

MINUTES  
TOWN OF CLINTWOOD  
REGULAR TOWN COUNCIL MEETING  
AND PUBLIC HEARING  
NOVEMBER 8, 2022  
6:00 P.M.

Record of Attendance:

Council Members:

Danny Lambert - Mayor/Town Manager  
Ron Kendrick - Vice Mayor -Absent  
Doris Rife  
Talbert Bolling  
Jim Childress  
Shelly Mullins

Others Present:

Dove Goodpasture - Attorney  
Judy Steele - Clerk  
Chief Rick Mullins  
Officer Lester Turner

Citizens: Martha Mullins, Carolyn Edwards, Juanita Blevins, Patsy Craver, Evelyn Strouth, Kaye Buchanan, Susan Mullins, and Sara Phillips

Mayor Lambert asked for a moment of silent prayer.

**Agenda Item - Approval of minutes of October 11, 2022**

Motion was made by Councilman Bolling and second by Councilwoman Rife to approve the minutes as presented. Motion passed unanimously.

Mayor Lambert asked for any additions to the agenda and Mayor Lambert added the hiring of a part time employee, and Jim Childress added Sara Phillips with the Jettie Baker Center.

Motion was made by Councilman Childress and second by Councilwoman Rife to approve the agenda with the additions. Motion passed unanimously.

**Public Hearing - Regulating Inoperable Vehicles within the Town of Clintwood**

Motion was made by Councilwoman Rife and second by Councilman Childress to open the public hearing for comments. Motion passed unanimously.

Mayor Lambert asked for any public comments and hearing none he asked for a motion to close the public hearing.

Motion was made by Councilman Childress and second by Councilman Mullins to close the public hearing. Motion passed unanimously.

Mayor Baker asked for any motions from the public hearing.

Motion was made by Councilman Childress and second by Councilman Mullins to adopt the Ordinance Regulating Inoperable Vehicles. Motion passed unanimously.

**Agenda Item - Kay Buchanan - Reedy Ridge Quilters**

Kay Buchanan said the group that is present is the Reedy Ridge Quilters. They had been on Reedy Ridge quilting and have been in their current building since 2007. Alpha has purchased the building and they have no where to go and would like to ask the council to use the Historical Society's old building to make their quilts. They do not have any money. All they do are make quilts. Councilwoman asked if they have money to pay the electrical bill and Kay said they would have to pay it themselves or sell a quilt. Mayor Lambert said the council may have to enter into the same arrangement that they had with the Historical Society which is the town pays the water and sewer bill and some maintenance on the building along with the historical society. Councilman Childress said they would need to pay the electric bill.

Motion was made by Councilman Bolling and second by Councilwoman Rife to have the town attorney prepare a contract between the Town of Clintwood and the Reedy Ridge Quilters. Motion passed unanimously.

**Agenda Item - New Roof for the Community Center**

Mayor Lambert said he had an estimate on the roof from Kermit Mullins for the community center. He solicited more bids but could not get anyone else to bid on it. He asked Kermit to give him just the labor amount and the town would purchase the materials. He priced his labor at Seven Thousand Dollars (\$7,000) and the town will use their dump truck to haul the debris off. Clintwood Lumber's estimate on the materials was for forty-three square (43) shingles, five (5) rolls of felt, drip edge, and some additional plywood in case some were rotten. A ridge vent will be installed. Clintwood Lumber's total for materials is Eight Thousand Three Hundred and Ninety-Two Dollars and 74/100 (\$8,392.74).

Motion was made by Councilman Bolling and second by Councilwoman Rife to get Kermit Mullins to put a new roof on the community center. Motion passed unanimously.

**Agenda Item - Engineer Procurement - Select a Ranking Committee**

Motion was made by Councilman Childress and second by Councilwoman Rife to select Councilman Shelly Mullins, Councilman Talbert Bolling, and Mayor Danny Lambert as the Ranking Committee to select an Engineer. Motion passed unanimously.

