amount of \$86,151.41 and the interim accounts payable in the amount of \$36,352.81. She requested approval of both expenditure reports. She reported a cash balance of \$67,884.51, which included all outstanding checks and deposits. She included the budget to actual report for Council.

November 9, 2015 - Regular Meeting – Veronica Buchanan made a motion to approve the minutes as presented. Deventae Mooney seconded the motion, which resulted in all Ayes.

November 23, 2015 – Recessed Meeting – Jeff Kiser made a motion to approve the minutes as presented. Deventae Mooney seconded the motion, which resulted in all Ayes.

November 23, 2015 – Workshop Meeting – Deventae Mooney made a motion to approve the minutes as presented. Sharon Still seconded the motion, which resulted in all Ayes.

Jeff Kiser made a motion to approve the accounts payable due in the amount of \$86,151.41. Sharon Still seconded the motion, which resulted in all Ayes.

Sharon Still made a motion to approve the interim accounts payable in the amount of \$36,352.81. Jeff Kiser seconded the motion, which resulted in all Ayes.

Police Department. Police Chief, Scott Brooks gave the November 2015 activity report. He reported 552 events taking place throughout the month. Hunter Johnson presented Chief Brooks and the Coeburn Police Department with a black and blue stripe flag that represented support of local police officers.

Fire Department, there was no representative present to give a report.

Attorney. William J. Sturgill, advised that he received an Attorney General review on an issue that was presented in a past meeting. The issue was whether a member of the Coeburn Town Council may vote on financial matters such as budget, tax rates, utility rates, and approval of expenses, when he has an active lawsuit against the Town. The conclusion was "on pain of misdemeanor prosecution, the Town Council member about whom was inquired may not use confidential information obtained by virtue of his position for his benefit in the lawsuit; he may not retaliate or threaten to retaliate against any Town employee or official for actions they may take in connection with the lawsuit; he may not discuss the lawsuit with any Town official or employee; and he must disclose on the public record his personal interest and disqualify himself from any transaction involving the lawsuit. However, his not required to make disclosure or to disqualify himself from transactions affecting the public generally." The opinion was of G. Timothy Oksman, Opinions Council, Commonwealth of Virginia, Office of the Attorney General.

The Council recessed for a short break and shortly reconvened the meeting upon the Mayor calling the meeting back to order.

New Business

- A. Art Mead Study – Art Mead, Weldon Cooper Center, was present to ask Council to renew the invitation for him to continue the public works study that was originally approved several months ago. He stated that he would like to come back and help with the 2015-2016 budgetary tasks. He also suggested a personnel addendum that would go hand in hand with the budget. A large part of the budget is personnel expense.

Jess Powers asked for the results of the report from the public works study that was approved by Council 13 months ago. Mr. Mead informed Mr. Powers that upon his initial consultation he felt that budgetary concerns and the Town's finances were the largest concern. When he began working on the study he got a lot of resistance from the public works department. He stated that he asked for employee resumes and did not get them. He stated that he received job descriptions but no resumes.

Council discussed the previous motion. Ms. Still asked the town manager and the treasurer if the help that Mr. Mead gave was helpful during the budgetary process. They both stated that during the 2015/2016 fiscal year budget, he was helpful. Upon further discussion, Jeff Kiser made a motion to accept the invitation to Art Mead, Weldon Cooper Center, to assist the Town of Coeburn in the ongoing budget process. If it involved going into public works to accurately assess budget needs then he would like to allow it. Sharon Still seconded the motion. A roll call vote resulted as follows: V. Buchanan – Nay, J. Kiser – Aye, D. Mooney – Aye, S. Still – Aye, J. Powers – Nay.

Jeff Kiser made a secondary motion that the Coeburn Town Council be presented with a balanced budget no later than April 1, 2016. Sharon Still seconded the motion. A roll call vote

resulted as follows: V. Buchanan – Nay, J. Kiser – Aye, D. Mooney – Aye, S. Still – Aye, J. Powers – Nay.

Mr. Art Mead asked the Mayor why any member of the Council would vote negatively against the State Code.

Jess Powers made a motion to move forward with the meeting. Veronica Buchanan seconded the motion. A roll call vote resulted as follows: V. Buchanan – Aye, J. Kiser – Nay, D. Mooney – Nay, S. Still – Nay, J. Powers – Nay.

The Mayor asked Art Mead to continue what he was saying. Mr. Mead stated that he was finished. He was only concerned why anyone would vote against the State Code. The attorney stated that regardless of the vote the town has to comply with the state code.

- B. Lonesome Pine Regional Library Audit Report – The 2014/2015 audit report was submitted to the town and a copy was given to the Mayor. If any Council member would like a copy, they would be given one upon request.
- C. CNW Public Hearing on Monthly User Charges – CNW will hold a public meeting on February 17, 2016 at 7:30 p.m. at the Norton Municipal Building. During the meeting the Coeburn CNW user fee will be discussed. The 2016 user fee will decrease \$250/month.
- D. CNW Proposed Budget & Audit Report – The town manager received a copy of the proposed budget and audit report for CNW. Copies are available for Council members upon request.
- E. Discussed Previously in the meeting
- F. 2016 VML Day at the Capitol – The town manager provided an invitation to the Capitol for Council members. The day would allow members to discuss important legislation with their delegates and senators. There will also be legislative briefings and a reception. The cost is \$50 per person or \$159 per group. VML Day at the Capitol will be held Wednesday, January 27, 2016.
- G. Coeburn Middle School Year Book Request – The Coeburn Middle School requested a sponsorship from the town. Ads prices began at \$150 per full page ad. Council agreed that the town was not financially able to make a contribution.
- H. Cemetery Proposal – A cost to mow and maintain the cemetery was given by Charles Kiser, EDA member. Ms. Still expressed her concern about acquiring the property in regards to liability issues. Many of the properties are abandoned and may have to be taken by eminent domain. The attorney stated that he would have to do some research on taking ownership of the cemeteries. He will give a report on January 11, 2016. Mr. Powers asked if the town should focus on the two cemeteries located directly in town. (Bondtown and School House Hill) Sharon Still stated that she would like to see the one cemetery stay clean. Sharon Still made a motion to table the item until the January 11, 2016 meeting. Veronica Buchanan seconded the motion, which resulted in all Ayes.
- I. Water Tank Maintenance – The town manager received an estimate for cleaning the water tanks. The approximate cost would be \$15,000 - \$20,000. He explained that the tanks have not been

