

TOWN OF CLINCHCO
COUNCIL MEETING
MINUTES OF MEETING ON 5/20/2021

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

MEMBER'S ABSENT: Mayor Jarvis Deel

TOWN CLERK: Tina Deel

TOWN ATTORNEY: Greg Baker (via telephone)

This meeting was held for view of the public and public comments via YouTube live. Questions for the public was also available through You Tube Chat and call in.

Note to Clerk from Town Attorney:

Greg Baker stated before we go into regular business tonight, the Clerk will need to be sure on the June agenda to add under old business: approval of the 2021-22 FY Budget, Adoption of the BPOL Tax, and the Increase of Cigarette Tax.

Call to Order & Welcome by Vice Mayor:

Vice Mayor Ruby Coleman stated the meeting of town council will be called to order; a quorum is present. At this time can we 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 if they had a chance to review the minutes; no discussion was made. Jelane Mock made a motion to approve the minutes; Herbert Branham seconded the motion; a vote was taken and all members were in favor.

Approval of the Bills:

Consent expenditures:

Vice Mayor Ruby Coleman asked council if they have had a chance to look at their consent expenditures she also asked if there was any discussion; no discussion was made; Jelane Mock made a motion to approve the consent expenditure report; Herbert Branham seconded the motion; a vote was taken and Cynthia Ellis voted yes; Jelane Mock voted yes; Stearl Branham voted yes, Herbert Branham voted yes; Vice Mayor Ruby Coleman voted yes; Trevor Counts voted no with the reason of not being satisfied with the lay out of the report. Discussion was made of the old way of reporting vs. the new way it is reported now.

Additions to the Agenda:

Vice Mayor Ruby Coleman asked for any additions to the agenda: no additions were made to the agenda; Cynthia Ellis stated she wanted to add the potential change of format to the consent expenditure report. Jelane Mock stated he would like to add playground equipment. Vice Mayor Ruby Coleman asked for a motion to approve the agenda with the addition of potential change of format on the consent expenditure report. Greg stated he could update that right now; he had received a deed about the property up Mill Street from the Board of Supervisors. The school board was going to approve the deed to go back over to the county and then we will have to go to the county and ask them for the deed. Jelane stated the update he received from the BOS was the next school board meeting they were going to vote to give it back to the BOS and the BOS has already voted to give Larry and Josh Evans permission to go ahead and move forward with it so we don't have to wait until the BOS meeting. Greg stated it sounds like the school board are already prepared to give it back to the town.

Approval of the Agenda:

Vice Mayor Ruby Coleman asked for a motion to approve the agenda; Jelane Mock stated that we approve the minutes with the addition with the new business #5 being the change of format of treasurer's report/consent expenditure report. Stearl Branham seconded the motion; a vote was taken and all members were in favor.

Old Business

Gilmore Street:

Vice Mayor Ruby Coleman stated that Gilmore Street will be closed to thru traffic. A drain pipe will be installed. The road closure will begin tomorrow morning and remain until the work completed.

Cigarette and Prepared Meal Tax & Cigarette Stamps:

Vice Mayor Ruby Coleman referred the subject to the town attorney, Greg Baker. Greg Baker stated recommended to council to do tonight: Greg discussed the paperwork that has been filed with the state for a permit to sell cigarettes out of the Clinchco store and due to different circumstances that application lapsed. She has reapplied her paperwork for cigarettes to be sold out of the Clinchco location. I have suggested to her and she was in agreement with is that until it is approved by the state of Virginia and her contracts have to be renegotiated for the Clinchco store by Phillip Morris and so forth. Greg explained why the contracts with Phillip Morris and other cigarette manufactures that she would be able to sell the cigarettes a little lower and if it wasn't in place. Greg suggested we go ahead set a date to get a inventory of what cigarettes are in her store. Go ahead and sell her cigarette stamps for her inventory. Every week when she transports cigarettes from Nora to Clinchco to stop by the town hall and purchase the stamps at that time then she can put the stamps on the packs then put them on her shelf. Greg explained how the plan will work until her permit comes through. Ashley stated to council the only thing she would like; is instead of an inventory stamp that she can go ahead and buy cigarette stamps if they will allow it. Other discussion was made about purchasing cigarette stamps. Vice Mayor Ruby Coleman asked what day did she apply; Ashley stated the Friday before last. Other discussion was made of why the delay of her applying to the state. Vice Mayor Ruby Coleman

