

**Council Minutes**  
**Special Called Meeting**  
**January 23, 2023 - 6:30 p.m. – 502 Front St. E, Coeburn, VA**

**Attendees:**

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

**Call to Order:**

Mayor Deventae Mooney called the meeting to order. Mr. Mooney advised the meeting will be a special called meeting allowing voting on any motions that may arise because the previous council meeting was cancelled due to sickness and other issues. Mr. Ledford gave the invocation. The group remained standing for the Pledge of Allegiance led by Mr. Deventae Mooney.

**Appointments:**

Vice Mayor Sharon Still made a motion to appoint Ms. Cathy Sharpe as Town Clerk. Mr. Charles Collins seconded the motion. A roll call vote resulted in all Ayes.

Vice Mayor Sharon Still made a motion to appoint Mr. William Sturgill as the Town Attorney. Mr. Joe Still seconded the motion. A roll call vote resulted in all Ayes.

**Public Expression:**

Mr. Danny Maine, 728 Virginia Avenue NE, addressed council regarding the low water pressure on his street. Mr. Maine stated that when the old line was cut and the fire hydrant was removed, his water pressure became much lower. He said the low pressure is affecting his pump and he needs the pressure increased. Mr. Mooney said he was under the impression that the line is scheduled to be replaced. Mr. Jimmy Williams said it will be replaced when weather permits it.

Mr. Daniel Slemp, Spruce Avenue, advised there is a bridge that has fallen that was used to access his property. Mr. Slemp said when his dad purchased the property he was told the bridge is owned by town. Mr. Jeff Kiser said that he is under the impression that the town only owns one bridge, the Lincoln Street bridge, and all other bridges of this type used to access property are owned by the property owners. Mr. Mooney said he would have to have Town Attorney, William Sturgill, look into the matter and get in touch with Mr. Slemp.

Public expression was closed.

### **Approval of the Agenda:**

Mr. Jeff Kiser made a motion to move Old Business (C.) Bicycle Rally to before reports. Ms. Sharon Still seconded the motion, which resulted in all Ayes.

Mr. Jeff Kiser made a motion to move New Business (A.) Purchase of Defibrillators to before reports. Ms. Sharon Still seconded the motion, which resulted in all Ayes.

Mr. Jimmy Williams said he would like to add under New Business (C.) Draft from Hill Con. Ms. Sharon Still seconded the motion, which resulted in all Ayes.

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

### **Old Business:**

- C. Bicycle Rally - Mr. Larry Salyer addressed council regarding the bicycle ride that will be held during the Guest River Rally. Mr. Salyer distributed copies of the ride route and a copy of the waiver that had been used in the past. He advised there are four areas marked on the map that will require police assistance during the ride. He said in the past the fire department also assisted with traffic. The Coeburn Improvement Association has added the event to the rally and Mr. Salyer said in the past he has worked with the town manager and the ride is covered under the insurance the town has. Ms. Still asked about having a lead car and a car following the ride for safety purposes. Mr. Salyer also mentioned that the Norton Cycling Club has signs to post along the route stating that there are cyclists ahead. Mr. Mooney said council would reach out to the City of Norton to see if their signs could be used. The bike ride will be on Saturday during the rally but shouldn't interfere with Justin's Walk. The issue will be if officers are available to direct traffic for both events. The county may be asked to have some of their officers assist with the event.

Mr. Deventae Mooney made a motion to support and approve the Bicycle Rally on September 2, 2023. Mr. Joe Still seconded the motion, which resulted in all Ayes.

### **New Business:**

- A. Purchase of Defibrillators - Mr. Mike Holbrook addressed council as a representative of the Kiwanis Club of Coeburn, Lay's Hardware Center for the Arts and the Romeo's. Mr. Holbrook thanked council for their work. Mr. Holbrook is suggesting that council purchase automated external defibrillators and place them around the town. He said these devices do save lives. He advised that last year alone there was an estimated 350,000 sudden cardiac arrests outside of hospitals. He said the only way to get the heart back into rhythm is to use a defibrillator. The American Heart Association says the chances of survival doubles with the use of an automated external defibrillator before medical intervention. Considering the availability of emergency services and the time it takes to access these services, there is a need for this device. Mr. Holbrook said that Mr. William

Sturgill, Town Attorney, can advise council for any liability issues. Mr. Holbrook suggested that council set aside \$20,000.00 to buy these devices to place around the town. He asked council to address this need before a tragedy occurs. Mr. Jeff Kiser said he agrees with Mr. Holbrook's suggestion and advised that \$25,000 is a better amount to purchase defibrillators and provide training.

