The Richlands Town Council held a regular monthly meeting in the Richlands Council Chambers on September 10, 2013 at 7:30 pm with the following present:

Mayor: Jannis White Town Manager: Tim Taylor Town Clerk: Susan Whitt Town Attorney: Brad Ratliff Council Members: Joe McCracken, Rod Cury, Larry Johnson, Frances Meadows, Doug Ratliff

Mayor White called the meeting to order.

Mayor White gave the invocation and led the Pledge of Allegiance.

Mayor White asks if there were any additions or deletions to the agenda. Vernon White requested to be added to the agenda.

Rod Cury made the Motion to approve the Agenda as amended, seconded by Larry Johnson. All in favor 5/0. Motion carried.

Minutes for the council meeting of August 13, 2013 had been previously distributed and Mayor White asks if there any amendments or corrections to the minutes. There were none. Joe McCracken made the motion to approve the Minutes as presented, seconded by Rod Cury. All in favor 5/0. Motion carried.

Recognition of Boys Basketball Team-National Champions-Presented by Fred Phillips- They play year-round, they are very dedicated. He thanked town council, the mayor, the town manager for allowing them to be recognized. They competed last year in Roanoke, VA and finished second in the Commonwealth Games, which qualified them to go the state games in Hershey, PA. They went there with 7 players, they came back and played in the state games and are now National Champions. He asked that the boys introduce themselves to council: Grant Herndon, Freshman; Ethan Ratliff, Freshman; Ben Thomason, Freshman; Luke Phillips, Freshman; Scottie Ball, Freshman; McKinsey Smith, Freshman; Cody Fuller, Freshman.

Mayor White said she and council were proud of them as well and congratulated them on their accomplishment of winning the National Championship.

Scheduled Public Comments:

Brad Kinser-193 Sunrise Drive. He and his family moved in November 2011 to Hidden Valley from Claypool Hill in to the new subdivision in Hidden Valley. He had questions about possible trash pickup and snow removal when they first moved in. He was told that the major barrier was that the road was not paved. Last fall, Hunter Paving paved the road; it was approximately a \$15,000.00 job.

He wanted to request services of trash pickup and snow removal for his street. Currently, they have to bring their trashcans several hundred feet (close to 1,000 feet) from his house to the bottom of the road. To his knowledge, his street is the only street in the Hidden Valley Subdivision that has to take their trash to the end of the road. Most of the time, he ends up taking the trash to his office, where he also pays for trash pickup so he feels like he is paying double for trash pickup. He referred to the letter he sent to Tim Taylor, a copy of which was given to council. All the residents on this street have indicated they would like to have trash pickup at the end of their driveway and snow removal in the winter. Last year he hired a private contractor to scrape the road when it snowed. Mr. Taylor addressed Mr. Kinser's original letter from the Town and made mention that Sunrise Drive is not R-1, it is R-2. It doesn't make a difference as far as this request is concerned.

He then said there are a couple of issues to consider with this request:

1-Is he wanting the town to maintain the road with providing these services; he asked Mr. Kinser if that his intent or just to request that the Town provide these services. Mr. Kinser said he just wants the services. Mr. Taylor said taking the road into state maintenance would be ideal but he wasn't sure if it would meet the VDOT criteria. Council discussed the criteria requirements. Mr. Taylor said it is normally 50 feet. Mr. Taylor reminded council that there are several other people in Town with this same situation.

Doug Ratliff made the Motion to provide these requested services to Sunset Drive in Hidden Valley, seconded by Larry Johnson. Doug Ratliff also requested that the Town would try to get this street on the state maintenance program. Mr. Taylor said that more research would have to be done to see if it meets the criteria. Further discussion by Mr. Taylor as to the deterioration of the pavement once you put a garbage truck on it and who would be responsible for maintenance. Larry Johnson added that they would handle each case as they are brought to council. Rod Cury asked if they could get some idea of what the other streets are. All in favor, 5/0. Motion carried.

Vernon White-417 Purcell Road-He wanted to check to see if Council had heard anything on his case. Brad Ratliff responded that he had sent Mr. White a letter. He represents Council and can't represent Mr. White also. As Town Attorney, Mr. Ratliff represents the Town and is in danger of dual representation. Mr. White had another contractor to give an estimate of the property damage outside of the one they had discussed and dropped it off to Brad Ratliff with the bill that accompanied the estimate. He asked Mr. Ratliff to submit this to the insurance company. Since that was not authorized by council, he did not submit it to the insurance company.

