

**Town of Pound
Regular Session of Council
8422 North River Road
November 21, 2017
6:00 p.m.**

PRESENT

George Dean, Mayor
Glenn Cantrell – Council
Clifton Cauthorne – Council
Jay Graham – Council
Terry Short – Council
Danny Stanley – Council
Jenny Carter – Clerk Treasurer
Police Chief Tony Baker
Liz Neimeier

Margaret Sturgill, Historical Society of Pound
Jenay Tate, *The Coalfield Progress* Newspaper
Zachary Maynard, Veolia
Eric Price, Thompson & Litton
Sherron Dean
David Gent
Charles Anderson
Phil Cantrell, Jr.
Kristi Graham

CALL TO ORDER AND WELCOME

The mayor called the meeting to order and welcomed everyone.

PLEDGE AND INVOCATION

The mayor led everyone in the Pledge of Allegiance to the American flag. Pastor Josh Tompkins, West End Baptist Church of Big Stone Gap, Virginia, gave the invocation.

ROLL CALL OF COUNCIL

The roll call:

Present – Glenn Cantrell, Clifton Cauthorne, Jay Graham, Terry Short, Danny Stanley
Absent – None

Mayor George Dean declared a quorum, and the Town of Pound’s business will be conducted.

CONSENT CALENDAR

Councilman Cauthorne asked that Audience comment be allowed as Item 5.5 in the event someone had to leave. Mayor Dean asked if anyone else from Council wished to move Audience comments up between Item 5 and 6. Mayor Dean stated he would entertain a motion to amend the Agenda for this particular item. Other members of Council were asked if they would want to move this Agenda item, but there weren’t enough members who agreed. Mayor Dean declared that Audience comment does not get moved. However, Mayor Dean asked the audience if anyone had to leave in the next few minutes who needed to address Council. No one stepped forward. Mayor Dean added two items to Other Business as “Item 9g. Water Treatment Plant Roofing Quotes” and “Item 9h. Boggs Municipal Services Quote” for repairs at the vault

and Water Treatment Plant for some of the SCADA and solenoid issues that are going on. Councilman Cauthorne asked to add “Item 9i. Police Report” and “Item 9j. Grass Behind Town Hall.” Mayor Dean asked if there were any other changes to the Agenda. There was none. Mayor Dean entertained a motion to approve the Consent Calendar with the amended Agenda. Councilman Stanley so moved. Councilman Cantrell seconded the motion. Councilman Short asked that the October 17, 2017, Regular Meeting Minutes, page 10, second paragraph containing information about Jay Graham being added to Council and some Council members not wanting to put Jay Graham on Council as against the Charter based on what Attorney Gilliam had said as well Michelle Gowdy be clarified. Councilman Short stated he didn’t hear anyone make that statement and asked if it is a summary. Clerk Treasurer Carter agreed it was a summary. Councilman Short asked for rewording of this paragraph to state that, “Two members of Council argued to follow current Town Charter, and two members of Town Council argued to follow state statute.” There was some discussion among Council, and Clerk Treasurer Carter asked for clarification as to where Councilman Short wanted these changes to be made in the paragraph indicated. Councilman Short asked if he could email those changes. Mayor Dean stated that Councilman Short would email the verbiage he would like to have in the paragraph on page 10 of the October 17, 2017, Minutes, and everyone on Council would get a chance to look this over. Whatever everyone [Council] agrees on is the final version that will go in the Minutes. Mayor Dean asked if there was any additional discussion on the Consent Calendar. There was none.

VOTE:

Ayes: Cantrell, Cauthorne, Graham, Short, Stanley

Nays: None

Absent: None

Mayor Dean said the Consent Calendar is approved with the changes to the Agenda and the minor changes that will be in the October 17, 2017, Minutes and adopted accordingly.

Mayor Dean asked Council to stand at ease at 6:18 pm while he retrieved plaques for Police Department presentation. Back in session at 6:20 pm.

PRESENTATION OF PLAQUES TO POLICE DEPARTMENT

Mayor Dean asked Chief Tony Baker to come forward. Mayor Dean explained that one of our police officers is in the Reserves and, recently, he had to perform Reserve Duty. The Guard and Reserves Unit appreciates what employers do in order to support the military whenever officers have to be called out for duty. Mayor Dean displayed two plaques for audience viewing and read the information and signatures on the plaques. Chief Baker was presented with these two plaques and congratulated—(Plaque1) Statement of Support for the Guard and Reserve; and

(Plaque 2) Office of Secretary of Defense Employer Support of the Guard and Reserve. Mayor Dean noted that the other police officers worked hard to cover the shifts while the police officer was out.

FINANCES

- a. Refinancing of First Bank & Trust Loan.** Mayor Dean asked Council to remember the meeting with VRA, DEQ, and Thompson & Litton. He explained the loan from First Bank & Trust was for the refinancing of two bonds that were used to upgrade the Sewer Plant because we were having a cash flow situation to cover payments every six months of about \$40,000.00 and \$37,000.00. The loan of \$627,000.00 through First Bank & Trust Company occurred to pay off the two bonds. We have been paying this loan off through EFT, and we haven't missed a payment. However, at the meeting mentioned above, one requirement asked for was that this loan of the remaining approximately \$530,000.00 be refinanced now and that we do not have a balloon payment as the current First Bank & Trust loan is. Mayor Dean checked on refinancing through First Bank & Trust, but discovered they did not want to refinance without the balloon payment. VRA doesn't want a balloon payment. Mayor Dean asked for Council's permission to go out and check with other banks to try and find one that will refinance this loan without the balloon payment. Councilman Stanley made a motion that a Resolution be adopted allowing Mayor/Interim Manager George Dean to seek refinancing of this [First Bank & Trust] loan as according to VRA stipulation. Councilman Cantrell seconded the motion. Mayor Dean read Resolution 2017-11-001. Councilman Short asked if this was a Resolution for loan offers. Mayor Dean said, "Yes." It is just for him to go out and check with other banks to see where he can get the best deal and, then, he will bring the news back to Council. Mayor Dean asked if there was any additional discussion. There was none.