Mr. Jeff Kiser made a motion to set aside \$25,000 to purchase defibrillators to install in town buildings and provide any necessary training. Ms. Sharon Still seconded the motion and opened discussion.

Ms. Still said the type of defibrillator that is installed at the school provides step by step instructions once it's activated and no training is required. Mr. Jimmy Williams said these devices will instruct you to use CPR after the device is used. Mr. Mooney asked if all town employees are trained in CPR. Mr. Jimmy Williams said they are not. Mr. Mooney said Mr. Williams needs to make that a priority and see that the town employees are certified in CPR. Mr. William Sturgill asked about securing these items while still making them available to the public. Mr. Williams said that there are aluminum breakaway keys that can be broken off in case of emergency.

Mr. Jeff Kiser amended his motion to increase the amount of funding up to \$30,000 for the purchase of automated external defibrillators. Mr. Deventae Mooney seconded the substitute motion, which resulted in all Ayes.

Mayor Deventae Mooney made a motion to authorize Town Manager, Jimmy Williams, to schedule mandatory CPR and First Aid training for all town employees within the next 30 days. Ms. Sharon Still seconded the motion, which resulted in all Ayes. Any employee that is already certified can provide documentation to remain on file.

## **Reports:**

### Fire Department

There was no representative from the fire department present, but the December report was included in the council packets. Mr. Jeff Kiser said that council needs to check and see if the fire department has automated external defibrillators.

### Police Department

There was no representative from the police department present, but the December report was included in the council packets.

### Town Manager

Mr. Jimmy Williams, Town Manager, has a meeting scheduled with Shawn Clem from Senator Warner's office to discuss and view the Lincoln Street bridge. Mr. Clem and Mr. Williams are going to discuss funding for bridge repair. Mr. Carlos Collins suggested giving the bridge and

street to the state. Mr. Kiser said that he doesn't think that will go over. Mr. Kiser advised that it wouldn't be prudent to ask VDOT to take over the street and bridge while also discussing funding with the governor's office.

Mr. Williams reported the new trash truck is almost ready for delivery. He said more will be known about the delivery date in a week or two. He advised the newest trash truck the town has in service is having issues and will need to be looked at; there is a problem with air in the line. Mr. Williams said there may also be a problem with water in the gas tank.

Mayor Mooney advised he would like Mr. Williams to apply for the Virginia Main Street Program to be able to discuss future grants.

The new police vehicles should be ready in April.

Mr. Joe Still asked when the Banner Project would be started. Mr. Williams said the project will be started in February.

Mr. Williams and Mr. William Sturgill are still working on the trailer court ordinances.

Mr. Still asked if the new police officers are certified. Mr. Williams said the officers have completed the academy.

Ms. Still asked if the signs were installed. Mr. Williams said the park signs need to be installed. Mr. Mooney asked for those to be put up so the police can enforce the hours printed on them.

Mr. Still asked about the electrical work at Complex B. Mr. Williams advised the Job Corps is working on that.

Ms. Still asked about the lists of boards, members and term expirations. Mr. Williams said he is working on getting that information together.

Mr. Still said he and Mr. Charles Collins were discussing the buildings behind the police department. Mr. Still has not been down there, but Mr. Collins told him the roofs on the buildings are in bad shape. The Boy Scouts had been using one building, but scout numbers are so low Mr. Mooney doesn't even think the scouts are using the building now. Mr. Mooney said at one time council had discussed having the buildings evaluated and asked Mr. Williams to put that back on his radar to have done.

Mr. Williams has been looking at lights for the town but hasn't heard back from anyone he has contacted.

