

Council Minutes
Regular Meeting
November 12, 2024 - 6:30 p.m. - 502 Front St. E, Coeburn, VA

Attendees:

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

Call to Order:

Mayor Deventae Mooney called the meeting to order. Pastor Shane Wallace, Coeburn Methodist Church, gave the invocation. The group remained standing for the Pledge of Allegiance led by Mr. Mooney.

Public Expression:

There was no Public Expression. Public Expression was closed.

Response to Public Expression:

Mayor Mooney reported that he had spoken with Michael Hatfield, the County Administrator, regarding Pro Med Ambulance's request to get on the 911 call list. Mr. Mooney said that the issue will be on the agenda for the Board of Supervisors meeting on Thursday.

Mr. Williams said he has not heard from public works regarding the status of Ms. Victoria Fields' concerns about her high usage on her water meter. Mr. Mooney asked if public works had checked on the bridge by her house. Mr. Williams said there are overhanging branches by the bridge but nothing blocking it and there are some homeless people living there.

Vice Mayor Sharon Still asked about the status of the concerns brought to Council by Mr. Shannon Isaacs. Mr. Williams has not made a visit to the site to assess the situation. Ms. Still said that needs to be done because Mr. Isaacs is paying for garbage pickup, and something needs to be figured out about that.

Town Manager, Jimmy Williams, addressed Mr. Jeffrey Proulex's comments from the last meeting. Mr. Williams said that Mr. Proulex had stated at the last meeting that Mr. Williams did not care about this town. Mr. Williams said that comment is tremendously false. He said he moved his family to this town; his son is in school in this town, and he enjoys this town. To him it is not just a town and a job to make money. Mr. Williams says that he plans to spend the remainder of his life in this town.

Mr. Proulex said at the last meeting that Mr. Williams does not get grants for this town. Mr. Williams listed the grants that he helped the town receive since he began his employment with the

town and reviewed the grants he is currently pursuing. Mr. Williams explained that his time does not always allow him to pursue grants, because there are other issues to attend to. Mr. Williams said that no one knows what happens at town hall during the day if they have not spent time there. He suggested people come by if they are interested.

Mr. Williams explained that he has made town hall safer by installing glass between the staff and the public. Before this glass was installed, staff were often spit on or had things thrown at them. Mr. Williams also is available to help the staff with irate customers and does not tolerate mistreatment of the staff by customers. He said that if someone has a personal issue with him, they can discuss it with him. Mr. Williams had offered to speak with Mr. Proulex after a meeting a few weeks ago and Mr. Proulex declined. Mr. Williams said he is here and will be here until Council says it's time for him to leave. He said that he loves the town and would like to see it prosper and works hard to keep the money flowing.

Mr. Mooney did clarify Mr. Williams comments regarding the purchase of the garbage truck; stating that the garbage trucks were purchased through ARPA funds and not grants. Ms. Still said that downtown Coeburn looks good, and the town does the best it can with what money is available. Ms. Still said that projects require money and she'd rather the money that the town has available is spent paying the staff and keeping the water flowing, and the bills paid. Ms. Still said that Council does all they can to keep the town going.

Ms. Still addressed the absence of Council at the Coeburn Strong meeting and said that the lack of attendance at the Coeburn Strong meeting isn't reflective of an uncaring attitude from the Council, but the result of scheduling conflicts. Ms. Still said Council cares about the large and small issues in the town. She said the bank account for the town has \$3,000.00 available and a \$32,000.00 CNW payment coming due. Ms. Still mentioned that she does source grants for the pool, and Mr. Mooney was recently able to get a Christmas tree donated to the town. Ms. Still said everyone is doing what they can to keep the town running and appreciates everyone that helps to make the town look better. She said that some of the smaller tasks that would help make the town look better are often sidelined because public works have things to do that are higher priority, such as work on water and sewer leaks. Ms. Still said the town is doing the best it can to push forward to keep going and does not want to see the town come to a point where it is unincorporated. She loves the idea of the Coeburn Revitalization Committee and is appreciative of the work done by the Coeburn Improvement Association. Ms. Still said all the work does not go unnoticed.

