

The Richlands Town Council held a regular monthly meeting in the Richlands Council Chambers on January 14, 2014 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, Mary Ann Strong

Mayor White called the meeting to order.

Frances Meadows gave the invocation and led the Pledge of Allegiance.

Mayor White asks if there is anyone that would like to speak who is not on the agenda. She also asked if there were any additions or deletions to the agenda.

Donnie Mitchem asked to be added to the Agenda.

Rod Cury made the Motion to approve the Agenda as amended, seconded by Joe McCracken. All in favor 6/0. Motion carried.

Minutes for the Council meeting of December 10, 2013 had been previously distributed and Mayor White asks if there any amendments or corrections to the minutes.

Frances Meadows made the motion to approve the Minutes as presented, seconded by Larry Johnson. All in favor 6/0. Motion carried.

Scheduled Public Comments:

Jim Maxwell with Berkshire-Hathaway Media –Publisher of the Mountain Planner (formerly Mountain Advisor)-He represents the Richlands News Press, the Mountain Planner for this area as well as Bland County, Smith County, in Bristol and in Sullivan County, Tennessee. We distribute 11,167 copies of the Planner weekly in the Richlands, Tazewell, Cedar Bluff and Claypool Hill area. Independent contractors are used to distribute copies in those areas; employees are used to distribute copies in the single copy locations. We have created a designated land line where residents can call to request that it be stopped. That is located on the front page of each edition newspaper. It is a non-800 number but it goes directly to an individual or voice mail and we track every single call that comes in and we respond to every single call that comes in as well. Roughly 40% of the calls that we receive are people complaining that they didn't receive the Mountain Planner. About 60% of them are calling because they don't want it. Our calls have gone from an average of 30 per week down to about 6 per week in the last 60 days. That is

due in part to the local phone number that we have. It is our objective to be a good neighbor and to adhere to responding to our customers' needs; our readers, our advertisers, our cities, the town, we want to be a good neighbor and a good citizen. We have distributed this particular product, which we publish 50,000 copies of and distribute all over Southwest Virginia every week. We typically receive, based on dedicated areas, 10-15 calls per week and we respond very quickly by getting the information into our data base. We have verifiers, who we hire specifically for following up and making sure delivery goes on peoples' driveways, behind the right of way typically, so that it doesn't show up in the street. That was part of the reason for changing the format. You can see that there is quite a bit of advertising, grocery stores, there are manufacturers' coupons probably worth in excess of \$100 per week in savings that we try to provide people. In addition, we changed the content of the Mountain Planner to include calendar of events in the communities. Each county that we distribute in has a calendar of events. We don't charge for that; it is free and it is a great way to get news out for churches and organizations, etc. in terms of what they do and how they do it. You mentioned the people who are poor, are un-employed; we do a lot of things for organizations like the United Way. We do a lot of things for organizations like the YMCA, after school programs, backpack programs for children. If there is ever an issue a constituent of yours has regarding the delivery of this product to their home and they have not been able to satisfactorily stop it, receive it, or have it placed where it needs to be placed, I will personally see that it takes place. Councilman Joe McCracken responded that he thought all of the questions and concerns had been addressed and thanked him for coming.

Donnie Mitchem-617 Fairground Road, Tazewell, VA-Owner of Corner Mart and 9 other stores in Tazewell County.-He was asked to come to explain his point of view of the cigarette tax and the impact it will have on Richlands. He said normally when he comes to one of these meetings, he comes to represent his business but this is really more about Richlands than it is his business. I will benefit from this tax at other of my business locations, but both council members asked me how this will affect Richlands. I said it will hurt. Two items, cigarettes and gas prices drive people as to where they shop. Richlands is in a unique situation because they are so close to Cedar Bluff, Claypool Hill, Raven and Doran, that people will go outside of Richlands to do their shopping. Cigarette Tax is a tax on mostly the middle class or poor people; those are usually the ones that smoke. Where I think it will hurt Richlands is when (the people that smoke) they realize it is higher here than it is here, they won't just go somewhere else to buy cigarettes, they will buy their gas, their milk and bread and whatever else and when they start doing that, it won't be just the cigarette business that Richlands loses, it will be all of those other items, then that is where you lose on your business tax. I understand things are tough right now; it is tough on Richlands and on its citizens. People who smoke are the ones that look for deals over anybody. They are really price conscious. He

spoke at length about his opinion of the impact of the cigarette tax overall on Richlands. He said he was speaking to council as a request from Mary Ann Strong and Doug Ratliff.

