

TOWN OF CLINCHCO
COUNCIL MEETING
MINUTES OF MEETING ON 12/16/2021
Public Hearing

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

MEMBER'S ABSENT: Mayor Jarvis Deel, Cynthia Ellis, Jelane Mock

TOWN CLERK: Tina Deel

TOWN ATTORNEY: Greg Baker (Not Present)

Public Hearing Called to Order:

Vice Mayor Ruby Coleman stated at this time I will open up the public hearing for an Ordinance Providing for the election of Mayor and Town Council Members in November Clinchco Town Election Years Pursuant to the Virginia General Assembly Mandate.

Public Discussion:

Vice Mayor Ruby Coleman stated I will open the floor for public discussion. No public discussion was made.

Vice Mayor Ruby Coleman explained the Ordinance to the public: Basically, our elections were in May, and the mandate changed the law now we have to have our elections in November.

Adjournment:

Vice Mayor Ruby Coleman stated with no discussion being made we will close out of our public hearing and go into our regular Council meeting.

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MEMBER'S ABSENT: Mayor Jarvis Deel

TOWN CLERK: Tina Deel

TOWN ATTORNEY: Greg Baker (Present)

Call to Order & Welcome by Vice Mayor:

Vice Mayor Ruby Coleman called the meeting to order, and asked for everyone to stank 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; Herbert Branham made a motion to approve the minutes; Cynthia Ellis 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 about the transfer from the money market account to the general fund account; Jelane Mock stated that was our purposed budget, we voted to have that amount of money transferred monthly. Jelane Mock asked about the deposits to the money market account; if the town was receiving any more deposits; Tina Deel stated yes, and gave the amount deposited for December. Tina Deel stated that Herbert Branham can bring council more up to date of what is going on up there; Herbert Branham stated that they were off the towns property and all they should have left on our side is reclaim work. Cynthia Ellis asked about the power bill it was \$400.36. Tina Deel stated that she went back to the previous year to look at the power bill to see if it was off, and it was actually less than the prior year. Cynthia Ellis stated she was talking about right now. Tina stated she understood, but wanted to see if there were any significant changes. Tina also stated that the power rates have went up. Vice Mayor Ruby Coleman stated she asked other people for comparison if their power bill went up and everyone I have spoken to said yes, it had doubled; mine went up personally at home. Cynthia stated that last month it was; Vice Mayor Ruby Coleman stated yeah, we have had a really cold December. Cynthia Ellis stated it went up a lot from last month \$169.04. Vice Mayor Ruby Coleman stated again that the temperature had dropped significantly from last month. Herbert Branham stated they also charge for Christmas lights. Stearl Branham stated he had come down at night to check the building and there hasn't been anyone here. Vice Mayor Ruby Coleman asked for a motion to approve the consent expenditure report; Trevor Counts asked about the police department; has there been any tickets written; Tina Deel stated from the Clerk's Office we received \$12.35; and if you also notice on payroll; there hasn't been any payroll wrote out for the police department this past month. Jelane Mock made a motion to accept the consent expenditure report; Stearl Branham 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; Jelane Mock asked to add the Police Department lost revenue; Trevor Counts asked to add; well, I came down here to pick up my minutes the other day and both of you were gone. Didn't we make a motion last month that no one could be in the building unless they were with a council member, either you or Tina, am I right; Vice Mayor Ruby Coleman stated if it was a group. Trevor Counts made discussion with the Town Attorney, Greg Baker about her coming by to pick up her minutes. Vice Mayor Ruby

