

Council Minutes
Regular Meeting
May 14, 2018 - 6:30 p.m. – 502 Front Street E, Coeburn, VA

Attendees:

Upon roll call, all members of council were present. Russell A. Mullins – Town Manager, Cathy Sharpe - Clerk/Treasurer and William Sturgill – Town Attorney were also present.

Call to Order:

Mayor Jeff Kiser called the meeting to order. Deventae Mooney gave the invocation. The group remained standing for the Pledge of Allegiance led by Mr. Ronald Porter.

Public Expression:

There was no public comment. Public expression was closed.

Approval of the Agenda:

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

Reports:

Town Manager

Town Manager, Russell A. Mullins reported that the Town of Coeburn's board certified rate for VRS is 1.24% which is lower than the alternative rate for VRS retirement. The Town has over 109% funding of their retirement pool. The alternative rate is for those who want to see a lower rate for employer contribution.

Mr. Mullins stated that the \$7000.00 cut in the budget came from the payoff of a \$200,000.00 loan taken out with BB&T Governmental Finance in 2009. This payoff will be May 19, 2018.

Mr. Mullins said that the Town of Coeburn Water Treatment Plant received the Virginia Optimization Program's gold award for excellence in water works operation for last year. He stated that they had received the silver award for the two previous years.

Mr. Mullins reminded Council that the stop on all purchases is still in effect for the town. He stated that VML insurance, electric bills, and other payables had been paid last week resulting in around \$60,000.00. He said that May has an extra pay period and that he and Town Treasurer Cathy Sharpe had discussed the payables due and were budgeting enough funds to cover the two pay periods left for this month.

Deventae Mooney asked about forming a committee for boundary adjustments. Mr. Mullins suggested that council go ahead and name the committee. Mr. Mooney said he would like to see at least two council members, a business owner and other outside people to be named for the committee. Mayor Jeff Kiser advised that he would like to serve on the committee. Vice Mayor Sharon Still said the committee needs to determine other boundary adjustments that need to be done. She stated that two boundary adjustments are ready to submit. Deventae Mooney stated that he would serve on the boundary adjustment committee. Mr. Kiser advised that one member of the planning commission and one interested person in the community should be put on the committee as well. He said that during the next council meeting they would vote on the committee members.

Mr. Mike Holbrook asked if plans had been made to work on the tennis courts. Mr. Mullins reported that the county has said they will directly pay the contractor. Treasurer Cathy Sharpe advised that there is now \$5000.00 in the recreational project fund. Deventae Mooney is concerned that the work will be done and the county will not pay the contractor. He asked if there is something in writing stating the county will pay; Mr. Mullins replied yes. Sharon Still made a motion to move forward with the resurfacing of the tennis court closest to the Cultural Arts Building with the \$5000.00 that has been donated, plus the board of supervisors paying part and private individual closing at the end of it. Deventae Mooney seconded the motion. Mr. Mullins asked what would happen if the private individual did not come up with the remaining funding to which Mr. Kiser advised it would be brought back to the Town Council. The motion resulted in all Ayes.

Mike Holbrook advised that the roof at the Lay's building be repaired as soon as possible. Mike Wright asked if there would be a total repair or a partial repair. Mr. Holbrook said it will be a partial repair. Mr. Mullins asked Mr. Jeff Livingston if a tarp could be temporarily put on the building until repairs are done. Mr. Livingston replied that yes it could be done, but only temporarily.

- a. Public Works – Jeff Livingston, Public Works Superintendent, stated that streets signs had been repaired due to being torn down. He reported that a sewer line had been unstopped on Central Street and that water leaks had been repaired on Meadow St. over the weekend. He advised that public works will start working on the pool to finish getting it ready to open. He said that the painting is complete and Mr. Mullins stated that it is scheduled to be open May 28, 2018 providing that everything goes well with no leaks or other problems after the pump is turned on. Mr. Livingston advised they would begin filling the pool tomorrow, May 15, 2018.
- b. The Lane Group – John Brosky with The Lane Group, reported that there are three projects under review with different phases. These projects are water meter replacement phase I, Crab Orchard – Beech phase II and Star Branch. He stated there is a tentative meeting scheduled at the end of the month. He said one person had retired but they have all new people and hopefully things will move a lot quicker than in the past. He said preliminary designs are about 90% complete on the main water project that is currently funded by Rural Development.

Treasurer:

Cathy Sharpe, Clerk/Treasurer, reported a posted cash balance of \$94,317.83 as of May 11, 2018. She reported outstanding checks in the amount of \$46,463.09, accounts payable due in the amount of \$52,139.90 and interim accounts payable in the amount of \$87,437.37. After deducting the accounts payable due and outstanding checks, the reconciled cash balance was -\$4,285.16.

Ms. Sharpe presented meeting minutes for the April 9, 2018 regular meeting, and April 23, 2018, workshop meeting.

Ms. Sharpe reported two additional deposits since reports had been presented for the meeting. These deposits totaled \$28,226.43 making the total cash availability \$23,941.27.

