

TOWN OF CLINCHCO  
COUNCIL MEETING  
MINUTES OF MEETING ON 4/21/2022

MEMBERS PRESENT: Vice Mayor Ruby Coleman, Herbert Branham, Stearl Branham, Jelane Mock, Trevor Counts

MEMBER'S ABSENT: Mayor Jarvis Deel, Cynthia Ellis

TOWN CLERK: Tina Deel

TOWN ATTORNEY: Greg Baker (Via Telephone)

**Call to Order & Welcome by Vice Mayor:**

Vice Mayor Ruby Coleman called the meeting to order, and asked for everyone to stand for the pledge of allegiance; (everyone stood towards the flag). Vice Mayor Ruby Coleman asked for a moment of silence.

**Approval of Minutes:**

Vice Mayor Ruby Coleman asked council to take a look at their minutes and asked for a motion to approve the minutes; Herbert Branham made a motion to approve the minutes; Stearl Branham seconded the motion; a vote was taken and all members were in favor.

**Consent Expenditures:**

Vice Mayor Ruby Coleman asked for council to look at the expenditure report and if there was any discussion; Trevor Counts asked if there was any way to put the dates on the checks; Tina stated sure, I can do that if council wants to make a motion to do that; Trevor Counts made the motion to add check dates to the report; Stearl Branham seconded the motion; a vote was taken and all members were in favor. Jelane Mock asked when we received the payment from the fire dept did that go into our regular checking account; Tina stated no, it went into our Money Market account. Stearl Branham made a motion to approve the consent expenditure report; Jelane Mock seconded the motion; a vote was taken and all members were in favor.

**Additions to the Agenda:**

Vice Mayor Ruby Coleman asked for any additions to the agenda; no additions were made.

**Approval of the Agenda:**

Vice Mayor Ruby Coleman asked for a motion to approve the agenda. Stearl Branham made a motion to approve the agenda; Jelane Mock seconded the motion; a vote was taken and all members were in favor.

### **Old Business:**

#### **Rally:**

Vice Mayor Ruby Coleman stated we have been having our Rally meetings on Tuesdays. We have had a community Rally along with the Coal Rally some of the kids have been participating and guys you are welcome to join and any of your friends that wants to participate we're at the point where the kids are getting ready to choose the project, now is a good time to jump in and have your voice heard about the project. Jelane asked if it was every Tuesday; Ruby Coleman stated it alternates Coal is one Tuesday and then the Community project is another Tuesday. There is a meeting every Tuesday. Jelane Mock asked what time; Ruby Coleman stated typically it is at 5:00 pm. Ruby Coleman stated the community Rally casted their votes and they had chosen a town sign, an entrance town sign. I think the next Rally, Mckenna will start working on design, that will be the next step. Other discussion was made of the town sign.

#### **Lot 127-Main Street:**

Vice Mayor Ruby Coleman stated Cynthia Ellis had asked for this to be on the agenda and Cynthia Ellis is not here. Jelane Mock made a motion to table to topic; Stearl Branham seconded the motion; a vote was taken and all members were in favor. Ruby Coleman stated she did have a question as far as mowing the lot that is town owned, is that something that you can guide me on Greg; Greg asked if this was the property where the property line was in question; Ruby Coleman stated yes. Greg stated you know what you are looking at there, she is claiming it and I think we have been through this before, the town is going to have to get a survey. I wouldn't advise anyone over there mowing it while it is posted. Other discussion was made of not mowing the property at this time.

#### **Car Wash:**

Vice Mayor Ruby Coleman stated as far as the car wash goes, we have the demolition covered that's not a problem if we get moving; disposal of the material that's not a problem we have that covered. Removal and loading and hauling is an issue. So, we can't really go ahead and demo without a plan of getting it to the disposal site. It could cause issues with snakes and stuff. I have exhausted all my contacts. Stearl Branham offered to contact someone with a dump truck; Stear stated yes, Ruby stated if anybody know of anyone else as a backup it's not a guaranteed thing. Other discussion was made of finding a truck to haul and dump the material.