Coleman stated with our community workers we have to provide access to a bathroom and water. Greg stated that if council don't want the workers in here and you all have to leave you will just have to send them home. Cynthia Ellis stated that or call another town council person. Greg agreed, and that would be the only solution. Other discussion was made of sending the workers home and doing what council wanted to do about the issue. Greg Baker stated let's just get this out of the way. What is the pleasure of the council; Other discussion was made of how to handle the issue. In the event that the Mayor, Ruby and Tina both have to be out of the building they can contact another council member to come down and be in the office. Trevor Counts asked what time do the community workers start and stop; Ruby stated it varies depending on what the clerk says or what is going on. Cynthia Ellis stated that we need to have a set time the town hall opens and closes. Discussion was made of keeping the office hours 8-4, but not wanting anyone in the building after 4. Cynthia Ellis stated she wanted to make a motion that when the clerk leaves everyone leaves, especially Ruby with all them meeting they have been having with that group. What's the name of the group? Tina stated the C.O.A.L. Group, I believe they met once this month maybe. Greg Baker stated to Cynthia if you want to make a motion you are permitted to do so. Cynthia Ellis stated she wanted to make a motion that once the Clerk leaves the building the building should be locked and no one should be in here; Jelane Mock stated with the exception of a committee meeting, right; Cynthia agreed. Stearl Branham seconded the motion; a vote was taken and Trevor Counts voted yes, Cynthia Ellis voted yes, Herbert Branham voted yes, Stearl Branham voted yes, Jelane Mock voted yes; Greg Baker asked if that posed a problem; Vice Mayor Ruby Coleman stated, I am not sure I understand the vote and what the motion was. Greg Baker stated I wanted to make sure everyone understands because it seems we some back and revisit this month after month. Greg stated, I think the motion is as I understand it is that the office will be open 8-4 which it is anyway and once Tina leaves, Greg stated what if Tina leaves early; you want the office to be open from 8-4. Trevor Counts stated and Ruby is always here. Greg stated ok, when Tina or Ruby leaves at 4 o'clock then they will lock up and leave. Other than letting people use it as long as one of you are here. Vice Mayor Ruby Coleman stated well, wouldn't that be the same; because Cynthia thinks she is doing some kind of different motion. Ruby stated, I asked wouldn't that be the same motion as last month and you said no. I don't understand, I am just trying to clarify what the motion is. Cynthia Ellis stated I am saying the building will be open at 8 and close at 4, what about that do you not understand; Ruby stated with the exception of and that is where I having the issue because it makes no sense. Jelane Mock stated unless a committee is meeting; Ruby stated a committee.....; Jelane stated or any other kind of group. Cynthia Ellis stated we voted on that last month, but this is a different motion. Jelane Mock stated if a group is meeting the we can remain open as long as someone, some member of the council is here. Ruby Coleman stated so what about if there is a meeting with the VOF who comes by after 4. Cynthia stated you tell him we are only here from 8-4. Ruby Coleman stated oh, him and his 170,000.00 dollars; Cynthia Ellis stated I can't help what it is, if it's a million. Cynthia stated the rules are the rules. Jelane Mock stated to just make it a group meeting; Tina stated council couldn't all meet together. Jelane Mock stated, council can't meet together, but you can have two council members together. Greg Baker stated he can understand what Ruby is saying.....for instance what if someone from VDOT said they wanted to come over and meet with you at 4:30 would she be meet with them here at that time or would she have to meet them on the side of the road, what

would you all want; or what if someone from the Lane Group wanted to come over at 4, but yet the town hall would have to be closed at 4. Would it be ok for them to meet or not meet; Cynthia Ellis stated that's the part that come into play that you tell people we are only here from 8-4. Greg Baker stated so she would just have to tell people they have to be out of here by 4, is that what you all want; majority of council stated yes that is what they wanted. Vice Mayor Ruby Coleman voted no.

Approval of the Agenda:

Jelane Mock made a motion to approve the agenda with the addition of Police Department Lost Revenue; Stearl Branham seconded the motion; a vote was taken and all members were in favor.

Old Business:

Shed Material:

Vice Mayor Ruby Coleman stated we have received two bids; Greg Baker stated we have two bids here and they both came in a timely fashion. One bid from John Turner for \$1,500.00; second bid was also received in a timely fashion from Eugene Mullins for \$500.00. Discussion was made over the bids. Stearl Branham made a motion to accept the bid from John Turner for the shed materials for \$1,500.00, the material shall be moved within 30 days at the purchaser's expense. John will submit the payment at the time of retrieval of the material; Trevor Counts seconded the motion; a vote was taken and all members were in favor. John Turner asked if he could back a trailer up in the area to pick up the material; Vice Mayor Ruby Coleman stated yes, if you can back it up in there.

Trailer:

Greg Baker stated he would like that to be discussed in executive session due to it is a legal matter.

New Business:

Ordinance: Election of Mayor and Town Council:

Vice Mayor Ruby Coleman stated we have already had our public hearing over the Election Ordinance for the Mayor and Council; Greg Baker explained the ordinance to council and citizens. Roll Call Vote: Ruby Coleman, yes; Stearl Branham, yes; Herbert Branham, yes; Trevor Counts, yes; Jelane Mock, yes; Cynthia Ellis, yes; Jarvis Deel, Absent.