VOTE:

Ayes: Cantrell, Cauthorne, Graham, Short, Stanley

Nays: None

Absent: None

Mayor Dean declared the "Yeses" have it, and he will seek financial loan information from other banks.

- b. PSA Bold Camp Sewer Agreement.** Mayor Dean asked Council if they were aware of the second letter we received from [Wise County Public Service Authority] PSA that went out by email. He reminded Council of his and Councilman Stanley's luncheon meeting with Mr. Alan Harrison of PSA. The end result of the meeting was that Mr.

Harrison wanted to renegotiate the loan or terms. Mayor/Interim Manager Dean and Councilman Stanley asked Mr. Harrison to come back with options, but we never heard from him again. At the last Council meeting, it was voted for the PSA Sewer bill to be invoiced at the \$6.60 rate. However, once again, the payment was only received from PSA at the \$6.00 rate. Mayor Dean asked Council what their response is going to be to the letter and the strike-through in the payment sent out to PSA at the \$6.60 rate and paid by PSA at \$6.00. Councilman Short suggested tabling this discussion until the end of the meeting and, if Council so chooses, to enter into Closed Session to discuss with legal counsel. Discussion occurred. Councilman Short made a motion to table the PSA Agreement discussion until the end of tonight's meeting. Councilman Stanley seconded the motion. Mayor Dean asked if there was any additional discussion. There was none. Mayor Dean stated a "Yes" vote tables this until the end between Items 10 and 11, and a "No" vote puts us to talking about it now.

VOTE:

Ayes: Cantrell, Graham, Short, Stanley

Nays: None

Abstain: Cauthorne

Absent: None

Mayor Dean stated this Item has been moved between Items 10 and 11 [on the Agenda]. We can call it Item 10a.

c. Taxes.

- i. **Early Pay Discount.** Councilman Cauthorne stated our next tax tickets will be going out eight months earlier than when our taxes are traditionally due in December. He said since anyone can now pay half their bill in April and half in October, there should be some type of incentive discount. He suggested a 5% discount. He said he is flexible to maybe giving 2% incentive since we have their money an extra eight months. Clerk Treasurer Carter stated we must pay back the line of credit of what we have borrowed in the [General] 01 Fund. As Council has set [by vote], for every \$2.00 we bring in [in real estate tax revenue], \$1.00 has to go to pay the line of credit in the [General] 01 Fund. She stated she would really like to give a discount to everyone, but we need to look at our financial responsibilities. We already know we cannot make it through a year without going to the line of credit. We have had to go to the line of credit two or three times just to get through this year until taxes are due again. Clerk Treasurer Carter stated that the first half of real estate taxes will actually be due June 30th instead of April 30th because of the way information is received [and processed] and November 30th is the date the second half would be due. She reiterated that

this was for real estate taxes only. She expressed concern about allowing the discount because, since we already know we cannot make it through the year without having to go to the line of credit and, if we give a discount, that may push us back to where we do not have any reserve that we were going to count on to help get us through the year once we received the earlier real estate tax payment bump. If we give the discount and we pay off the line of credit, we may wind up being back in the same situation of having to go back to the line of credit again to get through the year. She said she isn't saying it will happen, but it is possible. She stated the revenues coming in are getting smaller. She said she would do whatever Council wants, but she just wanted to express her concern about giving the early discount. She reiterated that it is not that she doesn't want to give a discount to the people and said she would like to be able to do that, but she also has to think of the town and its survival financially since she is the treasurer and she sees the money more than probably anyone. She stated that we have to get stabilized in the [General] 01 Fund, and this would help us to stabilize if we do not do the discount. It could potentially help us to build a small reserve to get through tough times. Councilman Cauthorne said that if a small discount would encourage taxpayers to pay early and we receive that money earlier, he believes that would be a benefit to the town as well. Clerk Treasurer Carter responded that you would lose it [tax revenue] on the other end. You may gain in the beginning, but you lose it in the second half [of the year]. Discussion continued. Councilman Cauthorne made a motion to give a 2% discount to anyone who pays their entire real estate tax bill by June 30, 2018. Councilman Short stated he would second the motion just for discussion sake. Councilman Graham asked how much we were talking about if we gave the 2% discount. Clerk Treasurer Carter stated that \$150,392.61 was billed for 2017 real estate taxes. Mayor Dean stated that if everyone paid early, that would mean \$3,000.00 that does not come through the door. Discussion continued. Councilman Short stated he thinks we need to include Councilman Cauthorne's motion in discussion of the budget amendment. He said he didn't know if the motion is proper until we do the budget amendment. More discussion occurred. Mayor Dean stated that it may be a little premature to say 2% discount until we have fully and completely evaluated this. Councilman Cauthorne asked that the motion be tabled as part of the relook of amending the budget. Councilman Short seconded the motion. Mayor Dean stated that a "Yes" vote tables the pending motion until the budget is amended and make this part of the look over, and a "No" vote stops it from being tabled. Mayor Dean asked if there was any further discussion. There was none.

VOTE:

Ayes: Cantrell, Cauthorne, Graham, Short, Stanley

Nays: None

Absent: None

Mayor Dean declared the “Yeses” have it. The motion is tabled until the budget amending is reviewed and looked at.

