

**Council Minutes
Regular Meeting
November 10, 2014 – 6:30 p.m. – 502 Front Street E, Coeburn, VA**

Attendees: Upon a roll call vote all Council members were present. Scott Brooks – Chief of Police, 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 Marty Puckett was present to give the invocation. The group remained standing for the Pledge of Allegiance.

Public Expression:

Kelsie King, Britney Davis and Alexis Hamilton were present to present the total donation amount raised by the Front Street Cruise In. The amount will assist with the Ringly Park Extension project.

John and Tammi Robinson, 714 Lynncrest, thanked the community and Council for making the Front Street Cruise In a success. Council thanked Ms. Robinson for contributing her time and effort to the project.

Gary Taylor, 137 Central Street suggested putting a veteran's park on the 'Old Produce' lot. He stated that several towns were dedicating parks and specific areas for Veteran's National Parks. He would be willing to seek donations for the park. Mayor Kiser asked the town manager to add this item to the workshop agenda.

Jackie Barlow, 406 Prospect Avenue suggested a veteran's parade to recognize veterans who served in the United States Military. She also suggested a Fourth of July parade.

Charles Kiser, 501 King Avenue SE spoke in opposition of approving the public expression decorum guidelines. He stated that citizens should have the right to address Council with any topic they choose. He reminded Council that they took an oath to uphold the Constitution of the United States which designates freedom of speech. He asked Council to review the guidelines closely before making a decision.

Tammi Robinson, 714 Lynncrest Drive thanked citizens again for their support of the Front Street Cruise In.

Shirley Cassidy, 704 Plum Avenue thanked everyone for their support of the farmer's market.

There being no further public comment, public expression was closed.

Approval of Agenda:

Town Manager, Russell Mullins asked Council to add item 'd' to new business. The item would be added to discuss the Lincoln Street Bridge. Veronica Buchanan made a motion to add the item to the agenda. Jeff Kiser seconded the motion which resulted in all ayes.

Sharon Still made a motion to add item 'b' to old business to discuss the Veolia R&M invoice. Veronica Buchanan seconded the motion which resulted in all ayes.

Reports:

Town Manager

Town Manager Mullins reported that he met with David Cox, Wise County Finance Director to discuss potential tax and water increases. Mr. Mullins will have a report to provide to Council at the November workshop meeting. He reported meeting with the Wise County Planning Commission to try to improve communications between the town and county. Mayor Kiser asked Mr. Mullins to report the progress on the pump station. Mr. Mullins stated that he was waiting on meeting minutes from the church meeting. Mr. Kiser received a call from the Lane Group stating that they were not given all of the information so that they could move forward with the project.

Public Works

Danny Jordan, Public Works Director reported that equipment used for snow removal was ready for use. Public Works assisted with the Spooktacular event that was held on Halloween. The department was also working on putting up Christmas Decorations in preparation for the holiday season.

Treasurer

Clerk/Treasurer, Christy McCoy presented Council with minutes from October 15, 2014 and October 27, 2014. She also presented the accounts payable report and interim accounts payable report. Ms. McCoy reported a cash balance that was not sufficient enough to meet all debt. She advised Council that tax revenue and utility revenue was expected and that the accounts payable listed should be met. Ms. McCoy advised Council that the CNW invoice was delinquent. She requested approval for the current accounts payable and interim accounts payable. Council advised paying CNW as soon as possible. Mayor Kiser asked Mr. Mullins to provide increase proposals as soon as possible. Mr. Mullins will provide Council with the proposals during the November workshop meeting.

October 15, 2014 Minutes – Deventae Mooney made a motion to accept the minutes as presented. Veronica Buchanan seconded the motion which resulted in all ayes.

October 27, 2014 – Deventae Mooney made a motion to accept the minutes as presented. Sharon Still seconded the motion. The vote was as follows: V. Buchanan – Aye, J. Kiser – Abstained due to absence, D. Mooney – Aye, S. Still – Aye, J. Powers – Aye.

Accounts Payable - \$44937.20 and an additional \$11,087.76: Jeff Kiser made a motion to approve the accounts payable as presented. Sharon Still seconded the motion which resulted in all ayes.

Interim Accounts Payable - \$46,182.31: Jeff Kiser made a motion to approve the interim accounts payable. Sharon Still seconded the motion which resulted in all ayes.

