

**Council Minutes**  
**Regular Meeting**  
**April 10, 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. Joe Still gave the invocation. The group remained standing for the Pledge of Allegiance led by Mr. Deventae Mooney.

**Public Expression:**

Ms. Shirley Cassidy, 704 Plum Avenue, thanked the town for the work done for the Easter Egg Hunt and said she was pleased by the turnout. Ms. Cassidy asked council if the fountain will be operational by the 4<sup>th</sup> of July. Mr. Williams said the new fountain will be installed by then.

Public expression was closed.

**Approval of the Agenda:**

Deventae Mooney made a motion to add under New Business (D.) - Train Depot Discussion. Sharon Still seconded the motion, which resulted in all Ayes.

Deventae Mooney made a motion to add under New Business (E.) - Public Expression Decorum. Sharon Still seconded the motion, which resulted in all Ayes.

Deventae Mooney made a motion to add under New Business (F.) - Fireworks. Sharon Still seconded the motion, which resulted in all Ayes.

Deventae Mooney made a motion to add under Old Business (A.) - Ringley Park Discussion. Sharon Still seconded the motion, which resulted in all Ayes.

Deventae Mooney made a motion to add under Old Business (B.) - Crime Prevention. Sharon Still seconded the motion, which resulted in all Ayes.

Deventae Mooney made a motion to add under Old Business (C.) - Sign Dedication Community Remembrance Project. Sharon Still seconded the motion, which resulted in all Ayes.

Sharon Still made a motion to approve the agenda as amended. Deventae Mooney seconded the motion, which resulted in all Ayes.

## **Reports:**

### Fire Department

Mr. Cliff Hawkins, Fire Chief, gave the monthly activity report for the month of March; Mr. Hawkins reported that there was 1 structure fire, 1 smoke report, 1 motor vehicle accident, 14 assist calls, 134.5 - man hours, 135 personnel responding and 360 training hours. He reported that the fire department went down to the Coeburn Primary School and read a book to the third and fourth grade classes.

Mr. Hawkins asked if the fireworks had been ordered. Town Manager, Jimmy Williams, said that he is working on a quote for the fireworks and has also been in contact with the town's insurance company to make sure the fire department is covered to shoot the off the fireworks. Mr. Hawkins said the fire department has coverage for the fireworks and that it should be covered under the town's umbrella policy as well. Mr. Williams said the insurance specifies that a town employee would need to be the one setting off the fireworks or an employee with the pyrotechnic company.

Mr. Jeff Kiser asked how many people from the fire department are licensed. Mr. Hawkins said he is licensed to shoot the fireworks, and Roger Stanley, Logan Jackson and Randall Meade can shoot the fireworks provided Mr. Hawkins is at the location.

Mr. William Sturgill, Town Attorney, said that he would be surprised if it wasn't covered but would like to hear more from the insurance company.

Mr. Hawkins shared a budget with council and went over some of the rising costs of equipment, fuel, and operations. Mr. Hawkins reported he has applied for a grant to help with the purchase of a tanker truck. He advised the fire department is working with trucks that are old and will need to be replaced in the near future.

Mr. Hawkins informed council that the fire department will need to purchase new AED's because the brand they have is no longer being manufactured.

Mr. Hawkins said the county will give the fire department \$50,000.00 and said that the department has asked for \$70,000.00. Jeff Kiser said he is going to speak with his contacts at the county about funding for the fire department.

Sharon Still suggested holding the budget report until the budget workshop meeting.

Jeff Kiser asked Mr. Hawkins to include checking account balance amounts in the budget reports. Sharon Still asked Mr. Hawkins to bring the most recent of the fire department bank statements to the budget meeting.

Ms. Still asked Mr. Hawkins to spray off the streets during the summer, especially before the 4<sup>th</sup> of July.

Mr. Hawkins asked if the town was bleeding hydrants. Mr. Brian Markham said that the lines would be flushed in the last week of April.

### Police Department

Mr. Ryan Gardner, Police Captain, gave the police department report for the month of March 2023. There were 726 total events. Mr. Gardner gave a summary of these events.

Captain Gardner advised he checked on the status of the three ARPA vehicles, one was started in March and one in April. He said once the vehicles are completed, he will be contacted to pick the vehicles up. Mr. Mooney asked if Captain Gardner had an update on the other three vehicles; Captain Gardner said there is not a date available for those yet.