- ii. **Repayment of Line of Credit by Tax Receipts.** Mayor Dean reminded Council that it was passed [by Council] that if the line of credit was extended from \$100,000.00 to \$150,000.00, there was a stipulation that half of the real estate taxes go to pay the line of credit as it comes in to the coffers. Mayor Dean asked Clerk Treasurer Carter for input. Clerk Treasurer Carter expressed concern that if we do this just as taxes are starting to come in, we may find ourselves in another negative flow in the [General] 01 Fund. She asked that we give the [General] 01 Fund an opportunity to stabilize before we do the \$1.00 for every \$2.00 payment [to the line of credit]. Mayor Dean asked if we could do a reduced rate and asked if \$0.25 of every dollar received from real estate taxes paid to the line of credit would help. Clerk Treasurer Carter agreed it would help. She suggested paying back the line of credit at a slower pace for the first couple of months and then increasing the payment after that. Mayor Dean asked if she meant paying the reduced rate until the [General] 01 Fund is stabilized and, then, pick up the rate to the \$0.50 on the dollar to continue to pay down the line of credit. Councilman Cauthorne asked if the \$0.50 on the dollar was what is to be paid toward the line of credit. Clerk Treasurer Carter agreed [with Councilman Cauthorne] and stated that was what Council approved. Councilman Cauthorne asked how much we have paid on the line of credit so far. Clerk Treasurer Carter said that she hasn't received the bill yet and we have only just begun receiving tax revenues. She stated we have received \$28,639.82 in real estate revenue as of today and reminded Council that we had to borrow \$25,000.00 additional dollars from the line of credit because we were in negative figures in the [General] 01 Fund by almost \$8,000.00. The \$25,000.00 helped stabilize us to process payroll and bills that had to be paid. Mayor Dean asked if we had to go to the line of credit to make payroll today. Clerk Treasurer Carter answered, “No.” She also said she thinks this will be the last time we will have to go to the line of credit. Discussion continued regarding the process of getting money from the line of credit and the timing of paying back the line of credit. Interest that is accruing was discussed. There was discussion of a repayment method that does not require borrowing from the line of credit again. Moving from a line of credit to a bank note being required by the bank from “stale money” that is in the line of

credit for a long period of time was discussed. Councilman Stanley made a motion to start at a minimum of \$0.25 per \$1.00 of real estate tax receipts be paid to the line of credit until January at which time the repayment will be reevaluated. Councilman Graham seconded the motion. Councilman Cauthorne expressed objection and frustration regarding this motion because the original motion was unanimous [by vote of Council]. Discussion continued on the amount of real estate tax receipts to be paid on the line of credit. Clerk Treasurer Carter read the motion made by Councilman Stanley. Discussion of how BB&T Bank would prefer for us to repay the line of credit as well as potentially being forced into having the line of credit transitioned to a fixed loan occurred. Clerk Treasurer Carter stated that she wasn't trying to not pay back the line of credit because she doesn't like debt either, but is asking for breathing room just in case we can't make the required \$0.50 per \$1.00 of real estate tax revenues received payment toward the line of credit. Discussion of whether real estate tax dollars already received will follow the \$0.50 per \$1.00 repayment up until tonight's Council meeting occurred. Councilman Cantrell made a friendly amendment that the motion be retroactive to the first real estate tax dollars that have been received. Discussion of the legality of the friendly amendment occurred and was referred to Attorney Gilliam. Attorney Gilliam stated he believed the previously adopted motion can be amended. More discussion continued as to the understanding of the previously adopted motion. Councilman Graham withdrew his second of the motion and Councilman Stanley withdrew his motion. Councilman Stanley made a motion to amend the previously adopted motion to state that a minimum of \$0.25 per \$1.00 of [real estate] tax receipts be paid to the line of credit until January 2018 when the repayment will be reevaluated. Councilman Graham seconded the motion. Attorney Gilliam explained the motion to Council. More discussion occurred regarding the expectation of what would be repaid to the line of credit and whether Council could amend a previously adopted motion. Rescinding and amending the motion as of tonight's meeting was discussed and whether Council could retroactively change what has been done. Attorney Gilliam stated he understood the point, but believed the previously adopted motion could be changed. Discussion continued. Mayor Dean stated that the current adopted motion is to repay \$0.50 per \$1.00 of real estate tax revenue received toward the line of credit [in the General 01 Fund]. The amendment on the table right now lowers the repayment to \$0.25 per \$1.00 of real estate tax revenue received toward the line of credit only until January. More discussion of the repayment of the line of credit occurred. Mayor Dean asked if there was any additional discussion. There was none.

VOTE:

Ayes: Cantrell, Graham, Stanley

Nays: Cauthorne, Short

Absent: None

Mayor Dean declared that the majority of existing Council as required in this particular case is three. It is the smaller number of the votes so the “Yeses” have it. Mayor Dean declared the motion carried.