Mr. Carles Collins said the town does not receive a million dollars a year like St. Paul does, and Mr. Joe Still pointed out that Coeburn does not have big businesses like Walmart or Lowes to bring in revenue.

Mr. Proulex commented that he understands the reasons why Council did not attend the Coeburn Strong meeting but said the issue is with the perception the absence created. He said he is looking for solutions to the problems and is asking that the financial burden for the cleanup of unkempt properties be placed on the owners of the properties and not the town. Mr. Proulex said he understands that leaks and sewer issues take precedence over cleanup work and reminded Council that he suggested using Wise Works or the Job Corps to help with these types of projects. He said he is not against anyone in the Council, they just happen to be over the town when all these

problems came to the point of being an issue and would like to work together on solutions. Mr. Proulex said that's the reason he suggested that Council set the date for the next Coeburn Strong meeting.

Mr. Proulex said he still stands behind what he said about Mr. Williams and feels that Mr. Williams is not approachable and doesn't return phone calls. Mr. Proulex said he has been weeks asking for the lights to be fixed. Mr. Williams said that work orders have been placed for that and it is public works job to do those work orders, and it is not his job to see public works complete those work orders; that is the job of the Public Works Supervisor, Mr. Jeff Livingston. Mr. Williams said that as far as his public perception goes, he may sound rough, but he is not. In his past profession as a police officer, he was rough but has changed quite a bit since those days. Mr. Williams says that in the past few months he has been out of the office more frequently but is available by calling or texting his cell phone. He said most people have that number, but if anyone needs it, he will gladly provide that number to them. Mr. Proulex said he was hoping to come to the meeting tonight and receive an update from Mr. Williams regarding the properties he is concerned about and when he received no update, he concluded that Mr. Williams is not doing his job. Mr. Proulex suggested Mr. Williams have regular performance evaluations by the Council, stating that holds people accountable and that most jobs have performance evaluations. Mr. Williams said that Mr. Proulex will get his report on those properties when he gets it completed.

Mr. Jeff Kiser stated that he hears everyone's concerns and feels that the step taken at the last meeting by creating the Coeburn Revitalization Committee is a step in the right direction. Mr. Kiser looks forward to the new members of the committee and seeing the committee interact with each other and the town manager, the mayor, and Mr. Proulex. Mr. Kiser thinks that it will be a good forum to discuss and understand these issues that need to be discussed, and everyone needs to move forward with this issue and let the committee work on the issues. Mr. Mooney said that Mr. William Sturgill has provided applications for the committee and applications will be available on the podium if anyone at the meeting would like to apply.

A member of the audience who didn't give her name voiced her concerns about the statement Ms. Still made about the town only having \$3,000.00 available, and said that she understands that Ms. Cathy Sharpe, Treasurer, works very hard at her job. She asked if the town has considered hiring someone to help with collections, as there is a high rate of uncollected taxes. Mr. Mooney said the Council has taken part-time positions to full time to pursue collections, and town hall is fully staffed, but time off, illnesses, and other issues make it difficult to work on collections every day. Mr. Mooney asked for comments to cease and said if comments need to be made, they need to be made during the Public Expression portion of the meeting. Ms. Still said that since she has been on Council there has been progress made on tax collections. Mr. Mooney called for a point of order to move the meeting along.

Approval of the Agenda:

Town Manager, Jimmy Williams, asked to table Old Business (A) VRS - Options for Short Term and Long-Term Disability because he has not received a response and will not be able to present anything to Council.

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

Sharon Still made a motion to accept the agenda as amended. Mr. Joe Still seconded the motion, which resulted in all Ayes.

Reports:

Fire Department

There was no representative from the fire department present. Deventae Mooney thanked the fire department for the great job they did on Trunk or Treat.