**Agenda Item - DMV- Animal Friendly License Plates - Acceptance of Funds**

Judy Steele, Clerk, said every year the town will receive funds from DMV for a portion of the animal friendly plates that are sold and usually the town will designate the Margaret Mitchell Clinic in Bristol to receive the funds for the purpose of sterilization of dogs and cats.

Motion was made by Councilwoman Rife and second by Councilman Bolling to accept the funds and designate the funds to go to Margaret Mitchell Clinic. Motion passed unanimously.

**Agenda item - July Fourth Fireworks Contact**

Motion was made by Councilman Mullins and second by Councilwoman Rife to authorize Mayor Lambert to sign the Pyro Shows contract for the 2023 fireworks to be held on July 4, 2023 with a rain date of July 8, 2023. Motion passed unanimously.

**Agenda item - Festival of Christmas Trees Display**

Sara Phillips said she would work with the Christmas trees display if it is something the council wants to do. Councilwoman Rife said she did not think the museum was a good place to do that because last year they were continually falling down and having to be set back up. Councilman Bolling said that there are a lot of businesses that support Christmas in the Park. He liked the trees and thought they were great, but you had to look for them at the museum. He suggested that he wanted to ask businesses or organizations if they wanted to do the trees maybe put them over at the park. It would be an external thing if course and they could decorate their tree in front of their booth. He would like the trees to be left up all thru Christmas. Councilwoman Rife suggested doing the trees up against the fence. Sara asked if it would be a contest and they said no. The consensus of the council was to try the Christmas trees in the park this year to see how it goes.

**Agenda item - Ridgeview High School -Request for advertisement in the yearbook**

Motion was made by Councilman Bolling and second by Councilwoman to do a half page advertisement in the Ridgeview yearbook. Motion passed unanimously.

**Agenda item - Part time Employee**

Judy Steele, Clerk, said the office needed a part time person and Aimee Mullins has been hired to work two or three days a week.

Councilman Bolling made the motion to ratify the hiring of Aimee Mullins part time - Motion failed no second. Mayor Lambert said to consider this as information only since this has already been done.

**Agenda item - Sara Phillips - Jettie Baker Center**

Sara Phillips went over the packet she handed out to the town council to review in regards to so many people expressing interest in the possibility of having a Beer Garden or Cash Bar at certain concerts or events at the Jettie Baker Center. She would like to try that on New Year's Eve. You have to apply for a Special Banquet License which cost \$85. Councilman Bolling asked if that is a one time license or a license for each use and Sara said for each use. He also asked if you could sell wine and Sara said you can get one for beer and wine, and one for liquor. She said for the first event she would prefer to just do the beer to see how it would go. Councilwoman Rife complimented Sara on her write up of the proposal and her comment about having an open mind. She said everywhere is doing this and we can't continue to say no to everything that is going on just because there are people in the area that don't like it. She thinks it is a great idea. Mayor Lambert asked if New Year's Eve is the first event that she would like to do this and Sara said yes. Sara said people go to other areas so have it here to keep people here and bring other people in. Councilman Bolling thinks the idea is great, and something that they need to do.

Motion is made by Councilwoman Rife and second by Councilman Bolling to go ahead with the Cash Bar at the Jettie Baker Center. Motion passed unanimously.

Sara Phillis said that when she fills out the application for the license that whoever she puts on the application from the council, then hat person will need to be present at the event.

Old Business:

**1. Planning Commission Appointments -**

Motion was made by Councilman Bolling and second by Councilwoman Rife to appoint Jarrod Salyers and Gary Hull to the Planning Commission for the Town of Clintwood. Motion passed unanimously.

**2. Contractor - Snow Removal**

Mayor Lambert said that Ben McFall has agreed to plow and salt for the same rate as last year which is \$100 per hour. Brad Honaker said he would plow and salt for \$100 per hour, \$85 per hour if he just salts or pre treats the streets and he wanted it left up to him as the contractor to call out and take care of it. He must have at least six (6) hours guaranteed to be called out.

Motion was made by Councilman Bolling and second by Councilman Mullins to hire Ben McFall to do the snow removal for the town. Motion passed unanimously.

