

TOWN OF CLINCHCO  
COUNCIL MEETING  
MINUTES OF MEETING ON 7/21/2022

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; Stearl Branham made a motion to approve the minutes; Herbert 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; no discussion was made; Stearl Branham made a motion to approve the expenditure report; Jelane Mock asked if the town has received the second tranche of ARPA money yes; Tina Deel stated that Ruby had it on her agenda to talk to you all in council comments, we have just received it. Herbert Branham seconded the motion; a vote was taken and all members 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. Jelane Mock made a motion to approve the agenda; Stearl Branham seconded the motion; a vote was taken and all members were in favor.

**Old Business:**

**Trash Dumpster:**

Vice Mayor Ruby Coleman stated that the dumpster has been repaired and Tina can give a more detailed update. Tina stated to council that the cost of the repair was \$550.00, he repaired it

this week. I think that what you all need to decide is where you want to place the dumpster. Council made discussion of where to put the dumpster in town. Herbert Branham made a motion to have Tina talk to the county and make a decision of where to put the dumpster and not to have the dumpster in the middle of town; Jelane Mock seconded the motion; a vote was taken and all members were in favor.

#### **Mill Street Recreational Area/Trailer/Basketball Court:**

Vice Mayor Ruby Coleman asked the town attorney, Greg Baker for an update on the trailer; Greg stated all he could say about it was court is August 2<sup>nd</sup> at 9:00 am.

Vice Mayor Ruby Coleman asked Jelane for an update on the basketball court; Jelane Mock stated that we got both goals put up and the solar light. We will try to work on the bleachers wherever we get a chance. After that we are pretty much caught up on everything until the county comes and moves the old equipment and the new equipment comes in for the playground. Other discussion was made of the removal of the old equipment.

#### **Update on Virginia Outdoor Foundation Grant:**

Vice Mayor Ruby Coleman stated as an update on the VOF grant, we did get approved and August 2<sup>nd</sup> is the deadline we have an agreement that needs to be addressed, any questions you guys have about that and we will address them. Jelane Mock asked if Greg has reviewed the agreement. Greg asked what was the grant for again; Ruby stated it is for the car wash. Greg asked how much was awarded to the town; Ruby stated \$25,000.00. Greg asked and it is to be used on what with the car wash; Ruby stated the town will do that portion and the \$25,000.00 is for the construction of an observation deck, signage, surveys, to start a very basic project to make that look nice. Greg asked what the plan was on tearing down the car wash; Ruby stated originally the plan was for Savage they agreed to tear it down and Boyd's Construction was going to remove it for us. What has happened was a problem with scheduling, Savage had to take some equipment outside of the town to Bristol or Abingdon, but anyway that kind of fell through. Now Tina has contacted, Tina stated she has reached out to a couple places. Jelane asked if Greg has reviewed this agreement. Ruby Coleman stated it was sent to him. Greg stated what I am hearing is the town will have to get someone to tear it down that Savage is out of the picture now. Who and what cost to the town to remove the car wash; Vice mayor Ruby Coleman stated not yet, and there are still options for it to be a free tear down, we just haven't been able to secure those. Greg asked who are the other possibilities that might be able; Ruby stated the county, Tina did contact Larry Barton and Peggy Kiser. They have a backhoe; we have had lots of interest in assisting with it. The problem is coordinating it together, because you need to have someone haul it away the same day. Other discussion was made of tear down and removal of the car wash. Greg asked the time frame of the project. Ruby Coleman stated one year. Discussion was made of the budget and what would and would not cost the town. Greg asked if council has seen that; Jelane stated no. Ruby stated not tonight. Jelane stated he hadn't seen it period. Jelane asked if Ruby has presented that yet. Tina went and printed out a copy for everyone to view the budget. Other discussion was made of the VOF grant. Ruby Coleman stated that Appal Shop wrote the grant. Greg asked if they received a fee for the grant; Ruby stated yes, they did. Greg asked if they have already been paid; Ruby stated that their pay will come from the grant money. Greg asked how much is it; Ruby stated she believed it was