Mary Ann Strong thanked him for coming and asked him to reiterate for the benefit of the audience that he is the owner of Corner Mart in the west part of Town and that he owns several stores throughout Tazewell County.

He then spoke at length about his opinion on the cigarette tax. He said his business is down 20% but it is like that everywhere. He said that he had not implemented the tax yet. He bought the stamps but he hasn't starting using them yet. He is telling his customers to go Raven to save money.

Joe McCracken asked Mr. Mitchem if he knew why the tax was implemented. Mr. McCracken explained that it was to help supplement the Public Safety Budgets' shortfalls. Mr. Mitchem said he understood and agreed that it needed to be supplemented, but that the cigarette tax would end up causing the Town to lose revenue on lost sales.

Doug Ratliff handed out a sheet of what could happen to council members. He went over examples of what could happen with the cigarette tax, explaining that losing BPOL taxes on sales would dwarf the proposed revenue from the tax. He compared the BPOL taxes among other towns, such as Bluefield at .0016 and Tazewell at .0015 compared to .002 in Richlands. Corner Mart does \$290,000,000 retail and could lose \$20,000,000 and that would result in a loss of \$40,000 in BPOL tax. Mr. Ratliff said he had called each town to get their respective rates.

Mr. Ratliff then handed out another sheet showing the repercussions of the cigarette tax. It was a letter from a Tobacco Store in town that had just gone out of business. He said the business had about \$250,000 in retail that we are losing BPOL taxes on. We lost a business and 3 or 4 employees. They are gone and won't be coming back.

Mr. Mitchem said that a county-wide tax would be better in that everyone would be charging the same and it wouldn't hurt one particular area.

Mayor White and the Council members thanked him for coming.

Council Member Reports:

Rod Cury

1-Next Planning Commission meeting is scheduled for February 4, 2014 at 7:30 pm at Town Hall.

2-Had a street request that I forwarded to Tim earlier on Ellen Street and he did tell the lady that called that we would put it on the list and she was very appreciative.

3-The Planning Commission did meet after the Public Hearing and we have a recommendation and the Planning Commission Chairman Richard Smith had to leave. He asked me to read the recommendation.

“The Town of Richlands Planning Commission, having conducted a Joint Public Hearing with the Richlands Town Council to consider revising and amending the zoning Ordinance to include Tattoo Parlors and Piercing Parlors to Article 5, titled Business General District B-2 as a permitted use. Said Hearing being held at 7:00 pm on Tuesday, 14 January, 2014 in the Richlands Municipal Building pursuant to Public Notice as required by law and public comments being solicited. The Richlands Planning Commission recommends to Town Council that Zoning Ordinance #O-2014-01-02 be adopted as presented.”

Signed by Richard Smith, Chairman of the Planning Commission. This was adopted by unanimous vote upon a Motion by Todd Brown and a second by Richard Smith. This Ordinance is listed under the Attorney’s Comments and will be addressed at that time.

Joe McCracken

1-Sagewood Drive, just off Daw Road. Flora Lawson of 236 Sagewood Drive would like to know how much of her property is in town and how much is in the County for tax purposes. There are 8 houses on this road, needs to have road work done. Tim Taylor advised this is a private drive and the town does not work on private drives.

2-Sign below the High School showing the different organizations-any update? Tim Taylor advised to paint the sign. There had been money allocated from these organizations to tear down the sign and replace it with a new one. That is why we have waited, not wanting to waste paint. But it hasn’t been replaced so we will schedule it to be painted as soon as the weather permits. We can paint the sign holder and solicit the organizations for new signs. It doesn’t belong to the Town but we have always taken care of it.