Police Department

Mr. Travis Mullins, Police Chief, distributed copies of the police report to Council and the amendment to the Spearhead Trails Ordinance that was tabled at the last meeting. Chief Mullins said the department is getting caught up and has had a busy couple of weeks. The department was able to participate in the Trunk or Treat event and got a positive response from the community. Mr. Mullins received word that all the signatures are in place for the DMV grant for overtime pay, and there will be an increase in enforcement measures in the community. The department is working on cleaning and organizing the office space in the building. It is going well and is more presentable for people coming into the building. Chief Mullins said the department has been working on several instances of people tampering with water meters and water lines and has been working closely with Mr. Jimmy Williams and Mr. William Sturgill to draft some additions to the User Agreement to address this issue and lay out clear expectations to customers. It will help the town if someone damages town property and charges must be filed. The Commonwealth Attorneys' office approves of the changes.

Chief Mullins discussed the Spearhead Trail Ordinance and said that the state does allow for the use of golf carts with some restrictions on highways. The code allows towns to impose additional restrictions on golf carts as long as it is no less strict than the state code. The amendment allows Spearhead Trails to decide if golf carts can be allowed on their trails. The amendment calls for the responsibility of the golf cart operator to be aware of the state code and in compliance with state code. Mr. Mooney asked about the permit and clarification that a resident of the town does not have to have a permit to go from their residence to an approved road. Mr. Mullins said that the wording of the ordinance allows citizens that live in town to be able to travel from their residence to a permitted road and allows residents to travel to an approved road without having to trailer their vehicles to an approved road. Mr. Jeff Kiser asked about mountain bikes. Chief Mullins said that dirt bikes are not allowed on Spearhead Trails and this ordinance does not address mountain bikes. Joe Still asked if this covered bikes. Mr. Kiser asked how this ordinance applies to those vehicles being used in town. Mr. Mullins said that the code uses how many CC's a vehicle has to designate what sort of vehicle is allowed. He said the state code states golf carts and utility vehicles are allowed but are supposed to be used in some relationship to access a trail, such as to and from, or going out for supplies or lunch. Unless one is following an ATV rider, there is really no way to know where they are going or if they will be accessing a trail as they go through town.

Ms. Still asked for clarification on what a utility vehicle is in the code. Mr. Kiser said he would think it is vehicles such as the vehicle the town uses and refers to as the mule. Chief Mullins says that most vehicles are covered under the terms ATV or utility vehicles and golf carts have their own section. Ms. Still clarified that golf carts are fine to use as long as the driver is licensed and goes by the limitations laid out by the state code. Ms. Still said that everyone needs to read the ordinance and asked how soon the ordinance needs to be voted on. Everything is in place for permit renewal and the signs have been ordered, the only thing left is to vote on the ordinance. Mr. William Sturgill suggested removing the second sentence.

Sharon Still made a motion to approve Ordinance TOC-11122024 as presented with the correction to Item C. Mr. Kiser asked for clarification of the ordinance, asking if it would be allowed for someone living in Maytown to use a golf cart to go to Food City. Mr. Mullins said the ordinance is designed to allow access to trails, but the only way to know where an individual is going would be if that individual was followed. A roll call vote resulted as follows:

Carles Collins - Aye
Jeff Kiser - Aye
Deventae Mooney - Aye
Joe Still - Aye
Sharon Still - Aye

Mr. Jeff Kiser asked Chief Mullins what the DMV grant was intended for. Chief Mullins said it was for speed and seat belt enforcement.

Water Plant

Mr. Brian Markham, Water Plant Supervisor, reported that everything is going fine at the plant. Mr. Markham stated that he has worked with three different town managers during his employment with the town and Mr. Jimmy Williams is the best town manager he has worked with.

Mr. Joe Still asked if the town is still using water from the alternative supply. Mr. Markham said that alternative sources are used one day a week at this time.

Town Manager

Mr. Jimmy Williams, Town Manager, reported that he has a list of houses that he will be sending letters to on Wednesday. Mr. Mooney asked how many letters there were, and Mr. Williams said there are four letters to be sent.