\$500.00. Greg asked if there was anything that came out of that money other than that; Ruby stated any kind of permits. Greg stated he had a question about that since we are at the river. What permits are we going to have to have; any from the DEQ, or Army Corps of Engineers; Ruby stated the Army Corps of Engineers explained to her that there wasn't any problem. I have talked to Nature Conservancy because I wanted to make sure about property boundaries and things like that, I have checked with the fisheries, because we are working with them; we are also working with them on the dam project. So, they are well aware of, and I checked with them to see if this would be of any issue. Greg stated so you don't know of any permits you will have to get; Ruby stated no. Greg stated with any of those agencies no one has said you going to have to do anything with us; Ruby stated no. Ruby Coleman stated maybe a building permit. Greg agreed. Greg stated so really, you're saying in essence after the grant writer is paid you will have \$24,500.00 to deal with for construction. Jelane Mock stated he thought the Go Outdoors grant gave two years for completion of projects. Other discussion was made of the Go grants and receiving the money. Jelane Mock stated he didn't have any concerns other than the timeline as long as Greg didn't. Greg stated that he didn't. Jelane Mock made a motion to go ahead and accept the agreement; Stearl Branham seconded the motion; a vote was taken and all members were in favor.

#### **Mustang:**

Vice Mayor Ruby Coleman stated regarding the Mustang that council wanted to have a discussion about selling vs. bids open to the public. Maybe consideration of .GOV sales. Jelane stated he didn't feel we would get a better deal than taking it to the car dealership. Other discussion was made of opening up bids to the public. Tina clarified with the town attorney of putting the notice on Facebook, towns website, Greg stated that would be fine for notice of sealed bids. Jelane Mock made a motion that we advertise for sealed bids to run until August 17<sup>th</sup> at 4:pm. Stearl Branham seconded the motion; a vote was taken and all members were in favor.

#### **Old Playground Equipment:**

Vice Mayor Ruby Coleman stated we have had some old inquiries on the old playground equipment. A couple of gentlemen were at the meeting representing the Haysi Kiwanis addressed council regarding the equipment. Other discussion was made of how long the equipment has been stored around two years. Council discussed other people that had made inquiries on the equipment as well. Discussion was made of surplus the equipment or donating it to a Civic group. Greg stated what you would really do is you would declare it as surplus property and you could donate it or put it up for sale. Jelane Mock made a motion to declare the playground equipment as surplus property; Stearl Branham seconded the motion; a vote was taken and all members were in favor. Greg said the next step is to decide if you want to pursue a donation of it or do you want bids; Discussion was made of donating it or taking bids. Ruby stated since we have had several people/organizations ask about the playground equipment can we split the equipment and give something to. Greg said can you divide it up; Ruby stated ye. Greg replied yes, you can do that, it is up to council. Tina Deel asked the towns attorney if she advertised this on Facebook and website as well; Greg Baker stated yes, Facebook, towns website and whatever you put on them also put it on the front door. Jelane

Mock made a motion to accept sealed bids until August 17<sup>th</sup> at 4:00 pm for the surplus playground equipment. Greg stated to the Clerk to add that the equipment can be viewed by contacting the town hall and the Mustang can also be viewed by contacting the town hall and scheduling a time to see it. Tina stated ok.

### New Business:

#### Appointment of Vice Mayor:

Greg Baker stated he would just add in here that the town charter states that in July every even numbered year that this is the time you all elect or reelect the Vice Mayor. The Vice Mayor role has become more important in the town of Clinchco now than ever because the mayor has been absent and not been able to be present. The code says that when the mayor in his or her absence the Vice Mayor will take over as the mayor. Vice Mayor will do generally what the mayor would do. At this point Mayor Jarvis is still the mayor, but he has been absent so the Vice Mayor has been acting in absence as the law requires. Every two years you will appoint a new Vice Mayor. Jelane Mock stated he thought it was every year. Greg Baler stated the code says every year, however Clinchco Town Charter states every two years, and when there is a conflict between the code and the town charter, the charter prevails. Stearl Branham made a nomination to reelect Ruby Coleman; Tina stated do we have a second for nominating Ruby again as Vice Mayor. Herbert Branham stated he wanted to make another nomination and nominate Jelane Mock; Greg Baker stated you had one motion to nominate Ruby and then a motion to nominate Jelane; now you ask for any other nominations; no other nominations were made. Greg Baker stated with Roberts rules of order you vote on the second nomination first. Herbert Branham made the motion to nominate Jelane Mock as Vice Mayor is there a second; Stearl Branham seconded the motion; council voted unanimously for Jelane Mock to be Vice Mayor. Greg Baker stated if the Vice Mayor is not available to conduct a meeting, then council will choose one between who is present at the meeting to run the meeting. Jelane stated what if I am not available; Greg stated if the mayor is not available and the Vice mayor is not available then there is nothing that can be done until you are available. Jelane asked what if we have to have something signed; Greg stated here is where, and I agree with the VML. You have a mayor that is inactive, the Vice Mayor is in the role of the mayor, and Vice Mayor, and town manager, because we don't have a town manager in Clinchco. So, what happens if you are out of pocket and something needs to be signed or something that needs to be done. The only answer to that is you all can designate someone who can act in your absence. It would only be when you are absolutely absent, as the law reads you would have to truly absent, disabled as example the Vice President would take the role of President if the President had to be put to sleep for a procedure, something like that. It would have to be actual absence. Jelane asked what if he was out of town for work. Greg stated if you are at work and not available, Jelane stated yes. Greg stated I suggest whoever is designated we use that person very limited. If Tina has something that needs to be signed, she will usually know ahead of time, we would try to avoid that at all costs, but if worse came to worse and you are out then the designee could sign. But then again if has to be something, if it is something that requires council approval, then the whole council would have to meet anyways. That would be Tina asking me is this something someone can sign, or is this something that requires council. The usage will be limited, but I do think it is a good idea to someone designated in the event of your absence or disability. Jelane Mock made a motion to designate Ruby Coleman to act in his absence, or disability; Herbert Branham seconded the motion; a vote was taken and all members were in favor.

