

The Richlands Town Council held a regular monthly meeting in the Richlands Council Chambers on April 12, 2016 at 7:30 pm with the following present:

Mayor: Jannis White
Town Manager: Tim Taylor
Town Attorney: Brad Ratliff
Town Clerk: Julie Cordle
Council Members: Mary Ann Strong, Frances Meadows
Rod Cury, Larry Johnson and
Doug Ratliff

Absent: Joe McCracken

Mayor White called the meeting to order, gave the invocation and led the Pledge of Allegiance.

Mayor White asks if there was anyone that wanted to speak that was not on the agenda.

Mayor White- We do need to add Ricky Honaker, Clinch Valley Community Action Project Discovery under the schedule of public comments. Under unscheduled public comments add Dr. Willis.

Do we have any other changes to the agenda?

Brad Ratliff- I need to request closed session under 2.2-3711 A (7) for legal consultation.

Mayor White-If not, do I hear a motion to approve the agenda as amended.

Rod Cury made the motion. Mary Ann seconded the motion. Motion carries 5/0

Mayor White- You have two sets of minutes on March 8th and March 15th. Do we have any additions, deletions, or corrections to the minutes?

Mary Ann Strong-In March 15th minutes next to the last page under my comments. Julie always does a wonderful job so this is just an insurance type thing where it says if they choose to remain in the 250 plan they would have to pay the increase. I think it would be better stated that they would have to pay the difference between the cost of the 250 plan and the 500 plan.

Rod Cury-In the May 8th minutes page 8 under my comments says, 'At the recent public safety meeting there was a question from Chief Dorton'. In addition, it should say, there was a question about the codification.

Brad Ratliff-In the March 8th minutes page 11 is a comment that I made about the phrase "In God We Trust". The phrase states "It was in the Constitution and is the motto of the United States", this needs to be changed to say, "It is constitutional and it's the motto of the United States".

Mayor White- Any other additions, corrections, or deletions to the minutes? If not do I hear a motion to approve the minutes as amended for March 8th and March 15th. Frances Meadows made the motion.

Rod Cury seconded the motion. Motion Carries 5/0

Mayor White-We are so fortunate in this area to have so much talent in football, basketball, baseball etc. Tonight we would like to honor the Richlands basketball team with a resolution. I am going to ask Rod Cury to read the resolution. (Copy of resolution attached).

Mayor White-Do we have a motion to approve this resolution? Larry Johnson made the motion. Doug Ratliff seconded the motion. Motion carries 5/0

Mayor White- Does either coach want to speak?

Fred-We want to thank you for acknowledging our team. These young men are a part of the future of Richlands and they are great young men.

Mayor White-We thank you so much for coming and we really appreciate you all.

Mayor White- We will move on to scheduled public comments and just as a reminder the timeframe is five minutes on scheduled public comments and three minutes on unscheduled public comments.

Scheduled Public Comments:

Renetta Davis was not present but Marilyn Miller was representing CVCA in her place.

Mayor White- We have a proclamation from the CVCA so I will read it. (Copy attached)

Mayor White-Marilyn, would you like to say anything or did you get a chance to speak with Mr. Dorton?

Marilyn-I got Chief Dorton to sign the papers and return the papers. We try to help anyone that has been sexually assaulted. On Sunday we had 'Walk A Mile In Her Shoes' and raised over \$13,000. We had several gentlemen to come and put their feet in pain to walk a mile in some shoes. We appreciate each and everyone one that participated and helped us to raise money and awareness. I do believe that if we all work together and start listening to people when they have been sexually assaulted, let them know that it's ok to come and tell, then I think that will be a wonderful way to start prevention.

Larry Johnson- I did take part in this walk and we had a blast. I did win best walk even though there wasn't much walking. There were several people from Richlands that participated and I was very thankful for that.