Police Report

Police Chief, Scott Brooks reviewed the October activity report. He informed Council that a court date was set for disbursement of seizure money. If the amount anticipated is rewarded to the police department restitution will pay for the upcoming vehicle payments. Sharon Still reported several complaints about thrift shop store fronts. Some stores are putting their merchandise too close to the road. Mr. Mullins state that he and the treasurer discussed the thrift stores. In anticipation of new applications for thrift stores Mr. Mullins ask Council to set some specific guidelines regarding consignment stores/thrift shops. In lieu of merchandise being placed so close to a roadway Mayor Kiser suggested discussing right of ways with Virginia Department of Transportation.

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

New Business

- a. LENOWISCO Study – LENOWISCO has agreed to do a public works study for the Town of Coeburn. The study will be conducted free of charge. Mayor Kiser asked the town manager to contact LENOWISCO regarding the study. Jeff Kiser made a motion to contact LENOWISCO (Mr. Skinner) to conduct a public works study in conjunction with the Weldon Cooper Center in Wise. Sharon Still seconded the motion. J. Powers asked if any budget information was provided regarding public works. Ms. McCoy provided Mr. Kiser with budget information as requested. Ms. McCoy will provide Council members with that information. S. Still asked if there would be a problem with a third party look at the Town of Coeburn’s projected budget. Jeff Kiser stated that the study is free and that it would be good for the town to take part in the study. The vote was as follows: V. Buchanan – Nay, J. Kiser – Aye, D. Mooney – Aye, J. Powers – Nay, S. Still – Aye.
- b. Reminder Town Hall will be closed November 11, 2014 in observance of Veterans Day.

- c. Picnic Tables – Donations were collected to pay for the picnic tables that were purchased from the Coeburn Primary School. All costs were funded by donations made by citizens of the Town of Coeburn.
- d. Lincoln Street Bridge – As discussed during the February 10, 2014 meeting Council declined the offer for a bridge inspection at a discounted rate due to budget constraints. The inspection had a deadline of completion date of September 1, 2014. The inspection was not performed prior to the date given by VDOT. The town manager contacted Mattern & Craig and they stated that they could perform the inspection prior to November 30, 2014. The cost of the bridge inspection was \$1,875. The inspection is required by VDOT and must be completed as soon as possible. If the study was not completed by December 1, 2014 the Town of Coeburn would be in danger of losing future grants offered. Jeff Kiser made a motion to allow the town manager to either move forward with the bridge inspection using local personnel if they meet requirements or authorize Mattern & Craig to do the inspection. He stated that the work needed to be completed by December 1, 2014. Deventae Mooney seconded the motion which resulted in all Ayes.

Jeff Kiser made a motion to add an additional item to the agenda. He motioned to add item 'e' under new business the discussion of Coeburn cemeteries. Sharon Still seconded the motion which resulted in all Ayes.

- e. Cemeteries in Coeburn – Town Manager Mullins stated that the town owns the cemetery located on School House Hill. A deed search was done and it was found that the town owns the cemetery. Mayor Kiser stated that in the past Council discussed the town of Coeburn working on the cemetery. He was very hesitant in using town assets to maintain the cemetery without proof of ownership. He asked the town attorney and the town manager to review and provide Council with verification of ownership. Sharon Still asked about ownership of abandoned property within the Town of Coeburn.

Old Business

- a. Public Expression Decorum Guidelines – A copy of the proposed public expression decorum guidelines. Ms. Still made a motion to adopt the public expression decorum guidelines. Deventae Mooney seconded the motion. She read the updated guidelines. J. Kiser asked the attorney if he reviewed the document. The attorney stated that the guidelines were within the laws. He stated that in his professional opinion there was nothing within the guidelines that would infringe upon a citizens rights to freedom of speech. Jess Powers disagrees with the guidelines. He stated that he felt as if there was language in the decorum that restricted citizens. The attorney stated that asking someone to be courteous would be restricting content. Mayor Kiser stated that he didn't see that asking a citizen to be respectful is restricting their freedom of speech. A roll call vote resulted as follows: V. Buchanan – Nay, J. Kiser – Aye, D. Mooney – Nay, J. Powers – Nay, S. Still – Aye.

- b. Veolia Repair and Maintenance Invoice – Council reviewed the Veolia repair and maintenance invoice. Ms. Still asked how many reimbursements were given at the end of each budget cycle. Town Manager Mullins stated that some of the overage of the R & M was for waterline repairs due to the water line replacement project. Council questioned vehicle maintenance costs that were listed on the invoice. Ms. Still suggested going back through Council packets to look at the past R & M statements.

CLOSED MEETING: Upon a motion by Jeff Kiser, seconded by Sharon Still and resulting in all Ayes. The Coeburn Town Council entered into closed meeting under VA Code Section 2.2-3711 A(4) Protection of the privacy of individuals in personal matters not related to public business and 2.2-3711 A(7) specifically to discuss legal issues

RECONVENE: The following Certification of a Closed Meeting was adopted in accordance with the Virginia Freedom of Information Act.