Mr. Gardner reported the police department executed a search warrant resulting in discovery of over two pounds of marijuana and over \$2,000.00 in cash at one of the town's businesses. The business advertised CBD and hemp sales, but a search of the building showed no CBD or hemp products. Mr. Kiser asked Captain Gardner how these sorts of stores operate legally. Captain Gardner said they legally can sell CBD and THCA.

Ms. Still asked if Captain Gardner could email her a work schedule for the department. Ms. Still asked if the police department was still using the tear off notifications for business checks with the time the business check occurred written on it. Mr. Gardner said the department is now using a business card style notice that is easily slipped in the door of the business. The card has the information about the business check written on it.

### Water Plant

Mr. Brian Markham, Water Plant Supervisor, reported that the water loss is about 60% and the water sales are down. Mr. Markham suggested that a water audit be done to establish that all meters are metering water correctly and that there are no leaks. Mr. Markham said one third of the meters still need to be replaced. Mr. Jeff Livingston, Public Works Supervisor, said he has a list of meters that have been replaced.

Mr. Markham said all that remains for completion of the project is a walk through with The Lane Group. Mr. Jeff Kiser asked if there could be a report put together listing the top customers. Mr. Markham said that is done every month and is sent to Jimmy Williams, Town Manager. Mr. Kiser asked that the report be sent to council. Mr. Kiser asked to start with a previous report and the current one as well. Mr. Markham said that he would get that information to council.

### Town Manager

Mr. Jimmy Williams, Town Manager, reported that the items have been ordered for the pool. Mr. Williams asked council if the skimmers need to be replaced. Mr. Livingston said that they were repaired last year. Mr. Mooney asked if Mr. Williams could get a price on new skimmers. Ms. Still asked if there was a delivery date yet. Mr. Williams said not yet.

Sharon Still made a motion to allow Mr. Williams to spend \$45,000.00 using ARPA funds to purchase items for pool repairs. Deventae Mooney seconded the motion, which resulted in all Ayes.

Mr. Williams passed out information about the trailer court ordinances. Council feels that the ordinance in hand needs to be redone in clear language regarding lots per acre, time restraints for moving in and out and regulations for private and business mobile home lots. Mr. Kiser said since the ordinance is being redone, there needs to be a provision as the law allows for the maintenance and upkeep of these mobile homes.

Mr. Williams gave each council member a copy of the budget that he has prepared up to this point. He said he will have more information by the time the budget meeting is held.

Mr. Williams reported he is working with a company from Florida to get a price for an eight-foot fountain.

Ms. Still asked about the line replacement on Lincoln Street. Mr. Williams said that public works has not gotten to that yet. Ms. Still said the residents on that street are wanting a completion date. Mr. Williams said that completing the line is not likely to increase the pressure. Mr. Mooney said to put that project at the top of the list.

Mr. Kiser said that during the Easter Egg Hunt that was held last Saturday, people expressed concern about the need for sturdier benches or to secure the benches into position. He said it would be easy for the benches to flip and create a situation where someone could be hurt.

Mr. Mooney asked Mr. Williams to forward a copy of the time and attendance policy to all department heads to be reviewed before council votes on the policy.

Mr. Williams advised council that the First Aid training will be scheduled this week. Mr. Mooney said if the scheduling does not work out, let council know so they can reach out to another provider.

Mr. Mooney asked about the sewer pipe running down the hill by the Middle School. Mr. Livingston said that the pipe is connected to the sewer line, even though it is laying on top of the ground instead of being buried. Mr. Livingston said he thinks that the line should be buried but will have to check the requirements for sewer lines. Mr. Williams advised he will check with the Health Department. Mr. Kiser said the town needs to cover any exposed sewer lines that have been left uncovered.

Mr. Mooney reported he spoke with Mr. Jimmy McElrath, with Wise County Building and Zoning concerning a residence on Seventh Street. He said Mr. McElrath has sent two notices of violation and it is now up to the town to prosecute. Mr. Mooney asked Mr. William Sturgill, Town Attorney, what the process is. Mr. Sturgill said that first the taxes must be checked to see if taxes are owed and if the property is up for tax sale. Mr. Mooney advised that Mr. McElrath said if the town would give him a list of properties, he would look at them individually to see what action needs to be taken. If necessary, Mr. McElrath will get with Mr. Sturgill to file a court action.