#### **Tiny Business Village Update:**

Vice Mayor Ruby Coleman asked Tina to give an update; Tina stated that we have submitted an AMLER application to complete construction, and equipment, furniture, fixtures. That was submitted last week. Jelane Mock asked when would the awards come out, Tina stated it should be sometime in June. The cops hiring program application are open now and I have reached out to a couple places but I haven't heard anything yet. Jelane Mock suggested reaching out to the Cumberland Plateau for assistance.

#### **Town Bronco:**

Vice Mayo Ruby Coleman stated the bronco still needs to be taken up to the truck shop. Discussion was made of maybe the truck shop coming to get it; Tina stated she would ask.

### **Trash Can:**

Vice Mayor Ruby Coleman stated that Trevor had asked for that to be put on the agenda; Trevor Counts stated she thought that Herbert Branham was going to get it fixed. Herbert Branham stated he didn't think we voted on it. Trevor stated oh yes, we did. Other discussion was made of getting the trash can fixed. Ruby Coleman stated the metal was donated to us and we had someone fixing it for free but unfortunately the person said they were being harassed so much and didn't finish it due to that, then the other piece of metal was stolen were it had laid out there so long. Discussion was made of paying someone to get the trash can fixed. Discussion was made of cost of fixing the trash can and how much a new one would cost and getting a grant to get the trash can fixed. Tina stated it has been a while since I have asked about the cost of a new dumpster, but I am thinking I was told anywhere from \$1,200.00-\$1,400.00 for a new one. Jelane Mock stated that maybe ask our supervisor because they are allotted so much money to be able to help. Stearl Branham made a motion for Tina to talk to the supervisor first about assistance in purchasing a new dumpster, then if not to purchase a new trash dumpster; Herbert Branham seconded the motion; a vote was taken and all members were in favor. Other discussion was made of the dumpster and its condition. Stearl Branham made a motion that if we get a new dumpster that it not be rented or loaned out; Herbert Branham seconded the motion; a vote was taken Vice mayor Ruby Coleman voted yes, Jelane Mock voted yes, Herbert Branham voted yes, Stearl Branham voted yes, Trevor Counts voted no. Trevor stated I am voting no because you have to leave it here all the time

### **Mill Street Recreational Area: Playground:**

Jelane Mock stated two Board of Supervisor members asked him when we were going to purchase stuff then I got into a little debate on Facebook with a Board of supervisor member who then brought it up again and said didn't we give the town some money for playground that's not been constructed yet. So, me and said board of supervisor member went back and forth for two days and then they decided they would meet me at the playground. I told them I already put a work order in with the county. So, they said I will meet you at the playground and see what needs to be done. So, Ruby joined me in that meeting and they said we will get on that and get it pushed through. The next day I wake up to an email stating that they had received a call from the town hall saying that there are concerns about the creek bank and they didn't want the work to be done. So then I was told since they said they don't want the work to be done that it got into a complex legal issue since we own the property and it is in our jurisdiction, and that if the work was to be done by the county then we would need to make a resolution stating that we allow the county access to the property to remove the equipment and the county will be harmless for any damage. Ruby Coleman stated a resolution like that wouldn't be a big deal anyway. But that wasn't exactly the situation. Jelane Mock stated that was what was relayed to me. Ruby Coleman stated as far as the playground goes, I do think we need to be conscious of the erosion, and this is something that I said to you and that was something that has been taken totally out of context. Said board member sent me an email wanting to know if the back part of the.... where the hobby stuff is if those pieces of equipment were not to be removed, I hadn't even thought about that. The only thing I had thought about is how do we get to the erosion if we put in new equipment. That was my only concern. I hadn't even thought about removing or not removing the equipment. I am cool with the equipment being removed. My concern is if we put in brand new equipment before we take care of the erosion then how do we get to it. Jelane stated we wouldn't be putting anything back on that side. Ruby stated how do you get your equipment to take care of that. That just sounds like to me that it was