**Other Business:**

**Baker Ridge Water Project** - Mayor Lambert said he had spoken to Chris on the Baker Ridge Water Project and they are awaiting approval from the health department and he was expecting that anytime.

**Splash Pad Project** - Mayor Lambert said he was having a meeting with Larry Barton, Chris, and Mike Boyd to go over the bid. Councilman Mullins said he gave the phone number to Alpha Natural Resources to Josh Evans to see if he could get a donation for the Splash Pad.

**Football Field Lights** - Councilman Mullins asked if those football field lights will need to come down. Mayor Lambert said they need to come down and he has them for sale on GovDeals.com to get bids and it ran for two weeks and got a One Hundred Dollars (100) bid and so he asked that it be run another two weeks. A reserve of one or two thousand dollars was put on the bleachers. Councilman Mullins said you will need a crane and he might be able to arrange to get them taken down in a month or two.

**Citizens Comments:**

Susan Mullins said she wanted to thank the council for leasing the building to them and to come by anytime and see what they have done. Someone is going to be in touch with Mayor Lambert about the furnace and the ice maker. Mayor Lambert asked Susan to tell the council about the yearbooks. Susan said what was at the field house was from the later years and there are so many of the same years that they really don't need them. They would like to put two or three back in the trophy room and use the rest as a fund raiser. Councilman Bolling said he had spoken to Versie about the carpet and he asked Susan how soon were they wanting to put it down. Susan said they are still working on some areas and it may be at least a month. Councilman Childress asked about the floor and Susan said they can sand it down. That is included in the estimate that Talbert and Versie talked about. She was asked why carpet instead of laminate or painting and Susan said they are thinking about people coming in with wet shoes and falling. Councilman Mullins asked about repairing the floor and put something down with a grit as a cheaper alternative. Councilman Childress asked if she was asking the council to purchase the carpet. Councilman Bolling said she did not ask that he was talking with Versie and she was telling him they were trying to upgrade the facility and he just thought without making any promises that he just wanted to see what the cost would be since it was still a town building. Councilman Childress said the statement was made one night at the meeting that they had the money to do the work and Susan said she just brought Councilman Bolling the estimate. Susan went over some of the improvements that they intend to make such as a chair lift.

**Reports and Communications:**

**Town Attorney** - Dove Goodpasture said the contract with Dickenson County PSA has been completed and ready to be executed. Wise County PSA has assumed the contract of the Town of Pound and in her reading of the contract Wise County PSA would be considered an assessor or assignee and they could go ahead and sign an addendum to raise their rates, but their town attorney says they would like to go ahead and do a new contract with the Town of Clintwood. She needs to follow up with Will Sturgill in regards to that.

Shelly Mullins - none

Jim Childress - There is a flyer in the folder about the upcoming events at the Jettie Baker Center. He would like to get the gutters cleaned along the sidewalks. Mayor Lambert said they were going to run the sweeper. He said he would like the town to consider a Mascot for the town. The surrounding areas already have one.

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Mayor Lambert asked if there has been any thought by the game commission to put a game stamp on a hunting license. Chief Mullins said Scott County was the only one he knew of that has a damage permit and he wasn't sure how much it would add to the hunting license. Councilman Bolling said a lot of people have asked him about an urban archery in the town. Councilman Mullins asked if they have had a mass killing of the deer this year and Chief Mullins said not this year. Mayor Lambert asked Chief Mullins if he would get them some information on this.

Talbert Bolling - He said he would like the Clintwood Greenwave Sign moved to the Historical Society.