SPENDING CUT MEASURES – RESOLUTION 2017-10-001

Councilman Stanley made a motion to rescind the Spending Cut Measures Resolution 2017-10-001 and to come up with a new Resolution. He stated there is some language in there that has handicapped the Mayor/Interim Town Manager on several things. He stated that we can't replace employees or anything in this Resolution. He asked that we [Council] work on this and revisit it at December's meeting. Councilman Cantrell seconded the motion. Mayor Dean said it was now open for discussion. Mayor Dean said since we lost the Water Plant operator, this payroll, we had about 60 hours of overtime because of the two Water Plant operators working as hard as they can. He stated he interviewed someone with a Class II License which is the minimum it takes to operate the Water Plant but, with this [Resolution], he couldn't hire him. He stated he didn't know if he has moved on yet or not. He said after talking with him, he has already been interviewed with two other companies. He said he didn't know what his current status is and it wouldn't have done any good to have talked with him today because his hands are tied and he couldn't do anything until tonight. He is well qualified. The Water Plant Supervisor Allen Bateman is all for him. Mayor Dean said he isn't able to do anything because of this Resolution. It stopped him from hiring a Water Plant operator who was ready to go to work immediately. Mayor Dean explained the Resolution states “no new hires and no pay raises without two-thirds Council approval.” In order to have hired this person, we would have had to have had another Special Called Meeting. Mayor Dean said he simply could not do business this way. Discussion continued regarding which measures of the Resolution are handicaps and that this was part of the stipulation to increase the line of credit. Councilman Short expressed frustration that, even with the spending control measures, they are not being followed, and he talked about the timing of when credit card receipts are received and that is not being followed. Salary freezes not being abided by and the reason a Water Plant operator was lost due to a salary reduction was discussed. Frivolous spending and the internal control measures currently in place was also talked about. More discussion of the Resolution and its practicality occurred. Councilman Cantrell called to question. Mayor Dean stated this requires a two-thirds vote of Council to stop the debate. Councilman Stanley seconded the motion. Mayor Dean explained that four people must vote “Yes” in order for the debate to stop.

VOTE:

Ayes: Cantrell, Graham, Stanley

Nays: Cauthorne, Short

Absent: None

Mayor Dean declared that there wasn't a two-thirds majority so the debate continues. Councilman Cauthorne stated that it has been a pattern of this Council that it will approve something unanimously and, in short order, turn around and do the opposite. Mayor Dean added "if they [Council] determine they made a mistake." Mayor Dean explained that Councilman Stanley is looking to get a redrafted Resolution with some of the same items included [as the current Resolution]. The current Resolution is just not working the way it should. It looked good on paper but, in execution, it's not working. Councilman Stanley is looking to get a better Resolution written that works and not this one amended on the fly. Councilman Short said he was open to amending it that night. Mayor Dean explained that a Resolution needs to be passed around and looked at and revised and to make sure it works. More explanation of a Resolution that works was talked about. Mayor Dean reminded Council that he had tried to get Council to withdraw the Resolution altogether and redo it and not do amendments that night. VML suggests not doing amendments the night of the Council meeting. It should be made right before the meeting, but we didn't do that, and it turned out horribly. We need a Resolution that not only works on paper, but works in execution. More discussion of creating a working Resolution occurred. Councilman Short explained that, until a new Resolution is sent around to Council, he is not willing to rescind the Resolution. Mayor Dean reminded Council that the Resolution can be rescinded by two-thirds majority or a majority of the membership of Council. Mayor Dean asked if there was any additional discussion. There was none. Mayor Dean stated a "Yes" vote rescinds this Resolution, and a "No" vote leaves it as it is. His understanding is that a new and better Resolution most likely containing a lot of the original Resolution is going to be recreated as a group effort. Councilman Short asked, before going to vote, for one clarification. He addressed Attorney Gilliam and asked that concerning the two-thirds or majority [vote], if these are tied to the budget—of which the first line of the Resolution is—and it requires two-thirds Council approval on some of these items, how many votes does it take to rescind it? Discussion occurred of whether the Resolution can be rescinded if tied to the budget. Attorney Gilliam said that, since it was passed in a simple majority vote, then it takes a similar type of vote to undo it. It can be rescinded if it is not a budget. He stated he wasn't sure this was tied to the budget. Roberts Rules of Order was consulted and discussed and what the majority vote consists of. Resolution 2017-10-001 items were discussed. Councilman Cantrell said he only voted for this Resolution because he thought all the two-thirds requirement of votes by Council had been removed. Changing line items in the budget was discussed and whether rescinding the Resolution would require two-thirds vote of Council. Roberts Rules of Order was again consulted and discussed. Spending controls were again discussed. Councilman Cauthorne called the question. Mayor Dean stated this will require two-thirds majority vote to stop the debate.

Councilman Stanley seconded the motion. Mayor Dean stated a “Yes” vote stops the debate, and a “No” vote continues the debate.

VOTE:

Ayes: Cantrell, Cauthorne, Graham, Short, Stanley

Nays: None

Absent: None

Mayor Dean declared the debate over. The current motion on the table is to rescind the 2017-10-001 Resolution and to come up with a new Resolution. Mayor Dean stated a “Yes” vote rescinds the current Resolution [2017-10-001] and will have all of Council put together a new Resolution and maybe use some of the current Resolution as it is written to help control spending, and a “No” vote leaves this unworkable Resolution out there.

VOTE:

Ayes: Cantrell, Graham, Stanley

Nays: Cauthorne, Short

Absent: None

Mayor Dean declared that the majority rules for the rescinding of Resolution 2017-10-001 and it is struck down. Mayor Dean asked that Council make a better, workable Resolution immediately. Councilman Stanley stated he would work on a Resolution to send out to everybody [Council]. Mayor Dean asked that everyone look at the new Resolution and think it through.

VICE-MAYOR SELECTION

Councilman Cauthorne made a motion that Council make Councilman Jay Graham Vice-Mayor. Councilman Stanley seconded the motion. Mayor Dean asked if there was any additional discussion. There was none. Mayor Dean stated a “Yes” vote makes Jay Graham the Vice-Mayor, and a “No” vote means we are back to trying to select a Vice-Mayor.

VOTE:

Ayes: Cantrell, Cauthorne, Short, Stanley

Nays: None

Abstain: Graham

Mayor Dean declared the “Yeses” have it and he congratulated new Vice-Mayor Jay Graham.