relayed properly. Jelane stated that the BOS will have to discuss it in their meeting next week before we can move forward. Other discussion was made of the playground equipment, resolution, possible grants that will be available, and erosion. Jelane Mock made a motion to do a resolution to the Board of Supervisor Office regarding the playground that the county has the access to the property to remove equipment, and the county will be held harmless for anything. Stearl Branham seconded the motion a vote was taken and Vice mayor Ruby Coleman voted no, Jelane Mock voted yes, Stearl Branham voted yes, Herbert Branham voted yes, and Trevor Counts voted yes. Ruby Coleman stated she wanted to explain my no. Not because I don't want the equipment, because I do I want it to be a beautiful recreation area, I just think with the erosion issues, me personally I would rather for an engineer to be working with us from.... all of it. Until Jimmy Ellis pointed out the erosion, I was fine. After that was pointed out, I know how erosion works and that concerns me. I would been ok with the resolution if it was after them coming on the property and have an engineer view it. Jelane Mock stated the next part of the playground and here are some pieces (council viewed all pieces and warranty for the equipment) Jelane explained each piece to council and age limits. Discussion was made of the equipment and the total cost of the equipment. Jelane Mock made a motion that council take \$37,825.00 out of the recreational account and purchase the equipment for the playground; Stearl Branham seconded the motion; a vote was taken and all members were in favor. Ruby Coleman stated she had contacted CDAC for a design of the Mill Street recreational area as a whole she is going look at that and different proposals for that right now. She asked if we were still interested in the VOF grant and she encouraged us to do that. We also need to look at the AML grant for the erosion issues.

#### **Train Excursion:**

Vice Mayor Ruby Coleman stated everyone remember Mr. Ron Bartley that called in with the meeting with us about the train excursion and unfortunately, we couldn't join in on the zoom meeting because it was on our regular meeting day. During the zoom meeting everyone had decided to meet together at St. Paul on May 12<sup>th</sup>, they do not have a specific location yet. There will be a meeting to discuss further with a train excursion. I will not be able to attend that it is my daughter's birthday. Does anyone else want to go; Discussion was made of anyone from council going for representation. Council agreed to let Tina go and to check with Cynthia to see if she wants to go. Tina explained that the town car is having a issue and needs to be looked at. Discussion was made of the town car and Tina taking her own car. Discussion was made of what to pay for gas to go to St. Paul. Ruby Coleman made a motion that we use .59 a mile while the town car is not in good running condition; Stearl Branham seconded the motion; a vote was taken and all members were in favor.

#### **Clinchco Kiwanis:**

Jr stated to council he got an estimate and he asked him to keep it as close to \$5,000.00 and that is exactly what he did. We are kind of looking at over \$5,000.00 because once we get in there we don't know, but once we get in there, we are looking at way over \$5,000.00. First, we don't know until we get the power on and get the lights on and we get to see what's going on in there. Other discussion was made of what is going on in the building. Ruby Coleman asked if the flood elevation was completed; Jr stated the guy called him today and he was going to get around to doing it the next Monday or Tuesday. He said what they were looking at is 4' on the basement side. Jelane Mock stated so the flood elevation has not been done yet. Jr stated no, he's.....apparently he is the only one around. Other discussion was made of the flood elevation and when it would be completed. But, as soon as he gets that done, I will