Mr. Mooney also asked if the placard was placed at a residence on Third Street. Mr. Williams said that a placard was placed there, and he has spoken with Litter Control.

Mr. Mooney said there is a bridge on Adams Street that is closed off and he would like to know if that bridge is privately owned. Mr. Charles Collins said it is privately owned. Mr. Mooney asked if there is anything that can be required of the owner of the bridge to keep people from walking across it. Mr. William Sturgill said that Mr. McElrath will need to look into that issue. Mr. Kiser said that the property owner needs to make sure there are no trespassing signs posted.

Mr. Mooney asked Mr. Williams if he has the price for a new sign to replace the Ralph Stanley sign. Mr. Williams said he will get that information.

### Public Works

Mr. Jeff Livingston, Public Works Supervisor, reported that brush was cleaned up at Bondtown Park, sewer lines were jetted and replaced at Lee Street and repairs were made to water and sewer lines in Banner. He said the new signs were put up in the parks, sewer lines were jetted at Rish, flower baskets were turned on the railings throughout town, a cutoff valve was replaced in the restroom at the depot and forty cut-offs were done this month.

Mr. Williams reported that the copier in town hall is having more frequent service calls and replacing it will cost less money each month. He said he is looking into having a copier/scanner/fax like the one at town hall placed at public works. Mr. Williams advised the lease is for five years. He will have to get a price and bring it to council. Mr. Mooney said he would like to see the lease. Mr. Williams reported the price of the machine for public works will be around \$2,000.00 and will be the same set up as the police department.

Jeff Kiser made a motion to replace the copier at town hall and enter into a five-year lease subject to the lease being approved by the town attorney. Sharon Still seconded the motion, which resulted in all Ayes.

Jeff Kiser made a motion to use ARPA funds up to the amount of \$2,000.00 to purchase a copier for the main public works building. Sharon Still seconded the motion, which resulted in all Ayes.

Mayor Mooney informed council that the gravel has washed away from the pump station on Hamilton Street and a drain needs to be replaced there at the pump station. Mr. Williams said that he has spoken with The Lane Group about fixing those issues.

Ms. Still said there is a tree on Grand Avenue that belongs to the Town of Coeburn and VDOT. She said the tree is tearing up the sidewalk. VDOT is willing to cut the tree if the town will provide flagmen while the tree is being cut. Mr. Livingston was asked to work with VDOT to find time to cut the tree down.

During this time Mr. Kiser discovered that the price of the copier for the public works building will be \$2,679.00. As a result, Mr. Kiser asked to rescind the previous motion to allow Mr. Williams to purchase a copier for \$2000.00, and in its place bring a motion to allow Mr. Williams

to purchase a copier for no more than \$2,800.00 using ARPA funds. Ms. Still seconded the motion, which resulted in all Ayes.

Mr. Kiser asked if there are street signs from Front Street to Grand, High and Centre Street. Mr. Williams said he is aware of the missing signs and is going to order signs. Mr. Mooney asked if Mr. Williams would see if the Job Corps sign belonged to the county because it needs to be replaced.

### Lane Group

There was no representative from The Lane Group present. Mr. Mooney said he spoke with Chris Mullins from The Lane Group and Mr. Mullins said the architects are behind and will have information ready by May's meeting.

### Treasurer Report

Ms. Cathy Sharpe, Clerk/Treasurer, reported a posted cash balance of \$234,783.88 as of 4/6/2023. She reported outstanding checks in the amount of \$70,964.59, accounts payable due in the amount of \$56,493.65 and interim accounts payable in the amount of \$283,861.17; this includes the Water Systems Improvement Project checks. After deducting the accounts payable and outstanding checks, the reconciled balance was \$107,325.64.

Ms. Sharpe presented meeting minutes for March 13, 2023, regular meeting and the March 27, 2023, workshop meeting.

Ms. Sharpe reported three additional deposits since reports were presented for the meeting. Thursday's deposit was \$5,919.16, Friday's deposit was \$2,841.64, and today's deposit was \$3,687.74 making the total cash availability \$119,774.18.

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

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

Deventae Mooney made a motion to approve the March 13, 2023, regular meeting minutes as presented. Sharon Still seconded the motion, which resulted in all Ayes.