Mike Wright made a motion to approve the accounts payable due as presented. Mike Holbrook seconded the motion, which resulted in all Ayes.

Sharon Still made a motion to approve the interim accounts payable due as presented. Mike Holbrook seconded the motion, which resulted in all Ayes.

Sharon Still made a motion to accept the April 9, 2018 regular meeting minutes as presented. Deventae Mooney seconded the motion, which resulted in all Ayes.

Mike Wright made a motion to accept the April 23, 2018 workshop meeting minutes as presented. Sharon Still seconded that motion, which resulted in all Ayes.

Police Department

Chief Scott Brooks gave the police activity report for the month of April 2018. There were 970 events that took place during the month. He gave a summary of these events.

Mayor Jeff Kiser asked Mr. Brooks if there were any salary or hourly increases in the new budget with the exception of making one part time employee full time; Mr. Brooks stated that there were no changes.

Mike Holbrook congratulated the police department for assisting in apprehending a warrant fugitive.

Fire Department

There was no representative from the fire department present. No report was given.

Attorney Report

William Sturgill, Town Attorney, advised that he did not have anything specific to report.

New Business:

- A. Monthly Water Report – Town Manager provided a copy of Virginia Department of Health Office of Drinking Water monthly report for the month of April 2018.
- B. High Knob Outdoor Festival – Mr. Russell A. Mullins said this is for information only. A vendor registration form and requirements was included in council packets; Mr. Mullins advised that if anyone is interested in participating in this festival these forms may be given to them.
- C. Mountain Empire Older Citizens Inc. Harold Lester Memorial Golf Tournament - This is on behalf of the Mountain Laurel Cancer Support and Resource Center of MEOC; the Mountain Laurel Cancer Center assists cancer patients and their families as needed.
- D. VDOT Intersection Survey Intersection of Laurel Ave. and Front Street West – Mr. Mullins advised that Route 72 and Route 158 are in the early stages of developing the project. VDOT trucks will be out surveying and doing any pertinent jobs for this project. Mayor Jeff Kiser asked if the Town has a scope of the work VDOT is anticipating. Mr. Mullins replied that they do not.
- E. Comcast Channel Lineup Change - Sharon Still stated that certain channels from the digital starter tier were moved to an economy tier; some channels were dropped and some were added.
- F. Coalfield Water Development Fund Survey – Mr. Mullins said this is a yearly survey that he is completing. The survey was included in the council packets.
- G. Wise County Chamber of Commerce Business Appreciation Awards Luncheon – Mr. Mullins advised that there will be a Business Appreciation Awards Luncheon on May 23, 2018. He stated it is a free luncheon that town officials may attend. Anyone interested in attending must call to pre-register before 5:00 p.m. on May 18, 2018.
- H. Interim Finance Loan – Powell Valley National Bank – Mr. Mullins explained that this is to essentially start the large water project. In order to go forward the town is seeking an interim \$300,000.00 finance loan. This will be at no cost to the town. The town will pay up front from a line of credit and will then be reimbursed by Rural Development. Mayor Jeff Kiser reported that this loan is strictly for the project only. Mr. Mullins asked for an approval on Resolution 18-009.

Sharon Still made a motion to adopt Resolution 18-009 for the Powell Valley National Bank Line of Credit. Mike Holbrook seconded the motion. A roll call vote resulted in all Ayes.

- I. Town Manager and Police Chief Contracts – Town Attorney, Will Sturgill went over contracts that were made between Town Manager Russell A. Mullins and Police Chief Scott Brooks and the Town of Coeburn on June 9, 2014. These contracts will expire on June 9, 2019 and will continue for another five years unless written notice by the employer that the agreement shall terminate is given to the employees at least 12 months before the

expiration date. This written notice shall be authorized by the majority vote of Town Council. Mr. Sturgill stated that tonight's meeting, May 14, 2018 is the last voting meeting before the expiration date to give notice to end these contracts.

Mr. Sturgill advised that some of the conditions in these contracts are concerning in a legal perspective; if the contracts are terminated by the employer, the Town of Coeburn has to pay 36 months salary and benefits to the employees no matter when it is terminated between now and June of 2019. There is one exception; if there is a conviction of a felony charge against Mr. Mullins or Mr. Brooks and they are prosecuted and found guilty.

Mr. Sturgill also stated that in his opinion the Code of Virginia section 15.2-1503 is being contradicted because the contracts are for a definite term.

Deventae Mooney made a motion to provide Town Manager Russell A. Mullins a non-renewal written notice dated May 14, 2018 stating that his contract will not be renewed after June 30, 2019 stating that it is the intent of the Town Council of The Town of Coeburn to be in compliance with section 15.2-1503 of the Code of Virginia which states in relevant part, "all appointments of officers and hiring of other employees by a locality shall be without definite term, unless for temporary services not to exceed one year or except as otherwise provided by general law or special act." Sharon Still seconded the motion. Jeff Kiser made a substitute motion that the name be changed to the given name of Russell Andrew Mullins as stated in the contract. Deventae Mooney seconded the motion. A roll call vote resulted in all Ayes.