Mr. Taylor said they need to get with Mr. Hackworth as he did agree to do the estimate. It has been difficult getting Mr. Hackworth and Mr. Hess (the engineer) together.

Mr. Ratliff stated that this claim has a three (3) year statute of limitations which is drawing near. Council discussed further. Tim Taylor advised that Mr. White needed to file a claim with the insurance company. Mayor White suggested they go into closed session for further discussion. Rod Cury made the Motion pursuant to Code Section 2.2-3711(7), seconded by Joe McCracken. All in favor, 5/0. Motion carried.

Council went into closed session pursuant to Code Section 2.2-3711(7).

Mayor White asks for information to identify the only business discussed pursuant to Code Section 2.2-3711(7), she asked each council member if that was all that was discussed during the closed session:

Doug Ratliff-yes Frances Meadows-yes Joe McCracken-yes Rod Cury-yes Larry Johnson-yes

Doug Ratliff made a Motion that the Town cover Mr. White's deductible up to \$1,000.00 when he submits the claim to the insurance company. Joe McCracken seconded that Motion. All in favor 5/0. Motion carried.

Council Member Reports:

Rod Cury

1-handed out the flyer for the Community Meeting with CDAC on the Walking Tail extension on Tuesday, September 24th at 6:30 at the Richlands Business Incubator.

2-Planning Commission Meeting on Tuesday, October 1, 2013 at 7:30pm at Town Hall

3-Have received approval from VDOT and town attorney for the contract on the Section House. He deferred to Tim Taylor to provide details.

Tim Taylor-we have a contract that we submitted to VDOT concerning the enhancement project. We do have legal review and approval. These projects are fairly slow in nature but it is a milestone to get to this point.

Joe McCracken

1-East Second Street-is requesting an extra street light. There is an empty pole there that does not have a street light. Residents are concerned for safety.

2-715 East Second Street-cleaning sidewalks of debris and brush.

3-A few other matters that have been brought to Mr. Taylor's attention that he will be handling.

Frances Meadows asked about the houses that had been addressed previously. Joe McCracken said those are being addressed. Nothing else to report.

Doug Ratliff-

1-asked about the PCA. It will be -0- for the coming month.

2-asked about the letter to the newspaper, if it has been sent out? Mayor White said that it has not been, it needs to be reviewed. Rod Cury said he would like to review the letter before it goes out as well. They will do this before next council meeting.

3-asked about recording council meetings-Mr. Taylor said that there is only one camera and it is not adjustable, you will only see the backside of most of the people. Larry Johnson said that any council meetings he had seen only have the one camera at the back. Tim Taylor said it would be important for everyone to speak into the microphones so that they can be heard on the broadcast. Unless there is equipment failure, we will plan on broadcasting live next month.

4-proposed a check list for the Mayor to check off. In a separate part of the minutes to go over everything that was proposed at the last meeting to make sure things are followed-up. Tim Taylor proposed emailing the checklist to council after council meetings.

Larry Johnson-

1-Vernon White-already taken care of.

2-Police Cars-Frank Dorton has an estimate for the ones with the paint peeling off. Several cars that are going to be replaced soon, so there is no need to paint them. Chief Dorton presented a quote from G & S Body Shop but after much discussion among council, they decided to open it up to bidding. Larry Johnson made the Motion to go with the lowest qualified Bidder, Seconded by Frances Meadows. All in favor 5/0. Motion carried.

3-Mowing and trimming on the sidewalks. Some sidewalks need mowing more than some yards do. Front Street going toward Pizza Hut is an issue. East Second Street where there is a wall is really bad with weeds. Mr. Taylor said that the code section requires landowners to keep their sidewalks in order.