3-River Road-now Clinch River Road-it is almost impassable. The pot-holes are huge and are hard to miss. Tim Taylor said it would have to have grade work done. It does flood there often so it is an on-going problem. We will schedule it as the weather breaks.

Frances Meadows

1-Water standing in road at Lake Park Drive near hospital-Mr. Taylor said that the problem with that entire area is that the drain is so flat. It is actually maintained by VDOT. Every so often they will clean it out. He has a meeting coming up with VDOT and will discuss this with them. Will also discuss the need for additional warnings at the intersection of 460 and Front Street. They

did put the No-U Turn sign near the flea market area in Doran. Jim Taylor said they (VDOT) had been working on some drainage today at the lower end of town near the new bridge.

Doug Ratliff

1-Made a Motion to bring the alleyway behind John Buskill into the tax base. It has not been taxed in 30 years so I would like to make a Motion that we vacate the alley so that tax can be brought into the budget.

Brad Ratliff said that a second reading needed to be done before any action was taken. He then read the second reading of Amended Ordinance Vacating Certain Alley, Amending Ordinance No.'s O-2013-5-4 and #O-2013-11-04 and being Ordinance #O-2014-01-03.

Mayor White asked for a Second for the Motion made by Doug Ratliff, given by Larry Johnson. No discussion. Vote- 3 yes (Doug Ratliff, Mary Ann Strong, Larry Johnson) and 3 no (Rod Cury, Joe McCracken, Frances Meadows). Mayor White cast the tie-breaking vote by voting yes. Motion carried.

2-Pole Attachments- Mr. Taylor said that the Town had actually sent notice to Time Warner and we have received a response from their attorneys, the firm of Sheppard and Mullin out of Washington, D. C. They have received our letter and will go ahead and negotiate as soon as possible. They have given us a template of a pole attachment agreement for us to review based on one used in other areas. I will give this to our attorney. It is my understanding that fees are retro-active; anything we bill this year will be based on 2013. Sue Wade said that those bills have just been sent out for the prior year. We want to make sure that it does fall into the uniform guidelines that other communities like us have. The intent is not making them remove the attachments; the intent is just to get a fair price for them. So today, our price is \$5.00 per pole per year and we will hopefully be able to generate a cost for council to consider bases on a formula that is being used throughout the industry. Verizon's contract does not expire until 2015. Doug Ratliff asked how many poles we currently have with attachments. Mr. Taylor said it was around 1,100.

Doug Ratliff said that in some other towns, they get more channels at a much lower cost. He feels that Richlands is charged a premium and that Richlands could charge them a premium for their pole attachments. Mr. Taylor said that we need to be attentive to the fact that they may pass that premium on to their customers and said we need to refer to the formula as much as possible. Cable rates are not regulated.

Mr. Ratliff then asked about any possible legislation in the process that could enable the town to bring cable to the area. Mr. Taylor said he didn't know of any. He said the only one that could provide it would be BVU, if they are

allowed to. Currently the legislation does not allow them to. He recommended that Tim Taylor meet with BVU to see about them providing cable to this area. Counsel agreed and also that Doug Ratliff would attend the meeting as a representative of council.

Ordinance for Repeal of Cigarette Tax-Doug Ratliff deferred to Brad Ratliff for further explanation. He did legal research to find that council does have an option to appeal an Ordinance as passed by Council. The Virginia Code specifically requires that an Ordinance that has been passed be appealed by the same process. Given that scenario, this particular Ordinance must have a public hearing, especially since it involves taxes. Even the repeal of the tax must have a public hearing. In the council packet, is a prepared Draft of an Ordinance to Repeal the tax on cigarettes. I feel that it is relatively self-explanatory as there are some paragraphs describing the rationale and a very direct "Be it Ordained" clause repeals the specific cigarette tax passed by Council on November 12, 2013. He offered to answer any questions from Council. He said he planned to have a public hearing next month if Council decides to go forward.

Frances Meadows said that she listened to Mr. Mitchem's comments and she understood his point of view on the cigarette tax. Her concern is that like Mr. McCracken said earlier, we did not intend to hurt our citizens with this tax. We were just trying to find some available money for our public safety, specifically our police department so that they could have the proper equipment. It was a small tax that we were putting on a pack of cigarettes. I cannot go along with this repeal of the cigarette tax. That is my opinion and I just wanted to state it.