Mr. Kiser said he heard the new mule for public works has a top speed of around 60 mph and suggested that a governor be put on the mule to keep it under 30 mph. Mr. Williams reported he and Mr. Jeff Livingston have been discussing the issue.

Ms. Still said she heard that the new mule is too big to do the jobs it was purchased to do. Mr. Williams said that information is not correct.

Ms. Still asked what the plan will be when the new police vehicles are delivered in April. She would like to know if one of those vehicles will be sent down to public works to be used as a meter reading vehicle, allowing Mr. Livingston to train someone else to read meters and still be able to use his town truck.

Mr. Williams said there is an issue with a town vehicle that was totaled and he is working on getting that replaced. The issue is because an accident report was not filed. If there is an accident, standard policy says that an accident report must be filed and a drug test taken. Ms. Still suggested that it would be a good idea to have a refresher with all town employees to remind them of policy and procedures. Mr. Mooney suggested that the meeting be combined with the mandatory CPR training. Mr. Williams said some changes need to be made to the policy before the meeting. All changes will be made by town attorney, William Sturgill, and voted on by council. Mr. Williams said that it may take some time to make these changes as he has to prioritize his duties. Mr. Jeff Kiser reminded Mr. Williams and council that as town manager Mr. Williams will also need to be working on the budget.

#### Public Works

Mr. Jeff Livingston, Public Works Supervisor, reported that repairs have been made to a 2 inch line on Second Street, Salem Avenue has been hooked up to the new line, a leak was repaired on Cedar Street and the men's room faucet was replaced at the depot. Mr. Livingston also said that a setter had been replaced, sewer lines were jetted on Beech Street, a leak was repaired on Angel Lane and a 4 in line was repaired on Dungannon Road. He reported repairs were also made to a leak on Maple, a sewer line at the depot, a leak on 210 Front St W and at Fishers Auto. He said there were also leak repairs at the depot, Little League Road, Tazwell Road, the sewer plant and a 4in leak repair at Flatwoods. A valve was replaced on Jefferson Street, a setter at Cedar, sewer line repaired on Meadow Street and a sewer line replaced on Cedar Street. Mr. Livingston reported that 300 work orders have been completed.

Mr. Kiser said that he had received a call about the meter at 213 Front Street. Mr. Williams said that there was a problem with the setter that has been ongoing for a couple of weeks. Mr. Kiser said the owners had been out of town.

Mr. Mooney said that there is a meter on the hillside on Norton Coeburn Road. Mr. Mooney asked Mr. Livingston who replaces the meter when VDOT hits it. Mr. Livingston said the town does. Mr. Mooney suggested moving the meter. Mr. Livingston said that if the meter is moved the homeowner would need to bring the line to the new meter location. Ms. Sharon Still said the town shouldn't ask the homeowner to pay to lay additional line if the town is the one moving the meter. Mr. Jeff Kiser agreed. Mr. Williams said the most likely location for the meter would require digging up the driveway of the home and putting the meter by the guardrail. Mr. Mooney asked that Mr. Williams and Mr. Livingston come up with a plan to move the meter and present it to council.

Mr. Joe Still asked if Hill Construction had cleaned up the lot they were using. Mr. Williams said they have for the most part except for a few pieces of equipment.

Mr. Mooney asked if the lot across from Valero has been restored to its original state. Mr. Williams advised the lot has been taken back to its original state and looks good.

Before Mr. Brian Markham came forward to give his report Mr. Kiser suggested that in the future Mr. Markham give the water plant report before the town manager report. Council agreed that was a good idea and will do that in the future.

### Water Plant

Mr. Brian Markham, Water Plant Supervisor, was interested in discussing the generator and Ms. Still said that is on the agenda. Mr. Markham reported that the town has been using the new water line since Thanksgiving. Mr. Joe Still asked for reports on water loss and chemical use. Mr. Markham said the water loss numbers are improving.

Ms. Sharon Still asked if the line at the pool has been repaired. Mr. Livingston said it has been but the one in the filter room has not. Ms. Still said she is hoping that the filter room repairs can be taken care of with ARPA funds. Ms. Still is also checking with Doheny about filters. She advised new filters will lower the chlorine use.