Unscheduled Comments:

Sarah Smith-sent an email to Sue Wade about the possibility of her and her sister organizing a fundraiser event to raise money for her nephew, Justin White. He is scheduled to undergo heart transplant. а Even the lowest co-pay is beyond their means. They would like to make this an annual event and call it Justin's Heart Fund and help other families in need. The first event would be October 26th, right before Halloween as a Zombie Walk/Run. Larry Johnson said there is a Zombie Run on October 26th as well to be held on Kents Ridge Road. The route they would like to follow begins at Richlands High School coming out onto Cedar Valley Drive, taking Second Street down the Police Department, crossing Allegheny Street, turning onto Front Street and returning to the High School.

Mayor White deferred to Chief Frank Dorton. He said if it is on the sidewalk, it is not a problem. May have to provide some assistance at the intersections. As long as the walkers would stay out of the street and obey all traffic signals. Discussion about the time and early darkness. The total for the entire walk is 3.1 miles. They would anticipate everyone being back at the high school by 8:00 pm. The event starts at 4:00 pm. Frank Dorton said as long as they would stay on the sidewalk and be finished before dark, it would be fine. Council agreed.

Doug Ratliff wanted to commend the Town on taking the steps to privatize the mowing this year and wants the Town to look at similar things they can do in the future.

Larry Johnson (continued)

4- said that the lady from ARC that was at council meeting last month had the event at Critterville and had a good turn-out, had some pet adoptions, had some K-9 demonstrations. It was a success and they wanted to thank everyone for all of the help.

5-He asked about the status of the website. Tim Taylor said they should be able to show council at the next council meeting in October. They have a lot of content. Frank Dorton said they had been putting more on it yesterday, you can view it at test.town.richlands.va.us

6-Handbills-anything new on that-will be addressed later tonight.

7-Tax incentive-status. Brad Ratliff said he had not done anything on it. Larry Johnson suggested having a meeting on that the same night as the budget meeting, only earlier.

8-Houses-he had photos of both: East Second Street and Cecil Ball property. Both properties are in bad shape. He suggested that they follow-up and take action. Both situations have been on-going for 2-3 years. Tim Taylor said it is matter of selling them for back taxes. As far as the Cecil Ball property, Brad Ratliff said it would have to be a tax sale as the Town has asserted liens and there are past due taxes as well. On the East Second Street property, he is not sure if there are back taxes owing. It would be under the Nuisance section of the Code. Probably the next step is a tear down It will cost the Town money.

9-Mobile Homes on Kents Ridge Road-Mozelle's Trailer Park-have been sitting vacant for a long time. Mayor White inquired about the house on Prater Drive. Chief Dorton said he thought it had been cleaned up and mowed. Cole Street property has been taken care of.

Joe McCracken inquired about the status of the Burnette Street property. Brad Ratliff said that the plat had been revised and the Engineering firm has not sent that back to him yet. He will follow-up.

Department Supervisors Reports:

Fred Phillips-handed out monthly report to council. Doug Ratliff requested a profit/loss report from the pool. Rod Cury said the concession seems to be successful. The Street Dept is working on fixing the leak in the roof. The soccer team wants to wait until after the soccer season is over to remove the utility pole from the field.

Mondays, Tuesdays and Thursdays-soccer season has started and there are between 500-600 people over at the Rec Park on those days. There will be 4 year olds to 18 year olds participating in soccer.

Tim Taylor announced that one large unexpected expense the Rec Park was faced with recently is that the A/C unit on the bottom floor, after 37 years of service, has completely quit. Will have to replace with a heat pump, which will help with the energy costs. Probably between a \$4,000-\$5,000 project. It is a long term investment.

Chief Frank Dorton-

1-So far this year, we have had 7,200 calls for service. Last year was 6,758. Answered over 1,000 calls this month (August). Up 81 from last year at this same time.

2-Events for August-Football season started, working ballgames. Participated in a DMV/DUI Grant. Had a joint sobriety check point on Route 460 East and West Bound Lanes with the Sheriff's Department and the State Police, the Town had 11 people to participate, the State had 6 or 7, the County had 4 or 5. Checked an estimated 400 vehicles, no DUIs, 47 citations issued during that 4 hour time period. The Town of Richlands issued 19 of those, almost half of what both of the other departments issued.

3-Farmer Street-the complaint on speeding last month-increased the patrol on that street and issued 4 speeding tickets plus 2 defective equipment tickets since the last council meeting. These were at varying times during morning, afternoon and night.