OTHER BUSINESS

- a. **Quitclaim Deeds for Old Railroad Bed Easements.** Mayor Dean explained that, based on discussion with our legal counsel, his understanding is that we have a lady that, apparently, owns several properties that abut the trail we are trying to put up to the town side of the old tunnel. This lady wants to take every piece of property she has that abuts where that trail is going to be and allow an easement on her property to help make that trail happen sooner than later. The only drawback is that a new deed must be drawn up that contains the correct verbiage and, then, it has to be recorded. Someone has to pay to record that deed. Attorney Gilliam commented that someone owes him \$64.00 on the previous deed recording. This cost is part of trying to get tourism here. Mayor Dean is looking for the okay for our attorney to go out and talk with this lady and find out every piece of property it is that she owns and get all those deeds and redo them with the easement verbiage that's needed and, then, record them. The town then pays for the newly recorded deeds. Attorney Gilliam explained the railroad beds were originally owned by Mr. Jim Robinson and the pieces of property that the easements would be contained on is owned by the lady who keeps getting taxed on the property and she has stated that she wants to give the property away and doesn't want to get taxed on the property any more. Attorney Gilliam indicated this would be good property for a trail or something like that. Councilman Cantrell gave the history of this property. Attorney Gilliam stated that Council would have to accept this property. Discussion of quitclaiming her interests was discussed and that there are probably 75 properties listed. Councilman Cantrell stated that a lot of those [properties] are now Virginia Department of Transportation (VDOT) rights-of-way, but there is quite a bit left. More discussion occurred. Attorney Gilliam explained that when you quitclaim, you give up your interests [in the property]. Discussion of some other potential owners of the property and potential problems regarding this occurred. Councilman Stanley made a motion to allow Attorney Gilliam to proceed with evaluating the Quitclaim properties. Councilman Cantrell seconded the motion. More discussion occurred, requiring Attorney Gilliam provide an assessment of the situation and whether there would be any roadblocks, or whether there would be the possibility of being landlocked or any other potential issues. Attorney Gilliam stated the lady does not want any more tax bills so we wouldn't be able to accept just some of it [the properties]. He explained the property wouldn't have any great value. Its usage would most likely be only suitable for a trail. Mayor Dean asked if there was any additional discussion. There was none.

Mayor Dean stated a “Yes” vote allows our attorney to pursue this to find out what is in our best interests relative to all these properties, and a “No” vote means we ignore this lady’s idea of doing the quitclaims.

VOTE:

Ayes: Cantrell, Cauthorne, Graham, Short, Stanley

Nays: None

Absent: None

Mayor Dean declared the “Yeses” have it and Attorney Gilliam will pursue discovery of what is in the town’s best interest regarding the quitclaim properties offered.

At 8:19 pm, Mayor Dean stated he would entertain a motion to take a five-minute recess until 8:30 pm. Councilman Cauthorne said he would make this motion if time [for Council meeting] was extended to 9:15 pm. Councilman Stanley seconded the motion. Mayor Dean stated a “Yes” vote recesses us until 8:30 pm and we keep going until 9:15 pm, and a “No” vote is you have a problem.

VOTE:

Ayes: Cantrell, Cauthorne, Graham, Short, Stanley

Nays: None

Absent: None

Mayor Dean declared Council recessed until 8:30 pm.

At 8:31 pm, Mayor Dean declared the Regular Session of Council meeting back in session.

- b. **Review of Water and Sewer Rates.** Councilman Cauthorne made a motion to table the Review of Water and Sewer Rates to the next Council meeting. Councilman Stanley seconded the motion. Mayor Dean stated that a “Yes” vote tables this until the next Council meeting.

VOTE:

Ayes: Cantrell, Cauthorne, Graham, Short, Stanley

Nays: None

Absent: None

Mayor Dean declared the Review of Water and Sewer Rates tabled until the December Council meeting.

- c. **Right to Discharge Firearms in Town.** Councilman Cauthorne made a motion that this item be sent to the Planning Commission to determine which zones are safe to discharge firearms in the Town of Pound. Councilman Stanley seconded the motion. Mayor Dean asked if there was any additional discussion. There was none. Mayor Dean stated a “Yes” vote has the Planning Commission taking a look at this, and a “No” vote is everything remains as is.

VOTE:

Ayes: Cantrell, Cauthorne, Graham, Short, Stanley

Nays: None

Absent: None

Mayor Dean asked Councilman Short that, if Council advises him right now, is this tantamount to advising the Planning Commission to do the research on this or does he [Mayor/Interim Manager Dean] need to submit something formally to Mr. Don Sturgill. Councilman Short said he would take care of this and added that he is the one developing the Agenda. Mayor Dean declared the Planning Commission has been formally informed of their research project from Council.

- d. **Councilman Short’s Suggested Agenda Format.** Mayor Dean said some things requested here that certain people do really adds an additional workload to some of the front office. He asked if we could take these items one at a time and give inputs on it as to what works and what doesn’t instead of agreeing to the entire agenda. Mayor Dean stated that there are some things that are requested to be done prior to the meeting that is a substantial amount of additional work. This is what he wanted to address. Vice-Mayor Graham said that he believed Mayor Dean was misinterpreting this. He explained this is not to have these items on the Agenda every time. This is more of an example. What is wanted is the same format for each Agenda. Councilman Short added that we categorize the discussion items and each report will refer to one of those categories. Mayor Dean stated that there are a lot of reports in this Agenda. Vice-Mayor Graham stated that Councilman Short may want those reports, but he is using these as examples. Councilman Cantrell asked if this requires a vote of Council. Discussion continued. Mayor Dean said if he spends the first two or three hours of his day trying to generate reports and get them ready, then we have a problem because he doesn’t have a lot of time to do those reports that are being requested. If Council wants all these reports, he would like to hear that Council as a group wants all these reports as opposed to one individual. Councilman Short explained the reports and that his [Mayor /Interim Manager Dean] report would be organized under this same format. He asked that we follow this same Agenda