Mr. Markham said that the plant is ordering chemicals by bulk and not by the barrel and that is the cheaper way to order.

Mr. Williams asked to move Old Business (A.) Generator from Woodway Lee County to be discussed during the water plant report.

Ms. Still made a motion to move Old Business (A.) Generator from Woodway Lee Co to the water plant report. Mr. Still seconded the motion, which resulted in all Ayes.

### **Old Business:**

- A. Generator from Woodway Lee County – Mr. Markham advised the generator that was being considered is not compatible with the plant. It won't carry the needed amps for the plant. That generator will only carry 290 continuous amps and the plant needs 490 amps with everything running. Mr. Markham has a quote from last year and those specs can be used when considering a different generator. Mr. Markham will be working on a quote for a new generator.

Mr. Carles Collins asked why the generator wasn't included in the work done at the plant. Mr. Williams said it wasn't in the original plans, that maybe they were relying on the generator that is there.

Mr. Mooney asked if Mr. Markham was only checking on one generator supplier. Mr. Markham will get quotes from several vendors if possible.

Lane Group

There was no representative from The Lane Group present.

Treasurer Report

Ms. Cathy Sharpe, Clerk/Treasurer, reported a posted cash balance in the amount of \$507,887.74 as of 1/20/2023. She reported outstanding checks in the amount of \$330,081.14, accounts payable due in the amount of \$1,500.00 and interim accounts payable in the amount of \$583,062.01. This amount includes the Water System Improvement Project checks. After deducting the accounts payable due and outstanding checks, the reconciled balance was \$176,306.60.

Ms. Sharpe presented meeting minutes for December 12, 2022 regular meeting and January 3, 2023 biennial reorganizational meeting.

Ms. Sharpe reported two additional deposits since reports were prepared for the meeting. Friday's deposit was \$5,010.49 and today's deposit was \$23,932.81, making the combined cash availability of \$205,249.90.

Ms. Sharpe informed council that there was one disbursement and there was a copy of that included along with copies of the total cash availability report and cash comparison report.

Mr. Kiser and Ms. Still questioned the purchase of \$500.00 worth of mood pencils. An officer informed council that the pencils were purchased to give to children.

Mr. Mooney asked about the cost of the fountain enclosure for \$15,000.00. Mr. Williams said that was the enclosure that was taken down. Ms. Still is hoping to find a use for that enclosure now that it has been removed.

Ms. Sharon Still made a motion to approve the December 12, 2022, regular meeting minutes as presented. Mr. Joe Still seconded the motion, which resulted in all Ayes.

Ms. Sharon Still made a motion to approve the January 3, 2023 biennial reorganizational meeting minutes as presented. Mr. Joe Still seconded the motion, which resulted in all Ayes.

Ms. Sharon Still made a motion to approve the total accounts payable due as presented. Mr. Deventae Mooney seconded the motion, which resulted in all Ayes.

Ms. Sharon Still made a motion to approve the interim accounts payable as presented. Mr. Deventae Mooney seconded the motion, which resulted in all Ayes.

Mr. Mooney asked Mr. Sturgill to work on a Resolution for the Eastside One Act Team. The Eastside One Act Team has won the State Championship nine times.

Attorney Report

Mr. William Sturgill, Town Attorney, would like to add FOIA training to the February workshop meeting. There is ethics training that needs to be done and can be done online. Mr. Sturgill will get the information for council to be able to work on that.

Mr. Deventae Mooney said that there would also need to be work done on ordinances, policies and budget.

**New Business:**

- B. Verizon Connect Town Vehicle Tracking System - Ms. Still asked which vehicles are still connected. Mr. Williams said that all vehicles have the trackers except the police department. Mr. Kiser asked who authorized the removal of the trackers from the police department vehicles. Mr. Mooney said that Chief Brooks made the decision to remove the trackers. Mr. Kiser said that those are only to be removed with a vote from council and council needs to let Chief Brooks know that. Mr. Williams advised the trackers have been off since November. Ms. Still said she would like to discontinue the tracking system all together. Mr. Kiser feels that this is a tool to oversee the use of the town vehicles. Mr. Mooney was not in favor of the tracking system from the beginning and was under the impression that the town was not using the trackers after the contract was up.