### **Reappointment of Clerk:**

Stearl Branham made a motion to reappoint Tina Deel for Clerk of Council; Herbert Branham seconded the motion; a vote was taken and all members were in favor.

### **Appal Shop:**

Tina tried to call Appal shop representative, reached voice mail/no answer. Ruby Coleman left a message asking for a call back. Stearl Branham made a motion to table the discussion until later, Ruby Coleman seconded the motion; a vote was taken and all members were in favor.

### **Donation Request:**

Tina stated that the Dickenson County Fair association is asking for a donation to go towards the fair. They didn't put down an amount. Council made discussion of how much to donate. Stearl Branham made a motion to donate \$100.00; Herbert Branham seconded the motion a vote was taken and all members were in favor.

### **Gilmore Street:**

Vice Mayo Jelane Mock stated for new business #4 is Gilmore Street; Ruby Coleman stated Gilmore Street and drainage. Vice Mayor Jelane Mock asked what was going on with it; does it need a bigger pipe; Tina explained that there was a problem on Mr. Salyers property a hole that has been covered up and affecting the runoff water. Other discussion was made of the runoff water and drain pipe, and drainage issue. Herbert Branham stated he was interested in knowing who owns the property where the pipe comes down. Discussion was made of whose responsibility and washing the town's road out. Discussion was made of who to contact and find out if anyone is able to assist. Vice Mayor Jelane Mock asked for a motion to table the discussion; Jelane stated to get ahold of Peggy Kiser regarding a drain pipe. Herbert Branham made a motion to table the discussion; Ruby Coleman seconded the motion; a vote was taken and all members were in favor.

### **Public Comments:**

Vice mayor Jelane Mock asked for public comments; Don Hill made discussion of talking with Matthew Dingus about getting one of those dumpsters to put the car wash material in. Tina stated she had already talked to him and he said there would be a fee and the amount of material you would have would not be worth it because it couldn't do what you want it to do. Other discussion was made of possibilities of having the car wash tore down. Discussion was made of Vice Mayor, and town manager. Discussion was made of the Corp of Engineers 202 project, and surveying been going on in town.

Ruby Coleman made a motion to close public comments; Stearl Branham seconded the motion; a vote was taken and all members were in favor.

### **Council Comments:**

Vice Mayor Jelane Mock asked for council member comments; Discussion was made of Savage tearing down the car wash and what obstacles have happened with them getting the equipment here. Discussion was made of purchasing the car wash and the amount. Tina updated council and made them aware of the second tranche of money that came in for ARPA funds. Ruby wanted to thank everyone who made the journey as smoothly as possible, because it has not been easy. Vice Mayor Jelane Mock

thanked Ruby for everything she has done that she definitely spent a lot of time here, a lot more than I will be able to. Hopefully she has some good networking to pass along.

**Recess:**

Ruby Coleman made a motion to recess until August 4<sup>th</sup> for the purposes of an ARPA workshop at 5:00 pm.; Stearl Branham seconded the motion; a vote was taken and all members were in favor.