Mr. Joe Still asked if the information regarding the waterline study had been transcribed. Mr. Williams said that he and public works have been working on a State and EPA waterline study. The town has tried to contact water customers by phone to find out what kind of line is laid from the meter to the home. The town takes care of the main line to the meter. The Health Department issued a citation to the town. The town will need to contact anyone they did not receive the required information from that would let the town know the type of line they have. Mr. Williams said the information will then be transcribed to the tablet to be prepared to be sent to the State and

EPA. Mr. Mooney asked what happens if customers do not answer the questionnaire. Mr. Williams said he has been given a series of steps to follow. He said that eventually there will be funding available to replace lead and copper pipes, possibly around \$2,500.00 per household. Mr. Williams said there are no fines unless there is a Tier 1 or 2 Violation and that could affect the Water Plant. Mr. Mooney said the public feels in the dark and asked that as Mr. Williams receives information, he shares the information publicly so everyone can manage expectations.

Mr. Mooney asked if there is an update on the Flatwoods Pump Station or the chopper. Mr. Williams is waiting for a quote from Boggs Municipal. Mr. Mooney asked what happened at Maytown Pump Station this weekend. Mr. Williams said there is an issue with losing pressure. The voltage was tested, and the station is working at this time.

Ms. Still asked for a list of all the committees and members. Mr. Williams said he had that ready. Ms. Still asked Mr. William Sturgill if the application he prepared for the Coeburn Revitalization Committee would work for all the committees. Mr. Sturgill said he tried to make it applicable for all the committees. Mr. Mooney expressed concern about the terms listed on the committee list and omissions. Mr. Kiser said that he spoke with Coeburn's representatives on the CNW Board, and they are content to continue to serve.

Mr. Jeff Kiser made a motion for Joetta Holbrook and Mike Wright to serve as Town of Coeburn Representatives at the will of Council without term. Mr. Mooney said he has some reservations appointing people to serve at the will of Council without term.

Deventae Mooney made a substitute motion to appoint Joetta Holbrook and Mike Wright to a four-year term as Town of Coeburn Representatives on the CNW Board. This would make the term through December 31, 2028. Jeff Kiser seconded the motion, which resulted in all Ayes.

Mr. Mooney asked for dates for the terms of the Airport Commission and the EDA. He recommended staggering terms to keep the Board positions from expiring all at once. Mr. Mooney asked Mr. Williams to reach out to Mr. Donnie Rose on the Airport Commission to find out term expiration dates and to fill any vacancies. Mr. Mooney will be reaching out to the Planning Commission, Ms. Still to the EDA, and Mr. Still to the Board of Zoning Appeals and reach out to find interested applicants.

Public Works

Mr. Jeff Livingston, Public Works Superintendent, was absent. Mr. Mooney said last year there were matching bows purchased to be used throughout the town and asked where those bows were. Mr. Williams said the bows are in storage. Mr. Mooney said Walmart donated a 12-foot-tall tree to the town to be placed on the stage and the smaller tree will be placed at the Farmer's Market.

Ms. Still asked if Mr. Livingston was still off work or just off for an appointment. Mr. Williams said he was still off.

Lane Group

There was no representative from the Lane Group present. Ms. Still asked if the project was supposed to go to bid in January. Mr. Williams said that is the plan. Mr. Sturgill said there will need to be a meeting to see what the town's plan is for their end of the project. Mr. Mooney said he and Ms. Still will attend that meeting when it is scheduled.

Treasurer

Ms. Cathy Sharpe, Clerk/Treasurer, reported a posted cash balance of \$113,696.43 as of 11/8/2024. She reported outstanding checks in the amount of \$109,530.74, accounts payable due in the amount of \$757.30 and interim accounts payable in the amount of \$29,273.85. After deducting the accounts payable due and outstanding checks, the reconciled balance was \$3,408.39.

Ms. Sharpe presented meeting minutes for October 28, 2024, special called meeting.

Ms. Sharpe reported two additional deposits since reports had been presented for the meeting. Friday's deposit was \$12,749.39 and today's deposit was \$14,166.43 making the total cash availability \$30,324.21, not including online payments.

