

**Council Minutes
Regular Meeting
December 8, 2014 – 6:30 p.m. – 502 Front Street E, Coeburn, VA**

Attendees: Upon a roll call vote Jeff Kiser, Deventae Mooney, and Jess Powers were present. Veronica Buchanan and Sharon Still were absent. Christy McCoy – Clerk/Treasurer, Russell A. Mullins – Town Manager and William Sturgill – Town Attorney were also present.

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

Reverend Steve Baker was present to give the invocation. The group remained standing for the Pledge of Allegiance.

Public Expression:

Susan Perone, 306 North Street was present to discuss maintaining the cemetery located on School House Hill. She asked the town attorney if any further research was done to determine ownership of the cemetery.

Reggie Campbell, 612 Meadow Street thanked the police department for patrolling Meadow Street in an effort to reduce speeding. He inquired about getting the speed limit on the street lowered.

There was no further public comment and public expression was closed.

Approval of Agenda:

Jeff Kiser made a motion to add the town attorney report to the agenda. Deventae Mooney seconded the motion which resulted in all Ayes.

Jeff Kiser made a motion to delete item 'd' under new business. Deventae Mooney seconded the motion which resulted in all Ayes.

Jeff Kiser made a motion to remove item 'c' under old business. Deventae Mooney seconded the motion. A roll call vote resulted as follows: V. Buchanan – Absent, J. Kiser – Aye, D. Mooney – Aye, J. Powers – Nay, S. Still – Absent.

Jeff Kiser made a motion to add LENOWISCO study to Old Business item 'c'. Deventae Mooney seconded the motion which resulted in all Ayes. Mr. Kiser requested that the item be placed before new business items out of courtesy for the speakers. Council agreed.

Jeff Kiser made a motion to accept the agenda as amended. Deventae Mooney seconded the motion which resulted as follows: V. Buchanan – Absent, J. Kiser – Aye, D. Mooney – Aye, J. Powers – Nay, S. Still – Absent.

Reports:

Town Manager

Town Manager Mullins reported that CNW was paid one past due payment. He thanked everyone that participated in the 2014 Christmas parade and tree lighting ceremony. He will be meeting with the Guest River Round Table to discuss the Guest River watershed. He will also attend a meeting scheduled to discuss the High Knob tower. D. Mooney asked for a chain of command for town hall and the police department. Mr. Mooney asked Mr. Mullins about the Veolia R&M report that should have been emailed to Council members. Mr. Mullins stated that he would have the report at the December workshop. D. Mooney asked Mr. Mullins if he emailed the revised 2014-2015 budget to Council members. Mr. Mullins was still working on the revision. The Lincoln Street bridge inspection was completed and the town was awaiting the inspection report.

Public Works

Danny Jordan, Public Works Director congratulated the Eastside High School One Act team for winning their state competition. He also reported that public works processed 167 work orders. He reported meeting with VDOT regarding parking issues on Second Street and East Street. VDOT informed him that all parking is determined to be park at your own risk and there are no parking areas that could be designated.

Treasurer

Clerk/Treasurer, Christy McCoy presented Council with minutes from November 10, November 24 and December 1, 2014. She reported the daily bank cash balance of \$115,294.87. After deductions for outstanding checks and accounts payable due the cash balance was \$(33,159.21). She gave Council the interim accounts payable and the accounts payable due list. Ms. McCoy consulted with a third party collection service in an effort to collect past due taxes.

November 10, 2014 Minutes – Jeff Kiser made a motion to accept the minutes as presented. Deventae Mooney seconded the motion which resulted in all Ayes.

November 24, 2014 Minutes – Deventae Mooney made a motion to approve the minutes as presented. Jeff Kiser seconded the motion. The vote resulted as follows: V. Buchanan – Absent, J. Kiser – Aye, D. Mooney – Aye, J. Powers – Abstain, S. Still – Absent.