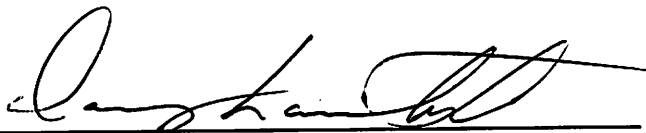
Doris Rife - Christmas in the Park – She asked that the bathrooms at the park be opened for Christmas in the Park which is the first Saturday in December. She asked if the council wanted to do a tree lighting and do it the same way as last year and have the tree lighting before the parade. Mayor Lambert said he thought that worked out really good. She would like something nice put out with the tree. The tree lighting will be at 5:00 p.m. and then the parade will start at 6:00 p.m. Jarrod and his wife will not be able to do Santa. She asked if the council had any ideas on who to ask and someone mention Gary and Lori Kendrick. Susan Mullins said the Historical Society will be serving spice tea at the tree lighting. Chief Mullins asked for someone to help line up the parade and Councilman Bolling said he would help with that. Councilman Childress asked that the winners of the float must be in a theme. He said he would go around and talk with the businesses to ask them to dress up their windows and storefronts for Christmas. Doris said there will be music at the picnic shelter.

Councilwoman Rife said the Lions Club will be doing a dinner for the Veterans on Friday starting at 11:00 a.m. On Wednesday at Dari King, they will be giving free to the Veterans two hot dogs, french fries and a drink. The Board of Supervisors will be doing a breakfast for the veterans on the 10<sup>th</sup>.

Mayor Lambert - The part for the heating unit at the Jettie Baker Center will be here in a few days. The poles have been wrapped with Christmas lights. The frame is up for the Christmas tree.

Motion was made by Councilman Bolling and second by Councilwoman Rife to pay the bills, the overtime, and adjourn. Motion passed unanimously.

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Danny Lambert, Mayor

Attest:

  
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Judy Steele, Clerk



## ORDINANCE

### **AN ORDINANCE OF THE TOWN OF CLINTWOOD, VIRGINIA ORDINANCE REGULATING INOPERABLE VEHICLES WITHIN TOWN OF CLINTWOOD, VIRGINIA TOWN LIMITS AND REQUIRING THE REMOVAL OF SUCH VEHICLES**

**Ordinance Number: CW:A 15.2-904**

**WHEREAS**, the Clintwood Town Council of the Town of Clintwood, Virginia desires to promote the public safety, health, and welfare of the residents of the Town of Clintwood, and

**WHEREAS**, it is declared to be in the public interest to regulate and restrict the keeping of inoperable motor vehicles on residential or commercial property within the Town of Clintwood,

**WHEREAS**, under the authority of § 15.2-904 of the Code of Virginia, the Town of Clintwood may enact ordinances regulating the keeping of inoperable motor vehicles, etc., on residential or commercial property and may provide for their removal and penalty for violations of such ordinances; and

**WHEREAS**, the Town Council for the Town of Clintwood hereby amends ordinance CW:A 15.2-904 adopted November 10, 2020 regarding the regulation of inoperable vehicles;

**BE IT THEREFORE ORDAINED**, by the Town Council of the Town of Clintwood that the following amendments and provisions be enacted regulating the keeping of inoperable motor vehicles, etc., on residential or commercial property within the Town of Clintwood, Virginia.

#### **\*STATE LAW REFERENCES**

Authority to restrict keeping of inoperable motor vehicles, etc., on residential or commercial property; removal of such vehicles; penalty, Code of Virginia, § 15.2-904.

**Section 1: Definitions**

**Section 2: Purpose**

**Section 3: Restrictions; Exemptions; Removal, Disposal, and Cost**

**Section 4: Penalty**

**Section 5: Enabling Authority**

**Section 6: Effective Date**

## **Section 1: Definitions**

The following terms shall, for the purpose of this ordinance, have the meanings set forth below:

***Inoperable motor vehicle*** means any motor vehicle, trailer, or semi-trailer which is not in operating condition; or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, if applicable, or other essential parts required for operation of the vehicle; or does not display valid license plates or does not display an inspection decal that is valid or does display an inspection decal that has been expired for more than sixty (60) days.

***Motor vehicle*** means every vehicle as defined in § 46.2-100 of the Code of Virginia, which is self-propelled or designed for self-propulsion except as otherwise provided in Title 46.2. Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space, shall be considered a part of a motor vehicle. For the purposes of this ordinance any device defined under § 46.2-100 as a bicycle or a moped shall be deemed not to be a motor vehicle.