Ms. Still asked if it would be possible to have the credit card payments in the report. Mr. Mooney said the credit card payments are shown in the balance, just not the daily deposits.

Mr. Mooney asked about the status of the software and the cloud storage issue. Ms. Sharpe said she thinks everyone is just getting used to it being slow. Mr. Mooney said that it is not acceptable, and a call needs to be made by the end of the week to Southern Software to address this issue, and update Council at the next meeting.

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

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

Sharon Still made a motion to accept the October 28, 2024, special called meeting minutes as presented. Joe Still seconded the motion which resulted in all Ayes.

Mr. Jeff Kiser cautioned everyone that the available balance is low and funds coming in from taxes are temporary and all purchases need to be made on an as needed basis.

Attorney Report

Mr. William Sturgill, Town Attorney, reported he spoke with Mr. Jimmy McElrath with Wise County Building and Zoning, and Mr. McElrath said that as a building official he would not really have any input on the unobstructed window requirement on Front Street. Any action would come from the Town Manager and would be a Class 4 Misdemeanor. Mr. McElrath said there are a lot

of towns addressing this issue. Mr. Mooney asked Mr. Sturgill to provide a copy of that at the next meeting for approval.

Mr. Mooney asked for applications for each committee with the committee's name on top of the application.

Mr. Kiser asked Mr. Williams if the bridge leading over to the depot would be closing. Mr. Williams said he hadn't heard of a certain date. Ms. Still said that there are lots of events coming up and hopes it will be later and not interfere with those.

New Business:

- A. Hiring Policy - Ms. Still said she would like to follow suit with other towns in the area and have all new hires approved by Council. Ms. Still feels that Council is left out of that process and would like to change that. She advised she has spoken to Mr. Sturgill about this and the policy on the personnel selection would need to be changed to reflect this change. Mr. Mooney said he is on Council and when he is out, he will run into people wearing Town of Coeburn uniforms and he has no idea who they are and would like the opportunity to see who the new hires are. Mr. Mooney feels that this is a courtesy that Council is made aware of new hires. Ms. Still said that it would be good to see the new hires and hear the reasons they are being hired. Mr. Kiser said he is concerned that there would be a long-time lapse waiting for a voting meeting to be able to approve new hires. Mr. Still said a consensus vote by phone would remedy that. Mr. Mooney said a special called meeting could be called to approve new hires if necessary. Mr. Mooney stated that Council has requested meeting new hires and that doesn't always happen. He feels that having a policy in black and white would let Council be part of the hiring process. Ms. Still said that the policy would allow department heads to present their choice of new hire and for Council to review and vote to approve or disapprove the new hire. Mr. Kiser feels that Council should place its faith in the department heads and feels that this is a type of micromanaging. Ms. Still said she disagrees that this will allow the department heads to present their choice to Council and it is not micromanaging, it is involvement.

Mr. Still gave an example of needing a person on the trash truck unexpectedly and Mr. Williams had to make a good decision on a new hire quickly, that he would still like to know who is being hired. In the meantime, there is still a need for the trash truck driver while Mr. Williams waits for Council to meet and approve a new hire. Mr. Mooney said someone could be pulled from public works to fill that spot until the hire is made. Mr. Still would like to know about new hires and that Chief Mullins has run background checks on new hires and would like Mr. Williams to feel free to do his job. Ms. Still asked if background checks are being made on new employees. Mr. Williams said that background checks are done for new hires. Mr. Kiser suggested seeing how things go and opening the lines of communication when new hires are made before any action is taken. Mr. Mooney stated that he works in the school system and recently had to wait a month to fill a position because of the timing of the board meeting. Mr. Jeffrey Proulx spoke from the audience and stated that when he was a lifeguard years ago,