December 1, 2014 – Special Called Meeting – Jeff Kiser made a motion to accept the minutes as presented. Deventae Mooney seconded the motion. J. Powers asked how the special meeting met the FOIA requirements. J. Powers stated that a special called/emergency meeting required an emergency situation that could not be carried to

the next meeting and decisions needed to be made during that meeting. Mr. Mullins stated that the meeting was posted in compliance. Mr. Kiser stated that the business was in regards to a delinquent payment to CNW that required a vote that could not wait until the regular meeting. Mr. Powers stated that he was under the impression that those bills were already approved. Mr. Kiser disagreed. Attorney Will Sturgill stated that Virginia §2.23707 stated that notice, reasonable under the circumstance, of special or emergency meetings shall be given contemporaneously with the notice provided members of the public body conducting the meeting. Mayor Kiser called for the vote which resulted as follows: V. Buchanan – absent, J. Kiser – Aye, D. Mooney – Aye, J. Powers – Nay, S. Still – Absent.

Accounts Payable - \$90,743.20 – Ms. McCoy reminded Council that due to the financial situation, all bills would not be able to be paid. She reiterated that Council instructed her to pay CNW before any other vendors were paid. Mayor Kiser agreed that Council did inform the treasurer to put CNW at the top of the pay order. Mr. Kiser made a motion to approve the accounts payable in the amount of \$90,743.20. Deventae Mooney seconded the motion. A roll call vote resulted as follows: V. Buchanan – absent, J. Kiser – Aye, D. Mooney – Aye, J. Powers – Nay, S. Still – Absent.

Interim Accounts Payable - \$76,547.04: Jeff Kiser made a motion to approve the interim accounts payable. Deventae Mooney seconded the motion. A roll call vote resulted as follows: V. Buchanan – Absent, J. Kiser – Aye, D. Mooney – Aye, J. Powers – Nay, S. Still – Absent.

Police Report

Jimmy Williams reviewed the November activity report. He reported 869 total number of events that took place during the month. The police department just completed the click it or ticket campaign. The drive sober or get pulled over campaign will take place December 12, 2014 – January 1, 2015.

Volunteer Fire Department – The town manager reviewed the volunteer fire department report.

Attorney Report – William Sturgill

The town attorney distributed a packet with information regarding the local fire departments ability to collect money from private insurance companies for fire calls. The attorney advised Council that by passing the ordinance in relation to the powers and duties of the fire/EMS departments, the town could charge for calls but only if the volunteer fire department is not fully funded by real estate or personal property taxes. The attorney cited Virginia Code §38.2-2130 which states:

Every insurer in writing a fire policy or fire policy in combination with other insurance coverages shall provide coverage for the cost charged by a volunteer fire department that is not fully funded by real estate taxes or other property taxes for services charges where the fire department is called in to save or protect property insured under such

policy from a peril insured against. The limit of such coverage shall be no less than \$250. Higher coverage limits may be offered by an insurer for an additional premium. Any bill for such service charges shall be sent to the owner of the property for which the services were rendered. The amount billed shall not exceed the limit of such coverage. This coverage shall not apply to service charges made in response to call outside of the volunteer fire department's fire protection district, city or municipality pursuant to a contract.

The Coeburn Cemetery ownership issue is still being researched. He requested additional time to research the deed to the cemetery before giving a final ruling.

Mayor Kiser stated that if this is a possibility he would like to move forward with further discussions. D. Mooney suggested adding the item to the next voting meeting to discuss the matter fully.