Deventae Mooney made a motion to provide Chief of Police Scott Brooks a non-renewal written notice dated May 14, 2018 stating that his contract will not be renewed after June 30, 2019 stating that it is the intent of the Town Council of The Town of Coeburn to be in compliance with section 15.2-1503 of the Code of Virginia which states in relevant part, "all appointments of officers and hiring of other employees by a locality shall be without definite term, unless for temporary services not to exceed one year or except as otherwise provided by general law or special act." Sharon Still seconded the motion. A roll call vote resulted in all Ayes.

The town council members stated that not renewing the contracts of these two employees has nothing to do with job performance.

Old Business:

- A. Budget – Mr. Mullins stated that he and Treasurer, Cathy Sharpe, want to keep the BB&T Governmental loan line item in the budget. They are planning to set up a separate account to deposit those funds into; this would start a savings account that would carry over from year to year. Mr. Mullins reported that he had made the changes to the budget that council had requested during the workshop meeting. Mayor Jeff Kiser asked if there are any salary increases or hourly increases that weren't in the prior budget. Mr. Mullins reported that the only exception was the part time employee discussed in the last budget meeting that was approved to be full time with benefits.

Sharon Still reminded everyone that the Coalfield would need the information to publish the public hearing date by noon on May 16, 2018 for publication May 18, 2018. There will be a public hearing on May 29, 2018 at 6:30 and a special called meeting in June that is scheduled for June 18, 2018 at 6:30 for the regular June meeting.

- B. VRS Rate Election – Council opted to go with the 1.24% VRS board certified rate rather than 3.77% alternative rate for VRS employer contribution. No further actions was needed for this decision.

Closed Session:

Sharon Still made a motion to enter into closed session in accordance with Virginia Code §2.2-3711(A.1) to discuss salaries and performance of Town of Coeburn personnel and (A.7) to discuss specific legal matters. Jeff Kiser seconded that motion, which resulted in all Ayes.

Immediately following closed session, Cathy Sharpe, Clerk/Treasurer, read the “Certification of Closed Meeting,” which is attached to these minutes and made a part thereof. A roll call vote certifying that only business matters were identified in the motion convening were discussed or considered. The roll call vote resulted in all Ayes.

There was no further action resulting from closed session.

Council Comments and Concerns:

Mike Holbrook thanked all town employees for all their hard work that they do every day and every week. He also thanked his fellow council members for their efforts.

Sharon Still thanked the fire department, police department, office staff and all town employees.

Mike Wright stated that the workers and volunteers for the town were appreciated. He also thanked council.

Jeff Kiser thanked all the town employees. He reminded everyone that the Coeburn Improvement Association’s Town Wide Yard Sale will be Friday, June 1, 2018 and Saturday, June 2, 2018 from 9 a.m. until 4 p.m. The set up areas are at the grassy areas on Second St. and Grand Avenue and the Depot parking lot immediately behind council which is in front of the Lay’s Building. This will be a first come first serve basis.

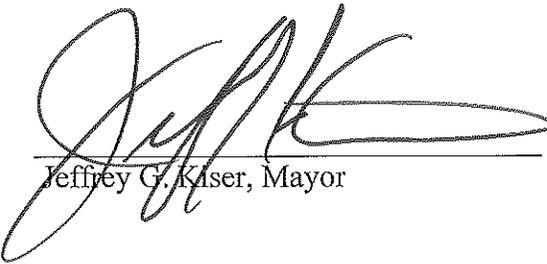
Adjournment:

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

Respectfully Submitted,

Cathy Sharpe

Attest: Cathy Sharpe, *Clerk*



Jeffrey G. Kiser, Mayor

Council Minutes
Public Hearing
May 29, 2018 - 6:30 p.m. – 502 Front Street E, Coeburn, VA

A public hearing was held to solicit public input for the FY 2018 -2019 proposed budget.

Attendees:

Upon roll call, the following members of council were present: Mike Holbrook, Jeff, Kiser, Deventae Mooney and Mike Wright. Sharon Still was absent. Cathy Sharpe – Clerk/Treasurer, and William Sturgill – Town Attorney were also present. Russell A Mullins – Town Manager was absent.

Call to Order:

Mayor Jeff Kiser called the public hearing to order.

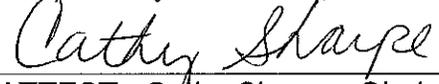
Public Expression:

There was no public comment. Public expression was closed.

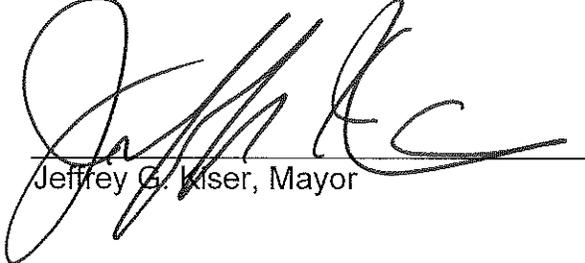
Adjournment:

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

Respectfully Submitted,



ATTEST: Cathy Sharpe, Clerk



Jeffrey G. Kiser, Mayor