asked if we could legally sell her the stamps without her paper work completed. Greg stated here is where we are, we either let her do this or we have to shut her down from selling cigarettes in the town. We can do what I suggested to do and it will be fine. She isn't selling the way she should be selling because she is buying all cigarettes through the Nora store. This is a way we can do it temporarily, but cannot be indefinite. I am trying to find a way tonight that will work for both. Other discussion was made of selling cigarettes with stamps. Greg requested they go ahead and set a date to do the inventory. Vice Mayor stated June 1st to do the inventory. Jelane Mock stated she will buy stamps for what she has down there at that time. Jelane stated we didn't talk about the prepared meal tax. Tina stated she had already talked to Ashley, It was just a report she should be doing.

American Rescue Plan Act:

Jelane Mock stated the only update he knew of is the money should be distributed by June 10th. Discussion was made of possible things they may could spend the money on.

Comcast:

Jelane asked if comcast was right other than the bill right now; Tina stated she was having trouble getting the police dept account closed. She needed a pen number that was set up by an old mayor. Comcast sent an email to that email address with the pen number and would be sending a letter with the pen number as well to our billing address.

Police Department and CHP:

Vice Mayor Ruby Coleman stated as an update; we are working and trying to get to where I can apply. I am not even on the application part yet. Tina explained to council of the process and where she was at in the process.

New Business:

Master Plan for Down Town Area:

Vice Mayor Ruby Coleman stated she had some good news that we have been awarded 24,631.00 in grant funding this is the grant that Tina and I have been working on it is through EPA Brownsfield assessment grant. They will use that money to assess Clinchco they will give us 4 conceptional designs. 2 for the down town and 2 for town wide and we can look at those determine if we like it or if we don't like it, or take pieces of this one or that one to make our final conceptional plan. They have asked for a letter of commitment. Ruby read the letter out loud to council the letter received. Also, explained to council the steps moving forward. Vice Mayor Ruby Coleman read out loud to council the resolution and stated if we agree we can sign and adopt the resolution. Discussion of what steps would come first. Jelane Mock made a motion to adopt the resolution of support and move forwards with this; Strearl Branham seconded the motion; a vote was taken and all members were in favor. Jelane Mock made a motion we give Ruby authorization to sign the letter to VETCH Community Design Center; Cynthia Ellis seconded the motion; a vote was taken and all members were in favor.

Review-Golf Cart Ordinance:

Greg Baker stated the reason I asked for this to be put back on the agenda is this never got adopted and no action was ever taken. One issue that was raised in the previous ordinance that I had drafted it required the person operating the golf cart to provide proof of insurance to the town at the time of registering the golf cart and pay a \$10 fee. I removed that and made it to where people are not required to have insurance on the golf cart. The ordinance is the same and I wanted to know if we still wanted to go forwards with it and if everyone was satisfied, and if so, we will schedule a public hearing on the adoption of the ordinance for the June meeting and we can adopt it at that time in the regular session. Jelane Mock stated he would like to add the UTV's since it is under the same code. Council agreed that was what they wanted to do including the UTV. Greg said then we can advertise the adoption and council can approve at that time, if it be at the pleasure of the council at that time.