Deventae Mooney made a motion to approve the March 27, 2023, workshop meeting minutes as presented. Sharon Still seconded the motion, which resulted in all Ayes. Jeff Kiser abstained.

Mr. Kiser spoke with Cliff Hawkins, Fire Chief, about the AEDs on the fire trucks. Mr. Kiser said if the AEDs are not working properly, and parts are not available the town should purchase AEDs for the fire trucks. Mr. Williams brought up purchasing AEDs for the new police cars. He said at the time the other AEDs were purchased the town was only expecting to have three police cars. Mr. Hawkins said the ones for the fire department need to be in a case.

Jeff Kiser made a motion to allow Mr. Williams to buy five AEDs for use in the fire trucks and for the new police cars using American Recovery money not to exceed \$10,000.00. Mr. Williams is to consult with Mr. Hawkins to order the correct model for the fire department trucks. Sharon Still seconded the motion, which resulted in all Ayes.

### Attorney Report

Mr. William Sturgill, Town Attorney, said everything he needed to discuss had already been covered during the meeting.

### **New Business:**

- A. Petition to Destroy Town Records - A list was presented to council for approval to destroy records at town hall that no longer are needed.

Deventae Mooney made a motion to accept the petition for the authorization to destroy town records. Sharon Still seconded the motion. A roll call vote resulted in all Ayes.

- B. Invoice Cloud - Mr. Williams shared with council that he has been looking into another payment portal that integrates with Southern Software. The program offers call in payments, an app for cell phones, a messaging system and access to view bills. There is a \$200.00 monthly fee. Mr. Williams said once a customer sets up an account to use the program the town will pay \$0.20 per customer. Mr. Mooney asked Ms. Sharpe if she felt this was beneficial. Ms. Sharpe said she feels this system would be beneficial. Ms. Still asked if the town is paying to use Municipay. Mr. Williams said Municipay charges a service fee to the customer. Mr. Kiser asked how long the contract is for. Mr. Williams said the contract is for five years. Mr. Kiser expressed concern about being locked in a contract if the system ends up not delivering as promised. Ms. Still asked if the cost to the customer is comparable to what is paid now. Mr. Williams said it is. He said this system will allow an automatic payment option; something that is not offered by Municipay. Ms. Still asked if the contract with Municipay is similar to the Invoice Cloud contract. Mr. Williams said that the contract with Municipay is not as detailed because that company doesn't offer as many services as Invoice Cloud. Mr. Williams said Invoice Cloud doesn't allow a payment to go through if the customer has insufficient funds and that is a plus. Mr. William Sturgill said that Invoice Cloud has an exclusivity clause, and all ties will have to be cut with Municipay before a contract is entered into with them. Council agreed to table the discussion to allow time for more information to be gathered before a vote.

- C. Utility Rate Survey for 2023 - Mr. Williams provided council with information to go over regarding the Utility Rate Survey.

- D. Train Depot - Mr. Mooney expressed the need for some kind of option to keep the doors unlocked while the depot building is occupied. He asked Mr. Williams if there was a way to stop the automatic lock. Mr. Livingston said he will check with the company to see if there is a tool to disable the automatic lock. Mr. Mooney feels there should be some way

to keep the doors unlocked from the inside without using a brick. Ms. Still suggested attaching the Allen wrench to the key used for rentals.

Mr. Mooney asked if the chairs he sees are all the chairs available. He said he attended an event at the depot and there were not enough chairs available. He asked Mr. Williams to price new chairs for the depot. Mr. Kiser said the tables need to be checked on too. Mr. Livingston did find some extra chairs in the closet and those will need to be checked on to make sure they are not damaged.

Mr. Mooney asked Mr. Livingston if installing the cutoff valve in the ladies' room fixed the leak at the depot. Mr. Livingston said he thinks so.

Ms. Still asked when the doors to the depot would be painted. Mr. Williams advised he has met with the Job Corps crew, and they will be painting around the town, including the rally shack and the stage. Mr. Joe Still asked if anyone knew when the bridges were stained. Mr. Livingston said the bridges have been pressure washed but it's been a while since they've been stained. Mr. Kiser said Sherwin Williams makes an excellent cover stain. Mr. Still says Cabot makes a good stain and it is available at Lowes. Mr. Livingston is going to speak to someone about replacing the receptacles on the bridge. Mr. Mooney asked Mr. Livingston to see about replacing the two lights that are out as well.