***Person*** means any person, firm, partnership, association, corporation, company or entity of any kind, and being the owner, tenant, lessee or otherwise in possession or control of any private or public real property.

***Private real property*** means any area which is not owned by the federal, state or local government or any instrumentality, agency or political subdivision thereof.

***Shielded or screened*** means not visible by someone standing at ground level from outside of the property on which a subject vehicle is located. Placing an inoperable vehicle within an area completely enclosed by either a solid, rigid, opaque fence composed of standard fencing materials or a landscaped arrangement of non-deciduous trees, sufficient in height, spacing, density and circumference to ensure precluding visibility of the subject vehicle by someone standing at ground level from outside of the property on which the subject vehicle in compliance with the requirements of this article. The placing, draping or securing of a tarpaulin or other non-rigid cover over or around an inoperable vehicle shall not be sufficient to comply with the requirements of this ordinance.

***Semi-trailer*** means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

***Town:*** The Town of Clintwood, Virginia.

**Trailer** means every vehicle without motor power designed for carrying property or passengers only on its own structure and for being drawn by a motor vehicle. This definition does not include any mobile home for which there exists a valid zoning permit.

**\*State law reference—Similar definitions, Code of Virginia, § 46.2-100, §15.2-904 A.**

### **Section 2: Purpose**

- (a) The purpose of this ordinance is to prevent the accumulation of inoperable motor vehicles or parts thereof, in unapproved and inappropriate locations throughout the incorporated territory of the town, inasmuch as they constitute an unsightly, obnoxious, and unsanitary condition within such territory. The presence of such inoperable motor vehicles increases the danger of the spread of certain communicable diseases by providing a breeding place for rats, mice, and other known disease carriers and otherwise constitutes a condition detrimental to the mental and general well-being of the town citizens and is declared a public nuisance.
- (b) It is, therefore, determined and the counsel so finds, that it is imperative for the preservation of health, safety, peace, and the general public welfare that these provisions concerning inoperable motor vehicles be adopted requiring property owners, tenants, lessees or persons otherwise in control or possession of real estate to remove such inoperable vehicles from their premises.

### **Section 3: Restrictions; Exemptions; Notices; Removal, Disposal, and Cost**

- (a) No person, firm, or corporation shall keep in the Town, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property within the Town any motor vehicle, trailer, or semi-trailer which is inoperative.
- (b) This ordinance shall not apply to a licensed business which is regularly engaged in the business as an automobile dealer, salvage dealer, or scrap processor.
- (c) The owner of any property within the Town, shall remove therefrom, or otherwise bring such vehicle into compliance with the provisions of this ordinance, any inoperable motor vehicle, trailer, or semi-trailer in violation of this ordinance within thirty (30) calendar days after receiving written notice of the violation.
- (d) Notice given pursuant to this ordinance shall include the following written information:
  - 1. Reasonably describe the inoperable vehicle, and reference this ordinance;
  - 2. State that failure to comply within the requirements of this ordinance may result in the removal and disposal of the vehicle; and

3. State that such removal and disposal may be at the expense of the owner of such inoperable vehicle or the owner of the property upon which such vehicle is located; and

(e) Notice given pursuant to this section shall be given in the following manner:

1. Notice shall be posted in a conspicuous place on the property upon which the inoperable motor vehicle is located; and

2. Notice shall:

- i. Be given to the property owner in person, in which case an affidavit shall be completed by the person who delivers such notice attesting to the time and place of the giving of such notice and to whom it was given, or
- ii. Such notice may be mailed by United States Postal Service mail, postage prepaid, addressed to the owner as set forth in the records. Notice shall be deemed to have been given when posted on the property.

(f) Whenever an owner of property who has received a notice pursuant to this ordinance of an inoperable motor vehicle fails to either remove such vehicle from the property or otherwise to bring such vehicle into compliance with the provisions of this ordinance within the time specified in the notice, the Town through its own agents or employees may remove any such inoperative motor vehicles, trailers, or semi-trailers whenever the owner of the property, after notice is given and the thirty (30) day time period allowed by the notice has lapsed.