Rod Cury joined the discussion stating that when we proposed this tax at first, he made the motion (and it didn't pass) because I wanted to help our public safety department, particularly the police get the revenue that they need in order to provide proper safety for our citizens. Because I was the person who made the motion, protocol would not allow me to introduce it again, so I believe that Larry Johnson made the Motion, not sure who seconded it, that we actually have this tax and the Motion passed and the Ordinance was adopted. That being said, having been in business for many years, I understand the reasoning of price and how it can affect the customers. But I personally think to repeal at this point is pre-mature because we don't know exactly what is going to happen. I think before we repeal it, we should give it a chance to see what happens.

Larry Johnson said he wanted to clarify some things.

First, when this tax was initially passed, it was requested that the tax money be used for Police, Fire and Rescue. That was shot down. It was said to go into the General Fund, which it did. So even though it's been presented as going

just for Police, Fire and Rescue that is not the case. That is actually the way that I tried to get and it didn't go that way.

Secondly, he said that I was the one that presented it the second time and it was approved and unlike our federal government, I can see results and I can see his side of it and I can understand. I think we made a mistake. That is my opinion.

Doug Ratliff said that there isn't one person on Council that doesn't want a strong police force or emergency response but what this will do, is it will lessen what Richlands (Corner Mart) does each year and we will have much less money. He said he thinks that if we do it for 3-4 months for a trial period, then people will change their habits and go elsewhere and probably won't come back.

Mary Ann Strong asked if the revenue from the cigarette tax goes into the General Fund and Mr. Taylor replied that it does but that it goes where there is a shortfall, which is the Police Department.

Further discussion ensued.

Rod Cury suggested having the Public Hearing to further discuss the proposed repeal. He made the Motion, seconded by Larry Johnson. Vote 6/0. Motion carried. Public Hearing for Repeal of Cigarette Tax set for Tuesday, February 11, 2014 at 7:00 pm. Brad Ratliff will prepare the necessary documents.

Frances Meadows had a question for the Town Attorney if it would be a conflict of interest for Mr. Ratliff (Doug) to vote on this or bring it up if he has a tobacco store in one of his buildings. Brad Ratliff said that Council is self-regulating on things of that nature. Doug Ratliff responded that he does not have a tobacco store anymore. The letter that I gave to council says they are moving out. Joe McCracken said that the employees there told him the reason they were moving was that the rent was too high.

An audience member stated that she had just been by there tonight and they were there and had a sign on the door that said "Closed for Inventory".

Rod Cury asked for the definition of "self-regulating" from the Town Attorney. Determine if there is a "direct interest" for that council member.

Doug Ratliff asked each council member to go by there after the meeting and see that the store is closed, they are not going to reopen, there is no conflict. If you do find that they have opened, then I will not vote on this. They will be gone by the end of the month.

Brad Ratliff answered Councilwoman Meadows' question about conflict of interest more clearly, direct and factual. Section 3.8.01 of the Charter directly states "every member who is present shall vote unless excused. No member who has any personal or financial interest in the result of any Ordinance or Resolution before the Council shall vote."

Larry Johnson

1-BPOL-Larry and Brad Ratliff need to meet to discuss the progress of the proposed incentives.

2-House on East Second Street-check title for new owner.

3-Thanked all Town employees for working out in the severe cold weather.

Mary Ann Strong

1-Thanked Officer Jerry Gilbert who organizes the "Shop with a Cop" program. She was able to participate this year for the first time and it was the highlight of her Christmas season.

2-Explained that she went to Mr. Mitchem because she was new to this and wasn't involved in the initial discussion of the cigarette tax. She is not a cigarette smoker, she knows Mr. Mitchem well and trusts his business sense. He has been in his family business since he was 15. She was seeking an understanding of how it may affect his particular store. She had never heard of a BPOL tax.