format for each report. He asked that Veolia, the Water Treatment Plant, and Department Heads supply reports. Councilman Short gave more explanation. Mayor Dean stated that there really shouldn't be anything on the Agenda that isn't going to be voted on. He stated this proposed Agenda appears to be adding a lot of items to the Agenda that may or may not be voted on. Councilman Short said this is more for reporting purposes that would be requested on a monthly basis. Mayor Dean said we would try this but, if he starts getting buried in paperwork, he will let Council know. Mayor Dean stated we would try this. Clerk Treasurer Carter asked for clarification on the Agenda. She asked does Councilman Short want all the main category items listed each time. Councilman Short asked that they be listed, but if there is no Item #.1, etc., then there would be no discussion. The topic could be brought up and, if anyone has anything to discuss... Mayor Dean interjected that he had a problem with items that get discussed for 45 minutes and have no vote on them, but agreed to try the new format.

- e. **Opening of Police Explorer Club #704 Checking Account.** Clerk Treasurer Carter stated that the Police Explorer's Club has raised money by donations, and Mayor Dean and she went to New Peoples Bank to open a [checking] account for the Explorer's Club, but we need, according to Partha at New Peoples Bank, this in the Minutes as approved by Council that we can open the account. That is what this is about. Councilman Cauthorne made a motion that a self-funding Explorer [checking] account be opened. Councilman Stanley seconded the motion. Councilman Short added a friendly amendment that it fall under the Clerk's position and all check-signing privileges fall under our internal control policies. The friendly amendment was accepted. Chief Tony Baker was asked to approach Council regarding whether he would like to be included in the check-signing responsibilities. While Chief Baker was approaching Council, Clerk Treasurer Carter stated the account has already been opened, so we would need to make the approval retroactive to the opening of the account. Mayor Dean added that we had approval to open the Spearhead Trails [checking] account, so we just opened this [the Explorer Club] account at the same time. Discussion of whether or not the opening of a Spearhead Trails checking account was approved by Council or not occurred. Clerk Treasurer Carter stated we would need to approve the Spearhead Trails account, too, if it hadn't been. Chief Baker stated he did not want to sign a check. He said he wanted things to go through a PO number through the Clerk Treasurer, and that is it. It was determined that the Mayor and Clerk Treasurer would be the signatories on the checking accounts. Mayor Dean asked if there was any additional discussion. There was none. Mayor Dean stated a "Yes" vote opens up the Explorer account with check-

signing privileges between the Clerk Treasurer and the Manager retroactive to November 1, 2017, or account opening, whichever occurred first, and a “No” vote is back to square one.

VOTE:

Ayes: Cantrell, Cauthorne, Graham, Short, Stanley

Nays: None

Absent: None

Mayor Dean declared the Minutes will be passed on to Partha Stidham at New Peoples Bank. He said we have the same situation with Spearhead Trails. Mayor Dean stated the chair will entertain a motion to do the same checking account opening for Spearhead Trails as for the Explorer’s Club retroactive to November 1, 2017, or the opening of the account whichever occurred first. Councilman Stanley so moved. Councilman Cantrell seconded the motion. Mayor Dean asked if there was any additional discussion. There was none. Mayor Dean stated a “Yes” vote allows us to do the Spearhead Trails [checking] account retroactive to November 1, 2017, and a “No” vote is not doing this.

VOTE:

Ayes: Cantrell, Cauthorne, Graham, Short, Stanley

Nays: None

Absent: None

Mayor Dean said we would ensure that everything is good to go on the Minutes for these checking accounts.

f. Christmas Festivities.

- i. **Gift Cards – Town Employees.** Mayor Dean said this is something that has been done for years now. We are not in a position to give bonuses but Mayor Dean stated he did put money aside in the Christmas Festivities Fund to allow this to happen if Council so chose to do this. Councilman Stanley made a motion to approve a \$25.00 gift card for employees. Councilman Cauthorne made a friendly amendment that the gift cards come from IGA Supermarket. Councilman Stanley accepted the friendly amendment. Mayor Dean asked if there was any additional discussion. There was none. Mayor Dean stated that a “Yes” vote allows us to do this and there is money in the budget for this.

VOTE:

Ayes: Cantrell, Cauthorne, Graham, Short, Stanley

Nays: None
Absent: None

- ii. **Employee Christmas Luncheon/Dinner.** Mayor Dean opened discussion for Council to approve the town to provide an employee Christmas luncheon/dinner. Councilman Cauthorne stated it was tradition that one big dinner be done between Thanksgiving and Christmas. Mayor Dean said that hasn't been done in the last two years, but this may be the best way to go. Councilman Stanley made a motion to approve the Christmas luncheon for employees and families. Vice-Mayor Graham seconded the motion. Councilman Short asked if this was already in the budget for the luncheon. Councilman Cauthorne asked how much it would cost. Mayor Dean said we could probably keep it around \$250.00 and it is in the budget. Mayor Dean asked if there was any additional discussion. There was none.

VOTE:

Ayes: Cantrell, Cauthorne, Graham, Short, Stanley

Nays: None

Absent: None

Mayor Dean declared the motion carries. He also added that we may have to have some additional help to keep the costs down.