Friends of the River:

Vice Mayor Ruby stated that unfortunately the representative had a conflict and was unable to call in tonight he said he will try again next month.

SWVA Rally:

Vice Mayor Ruby Coleman stated McKenna Blevins stopped in the other day and Cynthia had the opportunity to meet her she is the one will be working with the community to do a small project she will also be doing a youth project with some of the kids. We will be starting out with a \$3,000.00 project if we can find a match it will be \$6,000.00. The youth project will be \$1,500.00 if they can find a match it will go to \$3,000.00. That will start at the beginning of 2022, she did

want me to ask council if it was ok to filter the youth money through the town as well. It will be separate accounts, and just easier. Tina can handle all the money. She felt that would be simpler for everyone. Herbert Branham made a motion to filter the youth rally funds through the town and have Tina handle the money; Stearl Branham seconded the motion; a vote was taken and all members were in favor.

Clinchco Fire Department:

Nathan Mullins the Chief of Clinchco Fire Department stated to council we are asking for some help for a fire engine that the fire dept would pay back the money. Nathan stated they have got \$15,000.00 already set aside we are asking for \$45,000.00 and it will be paid back. We will have \$30,000.00 probably withing two months and the other \$15,000.00 will be around December of next year. We have contacted some loan companies and they are wanting about \$6,000.00 in interest and I was wanting to try and get by cheaper than that. Jelane Mock stated I have already talked to Greg about this, about the legality of it. They have \$17,000.00 in the bank right now. Tina stated actually it will be a little less. I have a bill a little over \$2,000.00 I haven't paid out for them yet. Jelane stated ok a little less, they will be getting \$15,000.00 in less than a month. Nathan stated between the county's money and the ATL money the town gets it will be enough to pay back the whole loan. Jelane stated that will be \$30,000.00 within the next couple months they will have and the other \$15,000.00 will be on a low interest loan. Vice Mayor Ruby Coleman stated the fire programs when does that come through. Tina stated it is in August. Nathan stated the county gets their fire program money in December. We will get \$30,000.00 from the county as soon as that comes in which will be paid directly to you all and the other \$15,000.00 will be paid back when we get it. Greg asked when does the \$30,000.00 come in; Nathan stated he tried to talk to someone today but no one was there. It is supposed to be there by December 31st. Nathan also stated if something happens and we get money we will go ahead and pay it back. Greg stated his suggestion would be to do a demand note for whatever it is you all decide to let them borrow, with whatever interest rate you decide on and the demand note you can come in and pay on it. This will be a demand not and expire in 12 months. You pay it back in 12 months or if not then come back and renegotiate the terms with the town. But if you pay if off in 12 months. Come in and make a \$30,000.00 payment in January that will reduce your note down to what \$15,000.00. Then the interest at that point will run on \$15,000.00, instead of \$45,000.00. The interest will run on the whole amount until you make a payment then when you make a payment the interest will run on the balance. Discussion was made of the money coming from the Money Market Account. Other discussion was made of the interest rate of 3.25%. Other discussion was made of loaning the fire department money. Greg stated the Chief of Fire and the Treasurer will be the ones signing the demand note. Discussion was the town currently looking for match funds of \$130,000.00 for the Tiny Business Village. The funds have to be nonfederal money. Ruby stated she just wanted to throw that out there as well. Other discussion was made of the probability of using the Money Market Account money as match that it would pretty much wipe the account out. Cynthia asked where we were at on the Grants; Ruby asked if she was talking about the Tiny Business Village; Greg stated lets go back to the fire dept. are you going to let them have the money or not; Jelane Mock made a motion to loan the Clinchco Fire Dept \$45,000.00 on a demand note for 12 months and the interest rate will be 3.25%; Herbert Branham seconded the motion; Greg stated before we have a vote let's

let the public speak; Public discussion was made of the town lending money to the fire dept. a vote was taken and all members were in favor. Greg stated if council decided to give some forgiveness, they can always change that.