Mr. Deventae Mooney made a motion to discontinue use of the tracking system. Ms. Sharon Still seconded the motion and opened the floor for discussion.

Mr. Kiser feels that this is a useful tool for the town to have. Mr. Collins said he doesn't feel there should be any tracking of police officers. Mr. Kiser said that the tracking isn't done in real time. Mr. Collins asked if the county tracks their units. Dispatch is able to see where the vehicles are.

After discussion was over, a roll call vote was as follows:

Carles Collins - Yes

Jeff Kiser - No

Joe Still - Yes

Sharon Still - Yes

Deventae Mooney - Yes

Mr. Mooney asked Mr. Williams to take care of discontinuing the use of the vehicle tracking system.

**Old Business:**

- A. Draft from Hill Con - Hill Construction has submitted a draft of a location agreement and lease to erect a cell tower behind the water tower. This will provide line of sight access to the internet. For every resident that connects to the tower the town will receive \$5.00

per month. The agreement calls for a 99-year lease term. Mr. Sturgill says it looks good from a legal standpoint but council will need to read over the terms and make sure they are comfortable with it.

Mr. Carles Collins questioned the part of the agreement that states that the town provides insurance. Mr. Sturgill says it should fall under the umbrella policy of the town's insurance.

Mr. Kiser is concerned that the town is bound for 99 years and there is a no cost cancellation clause. Mr. Kiser is also concerned about the non-compete clause. With changing technology, Mr. Kiser feels that it is unwise for the town to be bound for 99 years. Mr. Kiser feels that the agreement is too one sided. Mr. Mooney agrees. Ms. Still feels that the non-compete clause means that the town does not allow another tower on that particular tract of property. Mr. Still is uncomfortable with the 99-year term. Council asked Mr. Sturgill to review the agreement in further detail with attention to the term and the no cost cancellation clause. Council will discuss this further at the next meeting.

- B. Lincoln Street Sidewalk - Mr. Williams met with Raphael and got a quote for sidewalk removal and replacement from Lincoln Street to the school. The quote is for an ADA compliant sidewalk and is \$90,000.00.

Ms. Still asked if Mr. Williams has contacted VDOT to see if they will provide any funding. Mr. Mooney said council decided that the town would do this section of sidewalk and then approach VDOT to see what they say about funding. Mr. Mooney suggested emailing the contact at VDOT to let them know what is going on with the sidewalk project.

Mayor Deventae Mooney made a motion to enter into closed session in accordance with Virginia Code §2.2-3711 (A1) to discuss performance of Town of Coeburn personnel and §2.2-3711 (A8) to discuss with legal counsel pertaining to legal matters. Ms. Sharon Still seconded the motion, which resulted in all Ayes.

#### **Closed Session:**

Immediately following closed session, Mr. William Sturgill, Town Attorney, read "Certification of Closed Meeting", which is attached to these minutes and made a part hereof. A roll call vote certifying that only business matters that were identified in the motion convening were discussed or considered. The roll call vote resulted in all Ayes.

There were no actions resulting from Closed Session.

#### **Council Comments and Concerns:**

Carles Collins - Mr. Collins had no comments or concerns.

Jeff Kiser - Mr. Kiser had no comments or concerns.

Joe Still - Mr. Still had no comments or concerns.

Sharon Still - Ms. Still thanked everyone for their hard work and diligent efforts to keep the town moving. Ms. Still said she is happy that everyone made it through the holidays safely and appears to be healthy. Ms. Still thanked the Wise County Chamber of Commerce for making Coeburn the Town of the Week.

Deventae Mooney - Mr. Mooney thanked all the employees for all they do to move the town forward. Mr. Mooney invited council members and town manager to the ribbon cutting for a new business, The Muddy Paw Spa, to be held Monday, January 30, 2023 at 12:30 pm.

**Adjournment:**

Mr. Deventae Mooney made a motion to adjourn this meeting. Ms. Sharon Still seconded the motion, which resulted in all Ayes.

Respectfully Submitted,

  
Attest: Cathy Sharpe, Clerk

  
Deventae Mooney, Mayor