E. Public Expression – Mr. Mooney said that during Public Expression there is often an issue with the five-minute time limit being difficult to manage as the citizen wants answers from council or council has questions for the citizen. He said this causes the chairperson to have to stop and start the clock and this is a problem. Mr. Mooney said he would like to see citizens or concerned parties use their five minutes to address council and for council to respond at the next meeting. Mr. Mooney said the Wise County School Board operates this way and the first item on the agenda at those meetings is Response to Public Expression. Mr. Kiser said that there was a vote in 2012 to answer the public at the next meeting. Mr. Mooney said that needs to be added to the agenda as a Response to Public Expression. He said the speaker will need to state their name and address before they begin speaking.

F. Fireworks - Mr. Mooney asked if the fireworks have been purchased. Mr. Williams said he is working with Mr. Zachary Zimmerman to get the order ready. He said the order will be comparable to what was purchased last year.

Sharon Still made a motion to allow Town Manager, Jimmy Williams, to purchase fireworks for the Fourth of July not to exceed \$12,000.00. Jeff Kiser seconded the motion, which resulted in all Ayes.

## **Old Business**

A. Ringley Park - The old, torn up playground equipment has been removed. The swings and the handicapped equipment are the only items available. Mr. Mooney asked council to form a plan for Ringley Park. He said he feels comfortable using ARPA

funds to complete the park. Mr. Kiser mentioned it was difficult getting prices for equipment in the past. Mr. Mooney said he is working on that.

- B. Crime Prevention - The sheriff's office and the police department will be doing a crime prevention event at the Depot April 11, 2023.
- C. Sign Dedication - The sign has been shipped and will be in on Tuesday or Wednesday. Mr. Williams will reach out to Greg Cross once the sign arrives. The reception will be held at the MEOC building.

Deventae Mooney made a motion to add Hillcom to old business. Sharon Still seconded the motion, which resulted in all Ayes.

- D. Hillcom - Mr. Mooney and Mr. Williams spoke with a Hillcom representative about the concerns council had about the contract and was informed that the company was putting in the money to set up the tower and plans for that tower to be active long term and that is the reason behind the 99-year term. The other clause that concerned council was the clause allowing the company to leave with six months' notice leaving the tower to the town. There is a possibility that the company will go with a 50-year contract. Mr. Mooney said he feels that it is a win for the town, with the tower providing a service for the town. Ms. Still asked if the internet will be available for vendor access and would like Mr. Williams to check on that. Mr. Kiser asked what the cost will be to the customer. Mr. Williams thinks it is \$100.00. Mr. Kiser asked if this is an infringement upon any other providers in the area.

Deventae Mooney made a motion to enter into the agreement with Hillcom for a 50-year term. Joe Still seconded the motion. During the discussion, Mr. William Sturgill said the contract looks fair to both parties. Mr. Kiser asked if the town would be renting equipment or if that is provided along with the service. He also asked what the expected time frame is for completion. Mr. Williams said they are ready and waiting for a decision from the town. Mr. Kiser said he would like to delay voting until all questions are answered. Mr. Williams called a representative from Hillcom and was advised that the company would be supplying the basic equipment for the town buildings. It is also estimated to take three to five months to complete the project. A roll call vote resulted in all Ayes.

Mr. Williams informed council that there is a question from Rural Development for the closing on the loan. There are two options for paying the loan. The first is paid as a 39-year term, with the first 12 months being interest paid only. The other option is 40 years starting immediately. Council agreed to start paying on the 40-year term.

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. Sharon Still seconded the motion, which resulted in all Ayes.

**Closed Session:**

Immediately following closed session, Mr. Jimmy Williams 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 and thanked the Coeburn Improvement Association for having the Easter Egg Hunt.

Deventae Mooney - Mr. Mooney said he attended the Easter Egg Hunt and thanked everyone who had a part in that event. He also extended his thanks to the Coeburn Ministerial Association and all who took part in organizing the Sunrise Service at the Lay’s building. Mr. Mooney is looking forward to working on the budget and he thanked all the town employees for the work they do.

**Adjournment:**

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

Respectfully Submitted,

  
Attest: Cathy Sharpe, Clerk

  
Deventae Mooney, Mayor