Old Business (as agreed upon during the original amendment motion)

c. LENOWISCO Study – Skip Skinner, LENOWISCO and Art Mead, Weldon Cooper Center, UVA was present to discuss the study to be conducted for the town. Art mead presented his contact information along with his supervisor's information. He stated that he would like to begin by developing a peer jurisdiction report that would compare the utility rates, service rates, pay rates, turnover statistics, etc. of equally populated jurisdictions. He presented some action items for Council to consider. He outlined the following:

1. Appalachian School of Law internship program – He informed Council that there were internship programs that would start during the spring 2015 semester. He requested that the town allow him to seek interns to research the town's employee practices as they relate to the Fair Labor Act and other federal and state laws. Jeff Kiser made a motion to allow Mr. Art Mead, Weldon Cooper Center to enter into a relationship with the Appalachian School of Law for an internship moving forward. Deventae Mooney seconded the motion. Jess Powers asked how this study came about. Mr. Meade was under the impression that there were some employee problems and he said that they should be addressed. The attorney asked who the internship was under. Mr. Mead wasn't aware of exactly how the internships worked but he felt that it was worthwhile to look into. A roll call vote resulted as follows: V. Buchanan – absent, J. Kiser – Aye, D. Mooney – Aye, J. Powers – Nay, S. Still – Absent.

2. He asked that the administration (Town Manager) and Council (Mayor) come together for breakfast to discuss the welfare of the community. He wanted a relationship to develop between the governing body and the leadership of the town. Mayor Kiser and Town Manager Mullins agreed to have lunch weekly.

3. April 1, 2015 budget proposal recommendation deadline – Mr. Mead asked Council to direct the Town Manager to present a balanced budget recommendation. Mr. Mullins said that he would not have a problem presenting a recommendation by April 1, 2015.

The town attorney suggested that a representative of the town contact ASL before making any internship decisions. Deventae Mooney suggested that the town attorney contact ASL and report back to Council. Mayor Kiser wanted to let the vote stand. Deventae Mooney made a motion to rescind the vote that was passed and make a substitute motion to instruct the town attorney to contact ASL. The motion received no second. Mr. Mead will stay in contact with the town attorney as he proceeds to work with ASL.

Mayor Kiser suggested reviewing the town ordinance that outlines budget reporting requirements. He asked that all town employees and administration work with Mr. Skinner and Mr. Mead during the study.

New Business

- a. Monthly Water Report – The town manager presented the monthly water report to Council. He reported 28% estimated water loss rate.
- b. Office of Drinking Water Engineering Completion Statement – An inspection on 3 pump stations was done. All inspections came back in compliance.
- c. CNW Public Hearing – The hearing on monthly service charge fees to locations will be held Wednesday, February 4, 2015 at 7:30 p.m.

Jeff Kiser made a motion to add the One Act Resolution to the agenda. Deventae Mooney seconded the motion which resulted in all Ayes.

- d. Resolution for Eastside One Act State Championship – Mr. Kiser would like to see a resolution to recognize the One Act team for their state championship. The item will be added to the next regular meeting.

Old Business

- a. Wise County Chamber of Commerce Social was scheduled to take place December 10, 2014.
- b. Wise Inn ribbon cutting ceremony would be held December 9, 2014 at 4:00 p.m.

Closed Session

Town manager Mullins requested that Council enter into closed session to discuss a water account. The attorney did not advise going into closed session for the discussion. Mr. Mullins reviewed an account with Council. Council advised Mr. Mullins that the account was an administrative issue.

Council Comments and Concerns:

Deventae Mooney congratulated the One Act team on their state championship.

Jess Powers also congratulated the One Act team.

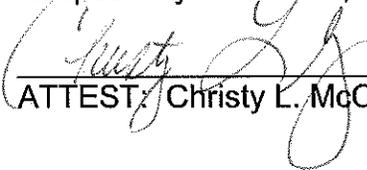
Jeff Kiser congratulated the One Act team for the championship. He thanked everyone for their effort in a successful Christmas parade. He thanked Morgan McClure for furnishing vehicles for the parade judges, Council and the grand Marshall.

There were no other Council comments or concerns.

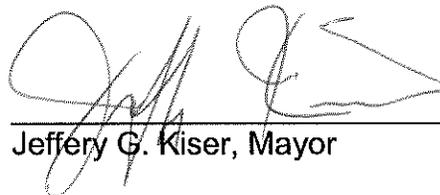
Adjournment:

Jess Powers 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