hires had to be approved by Council before employment could begin. Ms. Still asked if she was correct in understanding that Mr. Kiser would like to just ask the department heads to contact Council with their prospective hires instead of changing policy. Ms. Still asked Mr. Williams how fast a position is filled after someone leaves the job. Mr. Williams said he tries to fill it as soon as possible; some positions take longer. Ms. Still said the longest anyone would have to wait for approval would be two weeks, and reiterated that she is not micromanaging, but wants to be part of the process. Chief Mullins asked if there would be time to discuss this among the department heads. Mr. Mooney said Council can take any action it wants, and he is tired of asking for things to get done and those things not getting done. Mr. Mooney would like for Council to put a motion on the floor and have Council back him when someone is not going by policy and needs a write up or to be put on an improvement plan. Mr. Mooney is tired of people not living up to their job expectations.

Deventae Mooney made a motion to revise the Personnel Policy 3.3 regarding new hiring procedures which states that Council must approve all new hires. Sharon Still seconded the motion. A roll call vote resulted as follows:

Carles Collins - Aye
Jeff Kiser - No
Deventae Mooney - Aye
Joe Still - Aye
Sharon Still - Aye

Old Business:

There was no old business to discuss.

Closed Session:

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

Immediately following closed session, Mr. William Sturgill 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 as follows:

Carles Collins - Aye
Jeff Kiser - Aye
Deventae Mooney - Aye
Joe Still - Aye
Sharon Still - Aye

Joe Still made a motion to rescind change to the Personnel Policy 3.3. Sharon Still seconded the motion. Deventae Mooney said he will not vote for this and reminded Council that it is up to them to make sure department heads do what Council asks, or they will face disciplinary actions. Mr. Kiser said Council is responsible for any decision made and accountable for everything in the town. Mr. Mooney said that people should be held accountable and to a high standard. A roll call vote resulted as follows:

Carles Collins - Aye
Jeff Kiser - Aye
Deventae Mooney - Aye
Joe Still - Aye
Sharon Still - Aye

Council Comments and Concerns:

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

Jeff Kiser - Mr. Kiser reminded everyone of the upcoming Christmas Bazaar that will be held November 23rd at the Depot, and the Home for the Holidays event coming up November 30th. Mr. Kiser wished everyone a Happy Thanksgiving and let everyone know that the Veteran's Banners will be taken down November 17th. The Christmas Parade will be held on December 6th. Mr. Kiser said he thinks Council rescinding the decision to change the personnel policy is the best thing for the Town of Coeburn allowing the town to trust the department heads to do their jobs.

Joe Still - Mr. Still said he appreciates all the Council members and expressed his respect for every one of them, whether they agree or disagree, he feels everyone's heart is in the right place. Mr. Still said he appreciates Chief Mullins and Mr. Williams for working together like they do; everyone's work they do for the town. Mr. Still said he thinks Council made the right decision tonight and that he understands the mayor would like to see accountability, as they all do. Mr. Still will do his best to see to that, and they are all in this together. He thanked Mr. Sturgill for all the work he does to keep everything legal. Mr. Still said he appreciates Mr. Williams and said he needs to be allowed to do his job. He said he thinks any past disagreements can be rectified. He said they are all in this together and that's what it takes to make it all work.

Sharon Still - Ms. Still said she does not disagree that there needs to be accountability and said that everyone needs to work together to have things go smoothly. She said she didn't mean to step on toes, but she wants better; to know what's going on and to be transparent. Ms. Still reminded everyone of the Home for the Holidays event and is expecting a crowd. She is hoping the police department can take part. Ms. Still said that Santa still needs a ride. Last year he rode on the fire truck, but it's hard for Santa to climb up there. Mr. Still said that Camp 18 has a sleigh. Ms. Still wished everyone a Happy Thanksgiving and said she would see them at the Christmas Parade.

Deventae Mooney - Mr. Mooney said his opinions and expectations have been made known. He said there are fifty vendors signed up for the Home for the Holidays events. Mr. Mooney said that the vendors will begin selling at noon with other events happening that evening.

Adjournment:

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

Respectfully Submitted,

Cathy Sharpe
Attest: Cathy Sharpe, Clerk

Deventae Mooney
Deventae Mooney, Mayor