cleaned since 2009. That price would include the three water tanks and the clear well. The Health Department strongly suggested that the tanks should be cleaned. He reported that there would be no water outages during the process. Chris Mullins, The Lane Group, also strongly advised Council to proceed with the tank cleaning. Sharon Still made a motion to have three water tanks cleaned, clear well cleaned, and the cost of a flushing program paid, as recommended by the Health Department, with the cost not to exceed \$21,000. Deventae Mooney seconded the motion. A roll call vote resulted as follows: V. Buchanan – Aye, J. Kiser – Aye, D. Mooney – Aye, J. Powers – Aye and S. Still – Aye.

Ms. Veronica Buchanan excused herself from the meeting due to the late hour of the meeting.

- J. Resolution East Side High One Act Team – Sharon Still made a motion to authorize the town attorney to write a resolution in recognition of the East Side High School's One Act Team. Jeff Kiser seconded the motion, which resulted in all Ayes. The town agreed to invite the One Act Team to the January 11, 2015 regular meeting.
- K. Resolution VFW Post – The Coeburn VFW Post 8652 received a prestigious national award for outstanding community service. A sign will be received to be posted within town. Sharon Still made a motion to authorize a resolution in recognition of the VFW Post 8652. Jeff Kiser seconded the motion. A roll call vote resulted in all Ayes. The town agreed to invite the VFW Post 8652 to attend the January 11, 2015 regular meeting.

Old Business

- A. Scott Mullins, Wise County School Board Attorney – Upon a decision to build an addition to the Coeburn Middle School. There was a 50' right of way for ingress and egress. However, there was never a street or indication of a road on the property. Mr. S. Mullins provided Council with maps and drawing describing the property and right of way. During 2010 the school board as the town to cut the property back from 50' to 40'. The school system purchased the property and entered into an agreement with all the parties involved. The agreement was never officially voted upon or agreed to. The agreement was provided to Council to review. Upon reviewing the agreement Sharon Still made a motion to authorize the Town Manager and the attorney to meet with Mr. S. Mullins and review the documents, including the Agreement and the deed that has been presented here tonight, and after said review, to execute such documents as are reasonable and appropriate to fulfill our legal contractual obligations as stated and that Agreement, specifically including the deed. Deventae Mooney seconded the motion and a roll call vote resulted as follows: V. Buchanan – Absent, J. Kiser – Aye, D. Mooney Aye, S. Still – Aye, and J. Powers – Aye.

Closed Session

Jeff Kiser made a motion to enter into closed session in accordance with Virginia Code §2.2-3711 (A3) for discussion of the disposition of property owned by the Town of Coeburn. Jess Powers seconded the motion, which resulted in all Ayes.

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.

There was no action resulting from the closed meeting.

Workshop Meeting

Jeff Kiser made a motion to forego the December 28, 2015 workshop meeting. Deventae Mooney seconded the motion, which resulted in all Ayes.

Council Comments and Concerns

Jess Powers wished everyone a Merry Christmas.

Sharon Still wished everyone a Merry Christmas and Happy New Year. She also thanked everyone that participated in the One Act escort.

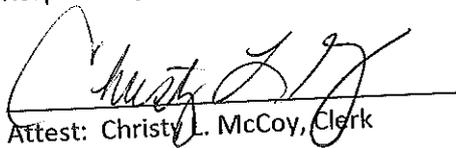
The town manager asked who would be attending the Christmas Dinner. He advised calling a meeting considering that three members of Council would be present.

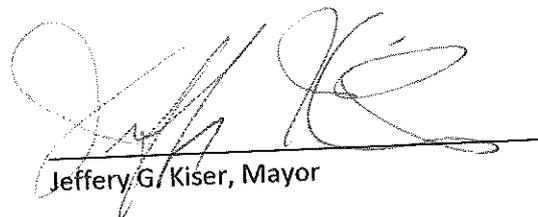
Jeff Kiser thanked everyone that participated in the One Act escort. He stated that he felt that there was great progress moving forward on the water discoloration issue. He was appreciative of Art Mead offering his time and experience to the Town of Coeburn in the budgetary process. He stated that he felt coal severance tax would be cut even further. He also touched on the fact that the population within the county is declining. In turn all taxes and revenues would be declining. Mayor Kiser recognized that according to the contracts for the town manager and chief of police there is a 3% cap set on the budget cuts. However, Mr. Kiser asked that the police department and administration voluntarily cut their budgets 10%.

Adjournment

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

Respectfully Submitted,


Attest: Christy L. McCoy, Clerk


Jeffery G. Kiser, Mayor