- g. **Wastewater Treatment Plant Roofing Quotes.** Mayor Dean explained that the Wastewater Treatment Plant Roof is leaking and tar pitch may be dropping down from the ceiling and we can't allow this to drop into the filter. We are protecting this, but we have to get a roof on the Wastewater Treatment Plant. Mayor Dean informed Council of quotes received from (1) LaFerney of Kingsport (\$16,620.00) and (2) Leonard's Roofing of Bristol (\$15,628.00) and the work and warranties those quotes included. Mayor Dean also explained he had to get two quotes for jobs \$20,000.00 or less and that these are the two quotes. Discussion occurred regarding warranty and time period and removal of the terra cotta. Councilman Stanley made a motion to accept Leonard Roofing's quote as the low bidder and then seek funding. Vice-Mayor Graham seconded the motion. Discussion occurred regarding financing. Councilman Short asked if the motion is just for the accepting of Leonard Roofing's quote. Mayor Dean agreed and said it will then be based on whether or not we can pay for it. He needs to know who he will be working with. He said he would provide Council with more information once he figures out how we will do [pay for] this. Mayor Dean

added that there is a substantial amount already in the budget for Water Treatment Plant Repairs. He added that he didn't want to go too deep into this and get to the point we couldn't make any other repairs to the plant. He said he would look into grant money for this project. Mayor Dean asked if there was any additional discussion. There was none. Mayor Dean stated that a "Yes" vote allows him to find the money, and a "No" vote means we are back to trying to figure out what we are going to do about the leaky roof because the Virginia Department of Health (VDH) is not going to allow this.

VOTE:

Ayes: Cantrell, Cauthorne, Graham, Short, Stanley

Nays: None

Absent: None

Mayor Dean declared the "Yeses" have it, and he will take care of this.

- h. **Boggs Municipal Services Quote.** Mayor Dean reminded Council that there was recently a problem at the vault at Metro Meadow Branch. It was late in the afternoon. He asked Boggs Municipal Services to come over and help us out because it looked as if we were not going to get water to the town out of the tank. One of the valves had messed up. We undid the low-flow, two-inch valve and got the four-inch valve completely opened and took the solenoid out of it so we could use Pilkenton Peak tank water to feed the town. This was a temporary fix so we could get through the night and come back in the morning. The diaphragm had to be replaced on the two-inch valve and it was in really bad shape. The four-inch valve was working when we left at 8:00 pm but, in approximately the 3:00 to 4:00 am time frame, the four inch valve stopped working and wasn't doing what it was supposed to be doing. After taking the valve out, two rocks had washed through the system and were not allowing the solenoid to work anymore. Mayor Dean said the quote from Boggs Municipal Services is \$7,360.00 to complete other work that in BMS's opinion as well as the WTP supervisor, needs to be done to get our system operating to its design specs. Mayor Dean deferred to Councilman Cantrell since he had more experience in this area. Councilman Cantrell said this was a very good number. Mayor Dean updated Council on the information Boggs Municipal Services had given him regarding the work needing to be done. Councilman Stanley made a motion to approve Boggs Municipal Services to work with Mayor/Interim Town Manager Dean to decide what we have to have and how we can work the payment. Councilman Cauthorne seconded the motion. Mayor Dean asked if there was any additional discussion. There was none. Mayor Dean stated a "Yes" vote allows

him [Mayor/Interim Town Manager Dean] to work with Boggs Municipal Services to get this done.

VOTE:

Ayes: Cantrell, Cauthorne, Graham, Short, Stanley

Nays: None

Absent: None

- i. **Police Report.** Chief Tony Baker approached Council. Councilman Cauthorne addressed Chief Baker and said that he noticed in *The Coalfield Progress* [newspaper] and the Police Report that, during a recent drug bust, the sheriff's department was not involved and it was outside the corporation limits. He asked if that was a misstatement. Chief Baker said it wasn't outside the corporate limits. Councilman Cantrell said he knew it was inside the corporate limits because he was there. Chief Baker stated that all law enforcement agencies work with them really well. Councilman Cauthorne asked how the overtime is doing [in the police department]. Chief Baker answered, "Yes." It is doing better.
- j. **Grass Behind Town Hall.** Councilman Cauthorne stated that Mrs. Strouth had called him—she lives right beside Town Hall—and said the grass behind Town Hall needed to be burned off. She told him when Sturgill had a funeral home, he would burn it off. The last few years, they have been taking care of it. They were wondering if the town could take care of it because of it being a place for snakes. Mayor Dean said he has the [Public Works] guys go out and weed eat that down to nothing about every two to three weeks during the summer. Councilman Cauthorne asked if Mayor Dean knew what she was referring to. Mayor Dean said he saw some Pampas grass or Elephant grass at the top of the hill. Councilman Cauthorne said that may be what she was talking about. Mayor Dean said if she wants us to burn that off for her, we could do that.

AUDIENCE

Mayor Dean opened the floor to anyone who wished to come forward and address Council.

Mr. David Gent, 11105 Old Indian Creek Road, Pound, Virginia – Mr. Gent approached Council and said he wanted to know how Council came up with the idea to rescind all these Resolutions that kept our town from having to spend. If we hadn't had those spending measures in place, we would have given two people raises. He said he knows Council wanted to give raises. It was in *The Coalfield Progress*. He said he can read. If it hadn't been for that, you all