3-Roger Helton-with Clinch Valley Memorial Cemetery had contacted her about the Town helping them go about seeking for the cemetery to be an historical landmark. She said Rod Cury was probably the one with knowledge on this. Mr. Cury said that it could be, cemeteries are frequently recognized as historical landmarks by the DHR. Would need to first contact Mike Puliss of DHR and if that is something council wishes for me to do, I would be glad to do that on behalf of the Town of Richlands and the cemetery to see what procedures we need to take. Not sure of the costs involved, but we can find out.

Mary Ann Strong made the Motion to Authorize Rod Cury to contact the appropriate parties to look into the possibility of Clinch Valley Memorial Cemetery to be an historical landmark, seconded by Frances Meadows. Vote 6/0, all in favor. Motion carried.

Mr. Cury said that while they were on the topic of historic designations, we have others in Richlands: the Hankins Cemetery also eligible. I am not qualified to say that, only after a study has been done, but I should add that as it is very old and there is a lot of history there.

Mary Ann Strong made an Amended Motion to authorize Mr. Cury to also look into the feasibility of the Hankins Cemetery along with Clinch Valley Memorial

Cemetery being designated as an historical landmark, seconded by Frances Meadows. Vote 6/ 0, all in favor. Motion carried.

4- RFP-Software-Status update. Mr. Taylor said we are still interviewing banks and the big issue is the software. We have an RFP ready to go out. We will have to wait until we get that or we will have to do it over. We will make sure that the software that is selected has that ability and then we will go with the best, reliable product. There will a time when Council will have to interact on what to do about fees. We should be able to have it out by the end of the month. We would hope to have it implemented in 90 days after we get the software. We should be ready by the end of the fiscal year- June.

5-Ginger Branton had shared her request in an email on December 13th and I had also spoken with Vickie England about the Chamber's request to have an informal social gathering. Mr. Taylor said he had spoken with Ginger today and found out the intention of the Chamber. Ginger, through the Chamber of Commerce Board, is reaching out to the Town. She mentioned having it at the Incubator, press would be invited. She would like for all council members to attend.

Joe McCracken made the Motion to meet with the Chamber, seconded by Rod Cury. All in favor, 6/ 0. Motion carried.

Thursday, February 6th was discussed as a possible date for the meeting. From 7:00 pm to 9:00 pm. Once this is confirmed by Ginger, Tim will email everyone to let them know.

Joe McCracken asked Brad Ratliff about the status of the Burnette Street property. Mr. Ratliff said that he had re-drafted the Ordinance but wanted to get the Vacation of Alley Ordinance finished before reading the Burnette Street Ordinance. The first reading of this Ordinance will be next month.

Dept. Heads

Dave Ascue (filling in for Fred Phillips)-gave the report for the Rec Park.

1-They completed the basketball program for 4th and 5th Grades. He invited everyone to come and watch the Kindergarten and First Grade basketball games, which has just started.

2-The Toy Drive for Christmas was a success. Over 500 toys were donated. Personally thanked everyone in the area that donated.

Chief Frank Dorton

1-For the year ending 2013, we answered 10, 371 calls, which is an increase of 400 calls over the previous year. For the month of December, we answered 669 calls, which is a decrease of 107 over the same time last year.

2-Shop with a Cop on Saturday and Sunday, December 19th and 20th-had 70 kids at Magic Mart and 57 at Wal-mart. There were a lot of volunteers and a lot of appreciative kids.

3-Began posting photos of animals on Facebook that are picked up by our Animal Control Officer. We have two or three people that have claimed their pets from this page.

4-Have received the money from the U. S. Attorney's office that money has been sent to us. Part of that money is to purchase vehicles, we are getting quotes on that. Bids won't be out until April and May, before we can actually place an order on those vehicles. We are getting quotes for the bullet-proof vests, we have a meeting the 21st of this month for fittings. We will be purchasing those soon. The in-car cameras are in the process of ordering those. We are putting some software together on our servers to be able to handle the video.

5-I have also talked with the Commonwealth Attorney and gave him our wish list that he approved. That was also Federal Asset Forfeiture money. That request has been sent to the Department of Treasury for final approval.

6-Have hired a new Police Officer, Matthew Fields. Chris Shortridge went back to the Sheriff's Office.

Gordon Russ

1-Calls were up last month.