4-Speeding Complaint-Hidden Valley-They put a monitoring device up, monitoring between August 19 and 22, 2013. Checked 1,166 cars on Terry Drive. The average speed was 25 mph. There was some speeding on Terry Drive, there was one car at 53 mph. 939 were from 0-30 mph. There were a few over 30 mph but we would probably not issue a ticket for 10 mph over. So taking that into consideration, only 10 vehicles out of the 1,100 that were going from 41-53 mph.

5-Seeking funds for 4 new vehicles outside of the 2 that in the budget. Still waiting to hear from the Attorney General on the Medicaid Fraud Asset Money. They are pursuing other funds.

6-Will have an auction in October for old Explorer that is no longer on the road. Hoping for the first Saturday in October.

7-Grand Jury today. Probably have a press conference soon.

Doug Ratliff brought up the Town Stickers and an alternative way of collecting them. DMV offers a permanent sticker and you have a personal property taxes. It costs quite a bit to implement. Brad Ratliff said there is probably only a 10% chance, if that, you could get any back taxes from the state. The fact that the Town would have had to have the personal property tax in place prior to the car tax relief law would probably prevent the town from collecting. There have been more laws passed on this. Brad Ratliff will do further research on this matter. Tim and Brad will meet and give council a report on their findings.

Gordon Russ

1-Handed out monthly report to Council for the month.

2-In two weeks, he will go before the Grant Review Board in Bristol on the heart monitors.

Spoke for **Keith Reynolds**, who is sick tonight. He had 16 calls for August, house fire and trailer fire.

3-Doug Ratliff asked about the transport study-Gordon said he had worked on it a great deal, it's probably about 80% done. Affordable Care Act will be a factor as well as Medicare cuts, even dialysis has been cut from Medicare. He is also looking at Bad Debt collection with the attorney.

4-Larry Johnson asked about the grand opening for the Burn Building. They are almost finished with the bathrooms and the paving and hope to have it sometime in October.

Jim Taylor

1-Met with Street Committee in Hidden Valley on Valley Drive where they had the drainage problem. Determined that the drain pipe was broken, ran the camera through it and saw the water was going out under the road. Replaced the drain completely and it seems to have taken care of the problem. Sandy Lane re-routed that drainage and got it taken care of. They found a water leak on Valley Drive. The water line is in bad shape on that street.

2-Installed 25 mph speed limit sign on Laramie Road as per state requirements.

Doug Ratliff requested a Caution Children sign near the intersection of Valley and Cresswood Drive near the Mohon's. VDOT requirements and criteria were discussed.

3-Picked up storm debris with Grapple Truck, it has been a tremendous help. It takes the place of 2 crews. It has been used by the Electric Department as well.

4- They have been using the new sweeper, trying to sweep the streets on a weekly schedule.

5-Flushed a 24" drain on Kents Ridge Road near old Riley's Grocery.

6-Patched Virginia Avenue, Farmer Street, Grove, Fourth Street, Kents Ridge Road, using a total of 34.8 tons hot mix.

7-Cleaned out big drain on Edgewater Drive, took out about 8 loads of debris. Every time it rains hard, the rain water brings down shale.

Joe McCracken asked what could be done to correct this problem. Tim Taylor said it was a school board issue; the Town has met with school officials, county officials, VDOT officials to try to get this resolved. It will take money to fix it, and he does not feel like it should be the Town's responsibility. There was one landowner that was suing the County for water damages; it was one of the houses behind Gateway Shopping Center. Since that time, the County purchased that property. So that issue has gone away, so now it will probably not get any attention unless Council takes action. Tim Taylor said he would try to set up another meeting.

8-checked out the roof at the Rec Park. George and Jerry checked it out and have a plan on how to fix it. They came up with the idea to put tin on the top like is on the bottom so it would have air space and not sweat. Would look good and take care of the problem. Estimated cost is \$24,000 for material. He said the leaks are not coming from the skylights, coming from the center vent and one piece of metal on the other side.

8-Swept several streets using the new sweeper.

9- made 112 extra stops this month (besides storm damage), 1,056 for the year. Down about 100 from last year.

10-mowed all outlying areas and Rt. 460 twice.

11-Worked on signs. Signs are an average of \$80 each, not counting labor.