(g) After removal of any such inoperable vehicle pursuant to subsection (e) hereof, the Town through its own agents or employees may dispose of such inoperable motor vehicle, after giving further notice as provided:

1. Additional notice of the removal of any inoperable vehicle shall be given to the property owner in person, in which case an affidavit shall be completed by the person who delivers such notice attesting to the time and place of the giving of such notice and to whom it was given, or
2. Such notice may be mailed by United States Postal Service mail, postage prepaid, addressed to the owner as set forth in the records. Notice shall be deemed to have been given when posted on the property.
3. This notice must be given in no event more than five (5) business days after the removal of the inoperable vehicle, to the owner of the property and, if

different, the owner of record of the inoperable vehicle that has been removed. Further the notice shall:

- i. Describe the year, make, model and serial number of the inoperable vehicle;
  - ii. Set forth the location of the facility where the inoperable vehicle is being held;
  - iii. Inform the owner of the owner's right to reclaim the inoperable vehicle within fourteen (14) days after the date of such notice upon payment of the cost of removal to the Town;
  - iv. State that the failure of the owner to exercise the owner's right to reclaim the inoperable vehicle within the time provided may result in the inoperable vehicle being disposed of; and
  - v. State that the owner of the inoperable vehicle, or the premises on which the inoperable vehicle was located at the time it was removed may be liable for the cost of removal and disposal of the inoperable vehicle.
- (h) Whenever any inoperable vehicle is not reclaimed by the owner of such inoperable vehicle by payment of the cost of removal of the inoperable vehicle within the time specified in such notice, the inoperable vehicle may be disposed of.
- (i) If an inoperable vehicle is not reclaimed as provided above, the Town or the Town's authorized agent, shall sell it or cause it to be sold at public action. From the proceeds of the sale of an inoperable vehicle, the Town or its authorized agent, shall reimburse itself for the expenses of any auction, the cost of towing, preserving and storing the vehicle which resulted from placing the inoperable vehicle in custody. Any remainder of the proceeds of a sale shall be held for the owner of the inoperable vehicle or any person having security interests therein, as their interests may appear, for ninety (90) days, and then be deposited with the Treasurer of the Town.
- (j) The cost of the removal and disposal of an inoperable vehicle may be charged to the owner of such vehicle, or the owner of the property from which such vehicle was removed. Such costs may be collected by the Town as taxes and levies are collected.
- (k) Any such costs assessed against the property from which the vehicle was removed shall constitute a lien against the property and shall continue until actual payment of such costs has been made to the Town.

**Section 4: Penalty**

Any person violating the provisions of this ordinance shall be subject to a civil penalty, not to exceed \$200.00 for the first violation, or violations resulting from the same set of operative facts. The civil penalty for a second violation shall be \$300.00. A third violation shall be a penalty of \$500.00. Thereafter any person with a fourth of subsequent violation shall be guilty of a class 3 misdemeanor.

**Section 5: Enabling Authority**

This ordinance is enacted pursuant to the provisions of § 15.2-904 of the Code of Virginia, 1950, as amended. In the event of any conflict between the terms and provisions hereof and § 15.2-904, the provisions of § 15.2-904 shall control.

**Section 6: Effective Date**

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of Clintwood, Virginia, this 8 day of November 2022, that Town Ordinance Number CW:A 15.2-904 shall become effective upon passage.

**THE TOWN OF CLINTWOOD, VIRGINIA, BY ITS DULY ELECTED TOWN COUNCIL, THE GOVERNING BODY OF THE TOWN OF CLINTWOOD HEREBY RECORDS ITS VOTE ON THE ABOVE ORDINANCE AS FOLLOWS:**

**Danny Lambert, Mayor: (In the event of tie):**

**Ronald Kendrick:** Absent

**Talbert Bolling:** Aye

**Doris Rife:** Aye

**Jim Childress:** Aye

**Shelley Mullins:** Aye

**ENACTED and ADOPTED THIS 8 DAY OF November 2022.**

**Signed into law this same date: Effective Immediately.**

By:   
**MAYOR**

**ATTEST:**

  
**TOWN CLERK**