ARPA Budget:

Jelane Mock stated that he wasn't here last meeting when council voted on the ARPA Budget, I wanted to speak up about it and see what was the plan; is it going to certain line items; Tina stated the budget is already approved so we can't change the line items. Greg stated it is really whatever council wants to do. To be quite honest with you we should have a public hearing and reallocate the money into the budget. Greg stated some towns are having public hearings and redoing their budget, because of this ARPA money. I was going to let you all kind of slide on it, but sounds like that maybe. You all voted last month for some money for lost revenue, Jelane wasn't here and I don't think he was really happy about that. I think that is why it is back on the agenda. State law says anytime you have more than 1% change in your budget during the fiscal year, you are supposed to have a public hearing and increase or decrease your budget of the 1%. Greg stated the only way this can be back on the table is you passed a motion last month to do this. Somebody that voted for that motion will have to make a motion to reconsider what you done last month and then it can be back on the table. Trevor Counts made a motion to reconsider the allocation of the ARPA money; Herbert Branham seconded the motion; a vote was taken and all members were in favor. Jelane stated he wanted to reconsider the reasons why we need to put this into the general fund, we already increased our budget from last year. We shouldn't need this lost revenue put back into the general fund, and if we do put this back into our general fund, we need to do another budget that way we can allocate it per line item and its jus not setting in the general fund. Jelane Mock stated I don't think it needs to go into the general account. Discussion was made of it being lost revenue and going into the general fund. Tina stated to Jelane if he was suggesting putting it into a different account; Jelane stated yes, he was, he would put it into a different account and use it for something useful. Greg stated you can put it in a capital reserve account and then decide how to allocate it. Greg stated just make a line item in the budget as Reserve ARPA funds: \$20,818.53, and just leave it alone right now until you decide on something you want to do. Vice Mayor Ruby Coleman stated an account for ARPA funds and be able to do an interest account with it to. Greg agreed, it can be used for that. Greg stated you aren't in a rush and it is a good idea to just hold it, just to see what you need and see if we can fit it in on something that is approved, you can vote on that. Jelane Mock made a motion to transfer the \$20,818.53 that we have remaining in the ARPA to put a line item in the budget as ARPA Reserved Funds; Stearl Branham seconded the motion; a vote was taken and all members were in favor.

New Toilet:

Tina Deel stated we have a new toilet and I was wanting permission to purchase a couple items needed to install the toilet. Tina stated the price of the wiring is \$112.02 and an electrical cover and it is \$95.00. Herebert Branham made a motion to all the clerk to purchase the items needed to install the new toilet; Stearl Branham seconded the motion; a vote was taken and all members were in favor.

PD Lost Revenue:

Jelane Mock stated he was hoping one of the officers would have been here to discuss this. Greg stated I know as you all said no one worked this month; Council agreed. Jelane stated he just wanted to voice his frustration that we increased our budget and we have lost revenue. Vice Mayor Ruby Coleman stated it is frustrating just with numbers and stuff, but at the same time the laws have changed. I did question about it, because I am frustrated to, I want some numbers. The laws have changed, as far as pulling people over. Ruby stated during COVID you couldn't pull anyone over for anything. No tickets could be written for tags and stickers. But that does pay a part in the revenue. Ruby stated that speeding tickets are being written but instead of us getting revenue from a speeding ticket and fines they are going to driving school. Other discussion was made of lost revenue.

Before Executive Session Greg Baker Presented a picture to council.

Executive Session:

Jelane Mock made a motion to go into executive session under code 2.2-3711; A1, A3, A7, and A8 for discussion of Personnel matter, Acquisition of real property for public purposes, and discuss legal matters regarding town property where the mobile home sits, and the club cab. Stearl Branham seconded the motion; a vote was taken and all members were in favor.

Cynthia Ellis made a motion to certify all that was discussed in executive session was personnel matters, acquisition of real property for public purposes, and discuss legal matters regarding town property where the mobile home sits, and the club cab. Roll Call Vote: Trevor Counts, yes; Cynthia Ellis, yes; Herbert Branham, yes; Stearl Branham, yes; Jelane Mock, yes; Vice Mayor Ruby Coleman yes.

Town Clerk:

Herbert Banham made a motion to include a paid holiday for the town clerk. The holiday to include is New Years Day; Stearl Branham seconded the motion; a vote was taken and all members were in favor.

Flag:

Cynthia Ellis asked about moving the flag to half-staff on certain times. Tina explained that she hadn't been getting notifications, but I talked to Larry Barton and he now forwards me flag notifications.

Public Comments:

Vice Mayor Ruby Coleman asked for public comments; no comments were made

Council Comments:

Vice Mayor Ruby Coleman asked for council comments; no comments were made.

Adjournment:

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