Tim Taylor added that the paving schedule will begin next week. We received notice to proceed today. This is the revenue sharing program, approximately 3,000 tons for Burnette Street, Farmer Street, part of Cresswood Drive and the alley at the Presbyterian Church; they will be paying for that.

Larry Johnson asked if it was Dr. Murthy's driveway in Hidden Valley that they had repaired the drain on. He said that he was by there and the pavement had started to sink already. Jim said it would settle and then they would patch it.

Mayor's Comments

Mayor White said that there was a request from Keith Viers on behalf of Cumberland Plateau Housing Authority to waive the payment in lieu of taxes in the amount of \$1,241.85 for the fiscal year ending March 31, 2013.

Larry Johnson made the Motion to deny the request to waive the payment of taxes, seconded by Joe McCracken. All in favor, 5/0. Motion carried.

Mayor White mentioned in the Brooklyn Addition on Fourth Street, there are several trees down on private property. Chief Dorton said that the property owner has been notified. She also inquired about the status of the trees in the river. Mr. Taylor said it was on the list, have had some personnel changes and the water really has not been down enough either.

Town Attorney-Brad Ratliff

1-Handbills Issue-researched that issue and discussed with Chief Dorton, and pursuant to Section 3.3 of the Town Ordinances, the distribution of handbills is prohibited. The definition of a handbill is one page, technically this could be viewed as a handbill. This can be cleared up with an amendment to this Ordinance. There is no news in this paper, so it is not a newspaper. If the person has done business with the Newspaper, it is permissible. He asks Council for permission to clear up this issue with an amendment to the Ordinance. Rod Cury made the Motion to allow the town attorney to amend the Ordinance, seconded by Larry Johnson. All in favor 5/0.

2-Cigarette Tax Ordinance-This current Ordinance does not compel the use the stamps, a revision is needed. He will be working to edit the ordinance for the ease of the administrative matters and collection, enforcement and tracking. Tim Taylor said in discussion with other towns that have done this, it is easier to let the wholesaler buy the stamps and put them as they put the state stamps on. 1- We get our money as we sell the stamps in block form-2 the wholesaler puts them on automatically in automation 3-we would just have to check periodically to make sure the cigarettes are being sold with the stamps. The basic content of the Ordinance remains the same, it just adds in the ease of carrying it out. Council agreed with a consensus that Mr. Ratliff should modify the Ordinance as discussed.

Doug Ratliff stated that the Cigarette Taxes imposed, both Federal and Town, would affect the people that could afford it least.

Town Manager's Report-

1-Authorizion to pay bills-Mr. Taylor discusses the checks to be paid:

Check no. 47574 to DEQ for \$8,529.00, which is annual permit fee to the State. It increases every year. #47596-Langdale Forest Products in the amount of \$7,306.00 is for utility poles.

Doug Ratliff asked about the status of the franchise tax for the poles, etc. Mr. Taylor said that he had a draft that had already been approved by Council. There are some issues with Verizon. Most of those are not due until the end of the year.

Joe McCracken asked about the check to Clinch Valley Medical Center for \$110.00 #47572. That is for pre-employment physicals and drug screens.

Mayor White asked about Ultra Petroleum, check no. 47631 in the amount of \$23,147.66. That is for fuel for the town. Final work is going on with the card reader, it should be finished soon.

Mr. Taylor said that the Town had received some Grant funds as Chief Dorton mentioned.

Doug Ratliff inquired about the check to T. Shea Cook in the amount of \$240.00, check no. 47627. It is for Court Appointed Attorney fees.

Invoices totaling \$606,825.16. The AMP invoice totaled \$349,860.28, VRS \$50,829.66 and Anthem \$74,332.00. Frances Meadows makes Motion to authorize Mr. Taylor to pay the invoices, seconded by Rod Cury. Vote 5/0. Motion carried.

2-Cumberland Plateau Planning District Hazard Mitigation Plan-Consider Adopting Resolution- copy was given to Council -This is an update according to the Law. Must be adopted by Council in order to participate in mitigation plan. Rod Cury made the Motion to Adopt the Resolution, seconded by Larry Johnson. All in favor, 5/0. Motion carried.