go over to the building inspector and he writes me a permit and we can start it. Jelane Mock stated the stipulation of the motion I made last time if you recall is we gave you \$1,000.00 for the survey and once that gets done you would come back with an estimate from a contractor and we would revisit it. So, the survey has not been done at this point so we can't move on to step two. Jr stated if that is what the council wants. Ruby Coleman stated well that's what the council asked for last time. Other discussion was made of the time frame for the flood elevation. Ruby Coleman asked if he got Will; Jr stated lester, yeah. Discussion was made of having another company come looking at the building and Jr explained he got this person because they were local. Ruby Coleman asked if he was a licensed contractor; Jr stated yes and no. Ruby asked what did that mean; Jr stated yes, he was certified to do it. Ruby Coleman stated to Jr to please explain to her what does certified to be a contractor mean; Jr stated it is kind of hard to explain about the contractor if you get into the multi thousands of dollars. If you bring in a contractor and pay them by the hour and by the job, I don't know how to explain that it is based on the job. Other discussion was made of contractors. Council made discussion of having an emergency meeting. Tina stated it will be very important to have a meeting due to the funds coming out of the ARPA funds. Jr stated oh so this will be coming out of ARPA money. Tina stated yes, that is where the \$1,000.00 came from to do the flood evaluation. Tina Deel gave Jr an application to request ARPA funding. Discussion was made of being kept in the loop of knowing what is going on. Jr discussed with council what will be going on the 21<sup>st</sup> at the end of the year celebration. Jelane Mock stated the town would like to be involved. Jelane Mock stated what would you want the town to do, Ruby Coleman stated or if you can give us a list maybe we can come up with something. Jr stated he doesn't have a list yet and to be honest with you it may be the week before that I have a list. Ruby Coleman stated you kind of have an idea what you are going to do. Discussion was made of things that may be going on at the year-end celebration.

#### **Public Comments:**

Mike Gulley discussed with council the community center needing a heating and cooling system and insulation on the inside of the underpinning. Mike Gulley asked council to consider \$6,000.00. Other discussion was made of the community center. Tina gave Mike a ARPA application to complete and bring back to the town hall to request funding.

Discussion was made of the old abandoned homes that need to be tore down. Greg Baker advised state code and how the homes could be torn down. Discussion was made of how that kind of funding would have to come through a block grant. Other discussion was made of homes that have trash around them and needing to be cleaned up.

Trevor Counts made a motion to spend \$8,000.00 to purchase a heat pump for the community center and put insulation on the underpinning. There was no second. Motion failed

Jelane Mock made a motion to close public comments; Vice Mayor Ruby Coleman seconded the motion; a vote was taken and all members were in favor.

#### **Executive Session:**

Jelane Mock made a motion to go into executive session under Virginia code 2.2-3711 for discussion of personnel matter with the Police Department, discussion of legal matters A , and A7; Stearl Branham seconded the motion; a vote was taken and all members were in favor.

**Certification:**

Jelane Mock made a motion to come back into regular session pursuant to Virginia code 2.2-3712; Herbert Branham seconded the motion a vote was taken and all members were in favor. Jelane Mock made a motion to certify all that was discussed in executive session was personnel matters with the Police Department and legal matters and those matters that were identified to go into executive session is all that was discussed or considered. Roll Call Vote: Trevor Counts yes, Stearl Branham yes, Herbert Branham yes, Jelane Mock yes, Vice Mayor Ruby Coleman yes.

Jelane Mock made a motion to authorize legal counsel to do a unlawful detainer action to ask the court to remove the mobile home from the towns property to the owners Tamera Adams and Amber Adams

Jelane Mock made a motion that we take the Mustang to Auto world in Big Stone Gap and sell it for the price of \$11,395.00 or best offer, Stearl Branham seconded the motion; a vote was taken and all members were in favor.

**Council Comments:**

Greg asked council regarding the budget: we are coming up on our deadline to have our public hearing. We will need to put a notice in the paper. How close are we to having a budget? Jelane Mock stated very close just a couple items and we will meet next week to hopefully knock those out. Greg asked council if they were not changing any tax rates council replied no. Greg stated what I would like to do is have our public hearing on the May Council meeting. Jelane Mock stated that is the hopes. Greg stated I will go ahead run in the paper for the FY 2022-23 and set the tax rates and levies for FY 2022-23. I would like to schedule it for the regular council meeting in May at 6:00 pm. Greg said we can go ahead and readopt the motor vehicle code.

Adjournment:

Herbert Branham made a motion to adjourn the meeting; Stearl Branham second the motion; a vote was taken and all members were in favor.