would have given somebody raises. We are already broke. There had to be collusion here just like the Russian collusion bullcrap. Did you talk to him? Did he talk to you? Did you talk to each other? How many of you talked together and came up with this to rescind all these? Who gave you the idea? He said he didn't think you [referring to Councilman Stanley] were smart enough to come up with it by yourself. He said he thinks so, and that's the God's honest truth. Somebody had to give you that information. Somebody had to bring that idea to you to bring that up here just because you're mad because you couldn't get two of your buddies raises when you can't even pay your own bills. You owe \$125,000.00 in a credit line. You've had to borrow money to pay your payroll. Now, how do you do that? And then you want to give somebody a raise. Now you can hire anybody you want to. You've took away every measure to keep our spending in budget. Right now, you are 20% over your budget. You yourself say the budget has to be revisited. How come? Oh, but that money's in the budget. How did you put it in there? You're already 20% over. You've got to be kidding me. You're killing our town is what you are doing. He said he doesn't care what you say. He doesn't care what you think about him. He doesn't care what anyone thinks about him. You are killing our town. This is our town. He said he is going to run on the next Council meeting to dissolve our charter because we pay double taxes, and you guys are going to raise our taxes next year and you know you are because the guy stood right here and told us from Thompson & Litton that we could not pay our payments next year unless you raise the revenue. He said plainly, quote, "You have the ability to raise that revenue." Now, how do you do that? Raise our taxes. Dissolve our town. It's over with. You're not going to save it. How many new businesses have come into town? He said he knows Pixie has come back in, but it was running anyway. That's not a new business. We don't have any new businesses. We're not going to have any new businesses. There's nobody coming in to our town. You can say, "Look out here. It's all run down. We're going to clean it up." What are you going to clean it up for? You can't build nothing back on it unless you build it on the original footprint that was there. They tore down that out here beside The Fabric House. The lady bought it. I believe she paid \$1,000.00 for it. What's she done with it? Ain't building nothing back on it unless it's on that floorplan right there, and it's got to be raised above the floodplain. Am I telling the truth? Now, you know it. There's no new businesses coming in to our town. Our town is just slowly deteriorating. Look at these buildings on the right side of town going out where the old movie house used to be. He said he loved going there when he was a kid. You could go in the back. Nothing there. No roof. No nothing. It's not a business. It's pitiful. He said he knows he says stuff about our police department but, you know what, we deserve every bit of it. We deserve it every bit. We've got a good police department. There's no doubt about it. We just can't afford all this stuff. And, I've heard you, [Mayor] George [Dean], and I don't mean to say this mean, ugly, or nothing but, every time something comes up, "Oh, yeah. We've got that in the budget. Well, yeah, I put that in the budget." When did you put that in the budget? You don't even have a working budget. (Inaudible) we've got to revisit our budget. He said he would love to see our police officers have good cars. Okay? We get new cars. That's another expense on our town. If you get one, what is it George, you get one new police car, \$750.00 payment.

Ain't that right? Ain't that what you said? Get two police cars, that's \$1,500 a month payment. Where does that money come from? It comes from me. It comes from the taxpayers of this town. That's where it comes from. You're going to raise our taxes to pay for this town that is just going downhill constantly every day. Now, I appreciate you. I just had to say that, but he said there ain't no sense of these two right here sitting here trying to help our town, and these three—I don't know about Jay—but this side right here, you all come up with this just all of a sudden. We are going to take this away. The day that they said we will increase our credit line if we do this, if we do this, if we do this. Well, what did you do? You played these guys for fools. That's what you done. Played them for fools. Yeah, we'll go right along with you, son. Yeah, we'll do it. Then, whenever it gets done, then you got to take it away. So now, give as many raises as you want to. Hire as many people as you want to. Pay them anything you want to. And break our town.

Councilman Cauthorne asked that, just for clarification, there wouldn't be any raises given over the next month, would there? Mayor Dean said he doesn't need to. Councilman Cauthorne asked if there were any raises planned in the future.

Mr. David Gent spoke up and said, "They're not going to answer that. They've got plans to give raises. There's your plan."

Ms. Sherron Dean approached Council and asked if it was her turn to speak, please.

Mr. David Gent said his five minutes are over. Mayor Dean agreed that Mr. Gent's five minutes were over and asked him to sit down.

Ms. Sherron Dean, 11521 Austin Hills Road, Pound, Virginia — Ms. Dean stated that, "Mama bears fight for their cubs." She said she appreciates everything everybody up here [indicating Council] does, but there is a lot of crap that has been said tonight that was very ugly and very unnecessary. She stated she has always lived in Pound. Pound is her home. Pound will never grow with all this negative crap that we hear every day. You have to think positive, and all this bickering back and forth is horrible. Why would anybody want to move to Pound when they hear all this every day. It's like, "Why would I want to go to Pound and live in Pound because all they do is gripe and fuss." We have to think positive. We have to work together. The town will grow. We don't need to dissolve or whatever was just said because the county doesn't want us. We can grow if people work together and think positive. You can't be ugly all the time. This can't be the Hatfields and McCoys. It's getting to be really, really ugly. She said she does appreciate all of you [Council], and she hopes everyone has a nice Thanksgiving. She thanked Council and took her seat.

Mayor Dean asked if anyone else wanted to address Council. There was no one. Mayor Dean declared the time for public comment over.

PSA BOLD CAMP SEWER AGREEMENT

Councilman Stanley stated we were out of time and asked that we table the PSA Bold Camp Sewer Agreement until next month’s Council meeting. Councilman Cauthorne made a motion to table the PSA Bold Camp Sewer Agreement until next month if we keep the same billing rate as last month of \$6.60 to PSA. Councilman Stanley seconded the motion. Councilman Short stated he agrees that we do need to bill at the current rate we feel is owed to us. Mayor Dean asked if there was any additional discussion. There was none. Mayor Dean stated that a “Yes” vote tables the PSA Bold Camp Sewer Agreement until next month.

VOTE:

Ayes: Cauthorne, Graham, Short, Stanley

Nays: None

Abstain: Cantrell-due to his employment with PSA and a price being involved in it

Mayor Dean stated the PSA Bold Camp Sewer Agreement is tabled until next month and will be on December’s Agenda. The billing will go out at \$6.60.

ADJOURNMENT

Councilman Stanley made a motion to adjourn. Mayor Dean asked that all in favor say, “Aye.” All stated, “Aye.” At 9:26 p.m. the Mayor declared the meeting adjourned.

APPROVED ON THIS THE _____ DAY OF _____ 2017.

MAYOR GEORGE E. DEAN

ATTEST: CLERK/TREASURER JENNY CARTER