2-Christmas Dinner went well. Attendance was 131.

3-Grant for the Cardiac Monitors was approved by the state.

4-Billing for Fire Dept. He has given a quote from one company to the Town Attorney. We will have to get more price quotes. He deferred to Tim Taylor. Mr. Taylor said that since our current contract is with the group from West Virginia, they have quit billing for Fire Dept. fees because it has not been successful. Fire and Rescue billing would be separated and from our understanding, it is always an issue with insurance about that, because with fire, all they see is fighting house fires. Often times they will not pay the claims for fire dept. responding to accidents, but we have found that if you have an Ordinance, it may make a difference with the insurance companies. They may still challenge it. It is our recommendation that the attorney look at that agreement and if it something we should pursue then we will need to do an RFP. You will hear from us in the near future either recommending or not to go forward with this.

Keith Reynolds

1-Handed out reports for the month of December and the year ending in 2013.

2-For the year, they had 344 actual emergency calls, about an average of 1 per day.

3-They assisted Tazewell with the fire on Main Street, they sent the tanker, etc.

4-Mayor White asked if he had a chance to work on the Automatic Mutual Aid Agreement with Russell County. He said due to his work schedule, he had not. He said it was something that needs to be done. He suggested talking to the

supervisor for that end of Russell County and their Public Safety Board. He said it would help the insurance rates of the homeowners.

5-He would like to have a Public Safety Meeting in February to discuss the dedication of the Burn Building. It is set for January 28th at 6:30 at Town Hall.

6-Doug Ratliff said he had some complaints on the smoke at the Burn Building. He asked if they could schedule the burns according to the weather. Keith Reynolds said the burns are scheduled months ahead of time. Recently there were some complaints about the smoke from the Firefighter One training classes, me and the Mayor went down there and they were actually using fog instead of smoke. It is not harmful.

Doug Ratliff suggested letting the public know when they have scheduled burns, maybe put it on the Access Channel.

Jim Taylor

1-Finished picking up leaves for the season; had 45 loads of leaves which we have recycled into garden mulch.

2-Ditched several places, Birmingham, East Second, Kents Ridge Road, Edgewater Drive, Sunset Street, Ellen Street, Lakeview Drive, East Street, Fifth Street, Big Creek and Farmer Street.

3-Had some concerns about Ellen Street, we have ditched it and all of Ellen Street is not in the Town's system so it's an orphan road and we give it attention but you can't devote the attention that all the streets in town get to an orphan road. There are 50 to 60 that would require the same attention. Tim Taylor said what makes this one different is that it does have a platted right of way but was never in the state system even when we took it in. We also have a tank up there.

4-Cleaned and curbed gutters throughout the Town.

5-Swept once with the sweeper.

6-Installed drop ceiling at the Police Department in the Communication Room.

7-Had 3 or 4 different trash pickup days. Picked up 60 bags off the streets.

8-Assisted the Electrical Department in putting up and taking down Christmas décor.

9-Bag-patched several holes on Front Street, Second Street, Big Creek, Farmer Street and Railroad Avenue. We used 26 bags of the bag patch at \$9.20 per bag.

10-Snow/ Ice Removal on five different occasions this month, 272 man hours, 204 equipment hours, 215 tons of salt.

11-Frozen Water at the Rec Park-assisted line maintenance crew with that.

12-Picked up 4 small slides in the ditches.

13-Had 90 extra stops for junk/ 1,517 for the year.

Mayor's Comments

1-We have a couple of contracts for the Freedom Festival. Our attorney has looked over one for Bill Haley Jr. and The Comets and the other one is for Ralph Stanley, II. She deferred to Brad Ratliff who said, the Ralph Stanley agreement is very simple and was able to authorize very quickly. The Bill Haley, Jr. contract was significantly more complex and we entered into some negotiation and changed some terms very successfully. There were very pliable. That contract was also authorized.

Mayor White asked for a Motion to authorize Tim Taylor to sign both contracts. Mary Ann Strong asked about the cost for each one. The Mayor explained that the money is raised by the Festival Committee. The total cost for Bill Haley and the Comets is \$7,000.00 and we only have to pay half up front. Ralph Stanley is \$3,500.00. Mary Ann Strong offered to help with the fundraising.