WHEREAS, the Coeburn Town Council has convened an closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Coeburn Town Council that such closed meeting was conducted in conformity with the Virginia Law;

NOW, THEREFORE, be it resolved that the Coeburn Town Council hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard discussed or considered by the Coeburn Town Council.

Upon the certification a roll call vote was taken. Jess Powers asked that a separate certification be read for each code section as it related to the purpose of the closed meeting. The town attorney advised that one certification could be read and applied to both issues. A roll call vote resulted as follows: V. Buchanan – Aye, J. Kiser – Aye, D. Mooney – Aye, J. Powers – Nay, S. Still – Aye.

No action resulted from the closed meeting.

Council Comments and Concerns:

Jess Powers was concerned about paying the outstanding Veolia R&M invoice without knowing exactly what the items the town is paying for. He reiterated his opposition of the Public Expression Decorum Guidelines. He thought there should be a separate certification and roll call for each closed meeting item.

Sharon Still – congratulated the Eastside high school One Act for winning districts. She also congratulated the Eastside High School Volleyball team.

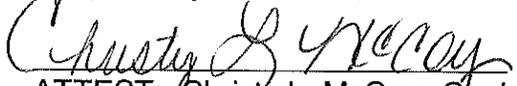
Jeff Kiser asked that everyone recognize Veterans in celebration of the Veteran's Day holiday.

There were no other Council 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,


ATTEST: Christy L. McCoy, Clerk


Jeffery G. Kiser, Mayor

**Council Minutes
Workshop Meeting
November 24, 2014– 6:30 p.m. – 502 Front Street E, Coeburn, VA**

Attendees: By roll call vote the following Council members were present – Veronica Buchanan, Jeff Kiser, Deventae Mooney, Sharon Still. Scott Brooks – Chief of Police, Russell A. Mullins – Town Manager and William Sturgill – Town Attorney were also present.

Councilman Jess Powers and Clerk, Christy McCoy were both absent.

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

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

Public Expression:

Reggie Campbell, 612 Meadow Street presented a petition with 28 signatures in favor of reducing speed and enforcing the noise ordinance as it pertains to loud vehicles on Meadow Street. He asked that the police start patrolling the street. He also asked that paving on Meadow Street be completed in regards to the waterline project. He would also like to ask Council to consider replacing the sidewalk outside of the Town Hall.

Melissa McCarty, 637 Meadow Street asked Council to come up with a solution to the speeding and noise ordinance on Meadow Street.

Eddie Johnson, 210 Grand Avenue asked Council to also start patrolling Grand Avenue for speeding and noise problems.

There was no additional public comment.

Approval of Agenda:

Jeff Kiser made a motion to add CNW as item 'e' under new business on the agenda. Sharon Still seconded the motion which resulted in all Ayes.

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

Reports:

Town Manager

Town Manager Mullins discussed the increase proposals. He informed Council that he had meetings set with the County administrator's office and the tourism board. He also stated that increases have not been put into a budget formation but he provided a calculation report showing a 3 – 5 % increase in water/sewer revenue. He proposed raising sanitation to \$9.00 per month. He also proposed increasing personal property and real estate tax rates. Jeff Kiser asked if all the cuts that could be made had been made. Mr. Mullins stated that the only other cuts that could be made would be personnel. He did not recommend making employee cuts. Mayor Kiser asked about the budget that was passed in June. The budget was balanced and he asked why the budget is out of balance. Mr. Mullins informed Council that revenues that were projected have not been collected. Sharon Still asked about the expense changes that incurred with the town manager and police chief employment contracts. Mayor Kiser asked why we did not have the surplus that was presented with the 2014-2015 budget. The town manager stated that he projected the revenue using the 2013-2014 budget. 2014-2015 expenses were actual figures based on estimated expenses. Mayor Kiser asked Mr. Mullins to show where the decreases in revenue was. Sharon asked to see a detailed report of public works expenses to include all employee expenses. Council would like to compare the public work expense to the expense that was incurred under the Veolia contract. The town manager will have something ready by December 8, 2014. Mayor Kiser reiterated the importance of time and accuracy when proposing increases and revising the budget.

He also advised Council that an application for the State Fire Fund Grant was submitted.

Mayor Kiser asked for an update on the Lincoln Street Bridge inspection. Mattern & Craig has been contacted and will be conducting the inspection. Mr. Mullins informed Council that the deadline is December 31, 2014. Mayor Kiser asked if the deadline extension was in writing. The town manager will provide Council with written confirmation of the extension. Mr. Mullins is comfortable that the town will meet the deadline.

