

**Council Minutes – Special Called Meeting
May 27, 2014 – 6:30 p.m. – 502 Front Street E, Coeburn, VA**

Attendees: Council members present: Carles Collins, Charles Kiser, Jeff Kiser and Jess Powers. Also present were, Gary Gilliam – Town Attorney, Christy McCoy - Clerk/Treasurer and Russell A. Mullins – Town Manager.

Veronica Buchanan did not attend the meeting.

Call to Order: Mayor Jess Powers called the special called meeting to order.

Mayor Powers asked Shirley Cassidy to give the invocation. The group remained standing for the Pledge of Allegiance.

Business: The purpose of the special called meeting was to discuss possible litigation surrounding Veolia Water.

Closed Meeting

Jess Powers made a motion to enter into closed session in accordance to session 2.2-3711 (A) 7 for consultation surrounding possible litigation.

Jeff Kiser made a substitute motion to include newly elected Council members Deventae Mooney and Sharon Still. C.Collins asked Gary Gilliam, Town Attorney if there would be any problems with the new Council members attending the meeting. Mr. Gilliam stated that he didn't see any problems with the attendance. Carles Collins seconded the substitute motion. A roll call vote resulted as follows: V. Buchanan – Absent, C. Collins – Aye, C. Kiser – Abstain: concerns that the newly elected official's term was not effective until July 1, 2014. Mr. C. Kiser state that elects had not started and they were not sworn in. J. Kiser – Aye, J. Powers – Abstain. New Council members were not approved to enter into closed session.

Mayor Powers called for a vote on the original motion. Charles Kiser seconded the motion. A roll call vote resulted as followed. V. Buchanan – absent, C. Collins – Aye, C. Kiser – Aye, J. Kiser – Nay, J. Powers – Aye.

Immediately following the closed meeting the clerk read the "Certification of Closed Meeting", which is attached to these minutes and made a part hereof. A roll call vote resulted as follows: V. Buchanan – Absent, C. Collins – Aye, J. Kiser – Aye, and J. Powers - Aye.

Reconvene Open Meeting

Upon reconvening the special called meeting, Town Attorney, Gary Gilliam recommended that the Town of Coeburn pay Veolia \$104,520.12 to terminate the contract. He recommended approving an additional future payment for repair and maintenance. The payment would be made upon remittance by Veolia and approval of Council. Mr. Gilliam informed Council that the payment would eliminate any potential lawsuit between the Town of Coeburn and Veolia Water.

J. Kiser clarified that the fee was for early termination of the Veolia contract for services rendered and for the repair and maintenance balance remaining. He also clarified that the amount included \$9,900 which was withheld for rental of the town's facilities.

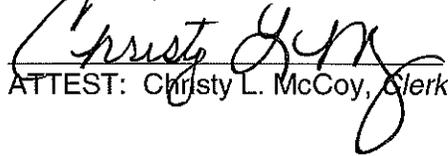
Jeff Kiser made a motion to pay Veolia Water \$104,520 for termination of the contract as recommended by the town attorney. Jess Powers seconded the motion. The motion resulted as follows: V. Buchanan – Absent, C. Collins – Aye, C. Kiser – Aye, J. Kiser – Aye, J. Powers – Aye.

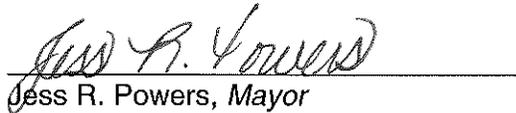
Jeff Kiser made a motion to authorize Mayor Jess Powers to sign the document stating the terms of the termination settlement agreement. Jess Powers seconded the motion. A roll call vote resulted as follows: V. Buchanan – Absent, C. Collins – Aye, C. Kiser – Aye, J. Kiser – Aye, J. Powers – Aye.

Adjournment

Jeff Kiser made a motion to adjourn the special called meeting. Charles Kiser seconded the motion, which resulted in all Ayes.

Respectfully Submitted,


ATTEST: Christy L. McCoy, Clerk


Jess R. Powers, Mayor