Town Dumpster:

Jelane Mock stated that the bottom is falling out of the dumpster and it will be needing some repair. Discussion was made that the town would have to purchase the metal and ask if the county could repair the dumpster. Cynthia asked Herbert Branham about him saying he had someone who could do the repair. Herbert Branham stated his son could. Cynthia asked what would he charge the town. Herbert Branham stated he would give us a break. Discussion was made of what sort of a break he could offer. Herbert Branham stated he charged the church \$200.00. Herbert Branham stated he would try to get a number and get back with us. Discussion was made of how big of a piece of metal would be needed. Discussion was also made of each time we move it how it damages the dumpster. Council discussed a lease fee of (X) amount of days. Jelane Mock suggested \$25 set up fee and then \$10 per day. Trevor asked if we could charge a set up fee and a daily fee; Greg stated yes, most towns do that. Other discussion was made of the fee amount; Herbert Branham made a motion to charge a \$25 set up fee and a \$10 daily fee to use the dumpster; Jelane Mock seconded the motion; a vote was taken and all members were in favor. A vote was taken and Jelane Mock voted yes, Vice Mayor Ruby Coleman voted yes, Cynthia Ellis voted yes, Herbert Branham voted yes, Stearl Branham voted yes, Trevor Counts voted no.

Playground Equipment:

Vice Mayor Ruby Coleman stated we have had lots requests for the playground equipment. Discussion was made reading the playgroup equipment and the opinion was to table the topic Vice Mayor Ruby Coleman made a motion to table the topic until we get more information of what we could do with it; Herbert Branham seconded the motion; a vote was taken and all members were in favor.

The Potential change of format for the expenditure report:

Greg stated to council that what they had before was fine but what you have now is really good for council to look at because you see what the budgeted amount is and what is remaining from the line items. Greg stated that if council went back to the old format that he felt it needed to include this new information as well. Jelane stated he didn't care which way it was done he only wanted to see what is left in each line item. Discussion was made of maybe having two reports.

Other discussion was made of the current vs. the old expenditure reports. Vice Mayor Ruby Coleman made a motion that we stick with the current format showing the expenditures with including the check numbers to the report; Jelane Mock seconded the motion; a vote was taken and all members were in favor. Trevor Counts stated she took her vote back and voted no, Vice Mayor Ruby Coleman voted yes, Jelane Mock voted yes, Herbert Branham voted yes, Stearl Branham voted yes, Cynthia Ellis voted yes.

Closed Session:

Jelane Mock made a motion to go into executive session pursuant with VA code 2.2-3711-A1 and code 2.2-3711 -A7 to discuss personnel and legal matters; Cynthia Ellis seconded the motion; a vote was taken and all members were in favor.

Jelane Mock made a motion that pursuant to VA code 2.2-3712 certifying that only public business matters exempted and identified in closed session were discussed and considered by the town council; Stearl Branham seconded the motion; Roll Call Vote: Trevor Counts yes, Stearl Branham yes, Herbert Branham yes, Jelane Mock yes, Vice Mayor Ruby Coleman yes, and Cynthia Ellis yes.

Re-convene into open session:

Jelane Mock made a motion the town hire Derick Kendrick to fill the 3rd part time police officer position at a pay rate of \$15.00 per hour and we will pay for 2 uniforms and physical if needed; Herbert Branham seconded the motion; a vote was taken and all members were in favor.

Public Comments:

An audience member stated to council he was surprised to see such progress that council has made. Chief of Police Richard Thacker asked council to allocate \$200.00 for community policing. Stearl Branham made a motion to allocate \$200.00 for community policing supplies; Herbert Branham seconded the motion; a vote was taken and all members were in favor. JR with Clinchco Kiwanis stated if council decided to surplus computer equipment to give it to the Kiwanis and they will restore it and give it to children in need of a computer.

Council Comments:

Vice Mayor Ruby Coleman asked for Council Comments; Herbert Branham stated he wanted council to get along. Cynthia Ellis asked the clerk is she was staying; the clerk stated yes. Jelane Mock reminded council of a challenge to get the committees started and make some progress. Vice Mayor Ruby Coleman stated she would like every one to focus on the positive not the negative and it will be easier to reach our goals.

Adjournment:

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