3-VRS Hybrid Plan-Retirement Plan-as part of the Code, last year the General Assembly enacted a hybrid retirement plan as part of the retirement system. To date, we have a VRS Plan 1 and a VRS Plan 2 now we have this hybrid plan. VRS Plan 1 is basically the old defined benefit plan that everyone participated in if they were hired prior to July 1, 2010. Plan 2 required us to put all employees that were hired after July 1, 2010 to be in Plan 2. As of January 1, 2014, there will be another plan, considered to be a hybrid retirement plan. It is a combination of the two plans. There are options within that plan that are similar to a 401K. There will be a window through April 30, 2014. This deals with the disability coverage that we have to offer. The hybrid plan allows us to opt out with a deadline of November 1, 2013. Staff members will be attending a seminar tomorrow to gain more information. Will need to make a decision at next month's meeting.

Project Updates

1-Professional Engineering Services-Have received requests for proposals for professional engineering services. Have two submittals; Maxim Engineering and Thompson Litton. We are in the interview stage and we will have a contract recommendation in October.

2-Cost of Service-Retail Rate Study in progress. We signed the contract this week. There will be a cost of services, which will show exactly what the cost is to provide electricity. From the cost of power supply, distribution services, any costs that might be associated with debt service along with anything planned for the future. Retail rate study based on cost of service and debt reserve and reserve for rate stabilization. They will deliver that and as part of the delivery can present that to council at a meeting or at a work session, whichever council prefers.

3-Section House Project-Professional Services-have approval of contract from VDOT and attorney.

4-Taking bids on software packages for utility billing and financialhopefully will get a better product that will provide better reporting.

5-Financial Comprehensive Plan- we have done a lot of work on this but have been delayed due to auditors doing their annual report. We are taking a comprehensive view of how we are doing things. Hopefully we will be ready to do meetings around the first week in October. Will send out dates by email.

6-Name Change-Hunter's Ridge Road-need to have public hearing next month. Need to get names to notify residents that name change will affect.

Cost of Service report will be deliverable in 4-6 weeks.

Deadline of November 1, 2013 to submit our application for the Revenue Sharing Program for paving for fiscal year 2015. This is a commitment for this money, so it requires thought. If we are offered these funds, we should never turn it down as it will affect us going forward. One of the best deals the State of Virginia has offered in many years. It is dollar for dollar match. We need it for paving. We will be preparing the list. Mayor White asked if the funds can be used on sidewalks. It is a little more difficult on sidewalks due to the paperwork. Tazewell County has a Business to Business Showcase at SWCC-October 24-25th, invited Council members to participate. There is no cost to participate for the first 100 businesses.

Mr. Taylor received an email just before Council this evening from AMP regarding a Grassroots call to action to stop "sequestration." OMB has made a ruling that will affect those Buy America Bonds and Renewable Energy Bonds. What that means to us, as you will see on page 2, the impact with the first two projects (Prairie State and Combined Hydro), the annual payments on that project has been reduced by sequestration and will result in increased debt service cost that we will have to pass along to our customers. The impact for the customers, if you just passed it on through, would be 32 cents per mega watt hour for the Prairie State project. For the Hydro project, it is significant-\$2.37 per mega watt hour. It will be a major blow to all communities if this is invoked. We have a template letter to send to the House and Senate on behalf of Council. It basically asks them to act to reverse the OMB's decision. He asks Council to vote to allow Mayor White to sign on behalf of Council and send out this letter to our Congressman and Senators. Rod Cury made the Motion to allow Mayor White to sign the letter, seconded by Larry Johnson. All in favor, 5/0. Motion carried.

Doug Ratliff asked about BVU and offering cable. Tim Taylor said he has a report and has a few people to talk to before they start discussion on this. It will take legislative action. Will have to have a partnership.

Mayor White asked for any further comments.

Adam Howington-with the Richlands News Press-asks for confirmation for the walk in October for the Fundraiser. He wanted to clarify before he puts anything in the paper. Council confirmed that it was cleared and that it would be fine to run it in the paper.

Mr. Taylor gave a statement regarding the live broadcast for next council meeting. The meeting will be broadcast live on the local channel 5 beginning October 8, 2013.

Larry Johnson made the Motion to Adjourn, seconded by Frances Meadows. All in favor, 5/0. Meeting adjourned until next Council meeting on October 8, 2013 at 7:30 pm.

Mayor

Attest:

Town Clerk