Joe McCracken asked what the last Freedom Festival ended up making. Mayor White said she thought it was around \$16,000.00.

The dates for the Festival are June 27th-28th, starting on Friday evening at 6:00 pm. We have had very good response from vendors and musicians.

Larry Johnson made the Motion to authorize Tim Taylor to sign the contracts, seconded by Mary Ann Strong. No discussion. All in favor, vote 6/0. Motion carried.

Mayor White reminded everyone that there is a Festival Committee meeting Thursday at 7:00 pm. She invited everyone to attend.

Doug Ratliff suggested checking with Mr. Buskill to see if that parking area is available during the Festival.

Mayor White asked Keith Reynolds if they had anyone certified in fireworks. He said that Greg Arnold is now certified.

Mayor White asked Chief Dorton to check at the end of Royal Street, there is a blockage there. It is a dead end and someone has put a pile of wood there. Chief Dorton advised that it had been moved.

Attorney's Comments

Brad Ratliff said that two of the three things that were on his list have already been addressed and taken care of. The remaining issue is the consideration of the Ordinance #O-2014-01-02 Adopting Amendment for Additional Use in B-2 (General Business) Zoning Designation. The Ordinance has been previously read during the Public Hearing earlier tonight. This directly affects Mr. Mosley and his efforts to introduce a tattoo parlor as a business in the Town of Richlands. I would like to add that some the language in this Ordinance

requires that a Public Hearing shall have been held by the governing body on an application submitted to the body for such use and purpose. I would move Council to not apply another Hearing to Mr. Mosley as he is essentially the subject of this matter during the Public Hearing already. I would introduce this Ordinance for consideration by Council.

Rod Cury made the Motion to dispense with the second reading of the Ordinance, seconded by Joe McCracken. No discussion. All in favor, vote 6/ 0. Motion carried.

Rod Cury made the Motion to adopt the Ordinance, seconded by Frances Meadows. All in favor, vote 6/ 0. Motion carried.

Larry Johnson asked about the required certification. Brad Ratliff said he had discussed this with Mr. Mosley. He had obtained a copy of the regulations from DPOR. He is presently underway to obtain his license. Mr. Mosley said he would confirm with the Town once he received his state license.

Tim Taylor said it would be required for Council to vote on Mr. Mosley's permit and asked him to come forward. He had given Mr. Taylor copies of all paperwork submitted by him to the State in an effort to secure his certification. He still has to take the State Board Exam then they will issue his license. My tattoo artist had his state license in Tennessee, which transfers to Virginia. He is waiting for his permit to be mailed.

Tim Taylor said that you have an Ordinance, the Public Hearing has satisfied the Ordinance, you have an application in. Just for the record, the location where you want to put your business, can you state that for the Clerk. 2409 Front Street. Mr. Taylor added that this is in B-2 zone.

Mayor White asked for Motion to approve Mr. Mosley's application. Joe McCracken made the Motion, seconded by Mary Ann Strong. Larry Johnson said they all should be licensed, for any and all future applicants as well. Rod Cury added that in the body of the Ordinance, it was worded so that in the future, if someone applied and Council was not sure, they could ask the Planning Commission to do a recommendation.

All in favor, vote 6/ 0. Motion carried.

Mayor White inquired as to when the auditors would be here. Mr. Taylor said they would be here next month; he gave the report to Council this month so that they could look over it and study it.

Mayor White also inquired about the codification and the website. Mr. Taylor said as far the codification, we have the first rough draft. It is very thick and

double-sided and we only have one copy. We have 60 days to look at it. Get comments ready, they will do an editorial review of it. We get it scanned onto disc and get it to you.

On the website, we have had a staff meeting about two weeks ago, the department heads will get summarization and have an input to that part of the website. You were given a survey as to what you want to have on the council page, we will give that to our IT people. We should be able to have a preview very soon. We are not going to have it too wordy, but we need enough information. We don't want to release it without input from our staff. Also if council has any input, please give it to us. Obviously, on line payments would be something we would want to do eventually.