Mayor Kiser asked if LENOWISCO was contacted as instructed by Council. The town manager contacted LENOWISCO the previous week. Mr. Kiser asked why they were not contacted sooner as directed by Council. Mr. Mullins stated that he wasn't aware that there was a deadline to contact LENOWISCO. Ms. Still asked for an employee handbook. Each employee received a copy of the employee handbook upon hire. The handbook was amended during November 2012. Mr. Kiser asked for a copy of the minutes from the meeting of which the handbook was updated. Council requested that a copy of the handbook be provided to each member for review. Deventae Mooney asked if the town employees would be cleaning up the cemeteries. The town manager informed Council that the town would not begin maintaining until further deed research was done. Sharon Still asked about the chain of command if there was a water or sewer

leak. The town manager stated that in the situation that the town hall is closed the public should contact the police department, then the town manager and then the public works director. Council asked for a written chain of command and phone numbers for each of the contacts.

Public Works

Danny Jordan, Public Works Director, reported the day to day operations of the public works department. Councilman Mooney asked if the Christmas lights were on a timer. Council would like to see the Christmas lights on timers and turned off at the same time the noise ordinance begins.

Treasurer

In the absence of the Clerk/Treasurer, Christy McCoy, the town manager presented the treasurer's report. Council was informed that the CNW invoice was currently past due. The treasurer will be making a payment to CNW within the week.

Police Department - No report was given

Fire Department – No report was given

Council asked about billing an individual's insurance company for fire services provided by the town. The attorney has been unsuccessful contacting the fire chief.

New Business

- a. Monthly Water Report – The town manager presented the October 2014 water report.
- b. Garbage Collection for Thursday, November 27 will be on Wednesday, November 26.
- c. Congratulations to Eastside High School's One Act Play Team on 1st place in Regions. One Act will be competing for state finals. Jeff Kiser announced that Eastside High School was awarded \$25,000 for the Celebrate My Drive sponsored by State Farm Insurance.
- d. Wise County Chamber of Commerce Social will be held December 10, 2014, 6:30-8 p.m. If Council plans on attending please RSVP by December 5, 2014.
- e. CNW – Mayor Kiser asked the town manager for an update on the delinquent CNW payments. During the September meeting Mr. Mullins reported to Council that CNW requested that all payments be made in full. He presented the report listing all payments that were paid and all past due amounts. CNW will be assessing a penalty for all past due amounts. CNW payments are being made as funds become available. Mayor Kiser asked if anyone from the town had approached CNW about being late on payments. Mr. Mullins stated that he and

Mr. Powers attended a meeting with representatives from CNW regarding the Veolia contract, CNW payments and the CNW user agreement. Mayor Kiser called a meeting for December 3, 2014 at 7 p.m. at Norton City Council Chambers to attend the CNW Board meeting.

CLOSED MEETING: Upon a motion by Jeff Kiser, seconded by Sharon Still and resulting in all Ayes. The Coeburn Town Council entered into closed meeting under VA Code 2.2-3711 A(7) for consultation of legal advice specifically pertaining to Coeburn – Norton- Wise Regional Waste Water Treatment Authority.

RECONVENE: The following Certification of a Closed Meeting was adopted in accordance with the Virginia Freedom of Information Act.

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WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Coeburn Town Council that such closed meeting was conducted in conformity with the Virginia Law;

NOW, THEREFORE, be it resolved that the Coeburn Town Council hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard discussed or considered by the Coeburn Town Council.

Upon the certification a roll call vote was taken. A roll call vote resulted as follows: V. Buchanan – Aye, J. Kiser – Aye, D. Mooney – Aye, J. Powers – absent, S. Still – Aye.

Jeff Kiser made a motion to call a special meeting for Monday December 1, 2014 at 1:00 p.m. to discuss the CNW issue as well as possible ways to remedy the situation. Deventae Mooney seconded the motion which resulted as follows: V. Buchanan – Aye, J. Kiser – Aye, D. Mooney – Aye, J. Powers – absent, S. Still – Aye.

Council Comments and Concerns:

Veronica Buchanan congratulated Eastside High School.

Sharon Still announced that the Coeburn Christmas Parade will be held December 5, 2014. Council will participate in the parade. The Tree lighting will be Friday, November 28th, 2014 at 6:00 p.m.

Jeff Kiser congratulated Eastside High School on their accomplishments. He also reiterated the importance of resolving the CNW issues.

There were no additional comments or concerns.

Adjournment:

Veronica Buchanan 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