Manager's Comments

1-Mr. Taylor said that in order to be more efficient and timely in getting out the Council packages to the Members prior to the Council Meeting, we have set a deadline of noon on the Wednesday before Council for adding anything to the Agenda, etc. Whether it be citizens or council members, please get it to us by noon Wednesday of the week prior to council. That will give us half of the day and the next day to get that involved and get to council by Thursday evening. That gives you Friday and the entire weekend to review it.

2-Bills for the month totaling \$785,439.43 including AMP Power Bill \$456,476.35, Anthem \$72,500.00 and VRS \$52,550.44.

-Need to void the check to Ralph Stanley, II for \$3,500.00. He agreed to be paid at the time of the performance.

-Frances Meadows made the Motion to Authorize Town Manager to pay the bills, seconded by Rod Cury. All in favor, vote 6/ 0. Motion carried.

3-Request for Professional Services-in regard to Comprehensive Planning- we received 4 submittals: one firm is Community Planning Partners, Inc., Mattern & Craig, Hill Studio, and Maxim. You assigned this to me and Ms. Wade, we sat down and reviewed the qualifications through the submittals. We interviewed the top 3, based on qualifications as we understood it. We interviewed Community Planning Partners, Inc., Mattern & Craig, as well as Hill Studio. All of them had various levels of competency, certain areas of expertise when it comes to urban planning and zoning and comprehensive planning experience. In our opinion, we both ranked them and submitted our results and tabulated them. It is our recommendation that the Town proceed with the number one (in our opinion) firm, which would be Community Planning Partners, Inc. If council sees fit for us to enter into negotiations and the scope of work that might be identified and get some prices and bring back to council. That is our recommendation. This is the former K. W. Poore firm, Mr. Poore passed away, and the company was bought by the employees. This firm has done extensive work for us in the past, as far back as 1987. We felt that the employees that we met can perform as well as K. W. Poore.

Larry Johnson made the Motion to accept Mr. Taylor and Ms. Wade's recommendation to enter into negotiations and get scope of work identified with Community Planning Partners, Inc., seconded by Doug Ratliff. All in favor, vote 6/ 0. Motion carried.

Electrical Cost of Service Study-We have a report, it is a rough draft for review. They need additional information, once we get the information to them, they should get that back to us soon with recommendations. As part of the cost, they will present that to Council. Not sure if it will be in February or at a Budget Work Session. It would probably need to be a separate meeting, it is very detailed and you would need to give a lot of attention to just that.

Robinson, Farmer Cox and Associates have completed the financial statements. Copies will be provided to the press by email.

Mr. Taylor requested Council go into closed session pursuant to Chapter 2.23711 a (5)-Prospective Business.

Larry Johnson made the Motion to go into closed session pursuant to Chapter 2.23711 a (5), seconded by Frances Meadows. All in favor, vote 6/ 0. Motion carried.

Mr. Taylor invited Rick Chitwood into closed session.

Council went into closed session at 10:10 p.m.

Council returned from closed session at 11:35 p.m.

Larry Johnson made the Motion to return from closed session, seconded by Mary Ann Strong. All in favor, 6/ 0.

All members affirmed that the only business discussed in closed session was pursuant to Chapter 2.23711 a (5) Prospective Business. Doug Ratliff, yes; Frances Meadows, yes; Joe McCracken, yes; Rod Cury, yes; Larry Johnson, yes; Mary Ann Strong, yes.

Tim Taylor added clarification for the Press that the Cigarette Tax Ordinance is still on the books. We have a transition period, we understand that. We will work with all the vendors that are out there. We still have to enforce it. We don't want any misunderstanding among the vendors. Chief Dorton has scheduled visits to the stores on the 20th of January. He will go around and give them instructions. They have already bought the stamps, if you repeal the Ordinance, then you will have to address how to deal with the stamps they have already bought.

With no further business to discuss, Larry Johnson made the Motion to adjourn, seconded by Frances Meadows. All in favor, Vote 6/ 0. Motion carried.

Meeting adjourned until February 11, 2014 at 7:30 p.m.

Jannis White, Mayor

Susan Whitt, Town Clerk