Robin McGlothlin- Council members thank you for your time. I'm a resident of Sycamore Lane and I'm here to talk trash again. I want to thank the girls in the office of the Town of Richlands. This morning when I was going home the truck with the big claw was taking up garbage on the house at East 2nd Street. I want to thank the Town of Richlands for doing that. That is one of the problems we have. Another problem is the street coming up East 2nd Street is falling in. I have pictures if I may approach the council. Half of the street coming into East 2nd Street is actually falling into the drainage ditch. The water coming in is undermining the pavement so it just keeps getting worse. The ditch is filling in with mud and there is litter in it all the time. I don't know if the litter is coming from people throwing things out or if it's from the litter blowing out of the garbage truck. At one time if there was garbage in the road when the trash truck went down they had a shovel and would pick it up but they don't do that anymore. The pavement is totally crumbling out. There are chunks out of the road and it has not been paved for as long as I can remember and I grew up on Sycamore Street. This is hard on our vehicles and I want to know if this is something that you can address. The road needs a new drainage pipe because the drainage pipe that is there is not doing the job.

Tim Taylor- We have scheduled to put a pipe in there and we are going to get rid of the yellow line that should have never been placed there because it gives our police officers misery. The pot holes are going to be taken care of too.

Robin McGlothlin- The wall issue that I addressed with you earlier is just getting worse. I know they picked up some of the debris that had fallen from the last storm. Is there anything more going on with that situation?

Tim Taylor- We have this on our list to do. We don't have answers to the hard problems like the walls because they are owned by private homeowners. We are going to try and improve on the cleanliness. The parking situation is what it is but we will try to educate as many people as we can.

Robin McGlothlin- We do appreciate you guys coming out and picking the garbage up but the situation with the drainage ditch and the pavement falling needs worked on.

Tim Taylor- I understand your pain. It looks really bad but I am glad they finally got over there to get it cleaned up. It's been on the list for a long time.

Robin McGlothlin- I know it's hard for you guys because you have a lot of things to take care of but that's the only road in and out to our home so we work really hard to keep our street nice. There are a lot of kids on that street now so it is a safety issue.

Tim Taylor- That makes things a little more difficult because we will have to work with everybody. There will be some inconvenience especially with the wall. That's going to be a community effort because

when we start working we will have to block half of the road so the parked cars will have to be moved. Everybody will have to be patient once we start.

Robin McGlothlin- Get it started and we will be patient. Thank you.

Ricky Honaker- I am coming to you on behalf of project discovery. If you're not familiar with this program, it is designed for first generation low-income students to prepare them for college. We work with them from sixth to twelfth grade. We have a lot of activities that we do with them including taking them to colleges to show them what options are out there. We do workshops on how to apply for college and get financial aid. We do a lot on study skills and personal care. We work to get them ready for the real world. We are funded through the Department of Education and receive a small amount of money; this year it was cut down to only serve 37 students. We have students from Raven to Pocahontas and Bluefield. The students lead their own fundraising activities.

We're asking for permission to do a 5K run in Richlands and wanted to do it 80's style so people could dress up. We would like to schedule this on May 21st with registration at 9 am and start the race at 10:00 am. I sent a map with the information showing the route starting at the police department, go by the Huddle House, by the brickyard, and turn on Veteran's Drive back down to First Street. After that they would go around the library, town hall and end at the police department. The kids will be responsible for everything like setting up the booths and registration. We are asking the town for permission, the police department to help with safety issues escorting the runners and an ambulance for any kind of injury. It usually takes an hour and a half.

Larry Johnson- Is the date something you already have set? I was asking because we have the Freedom 5K on May 28th and it could cause some issues on participation for both of us. Is there any time later in the summer you could do it?

Ricky Honaker- That was just the date we chose that we didn't have something else going on. I understand your concern and could possibly do this in September. We don't work with our students during the summer. We can move or adjust anyway we need to.

Larry Johnson- Maybe you could do one the first of September and that would give you more time to advertise it too. There is usually some cost associated with that so get with Chief Dorton.

Dr. John Willis- I want to thank the council, mayor, and the Town of Richlands for the help with the Teen Venture Center. I feel like it's going in the right direction. It's very difficult to have money on hand so this gives opportunities to the Teen Venture Center to develop a budget. You have to have money before you can apply for grants and this is going to do that. The 501-C3 form that was developed that was given to the town allows three donation choices including \$1, \$3, or \$5 a month. Once you sign the pledge, you're signed up for a year and this keeps anyone from procrastinating. 80% of the children are on the free lunch program. This gives us a great opportunity to come together and help the children.

Mayor White- You also did one for businesses and I thought that was a good idea.

Dr. Willis- This doesn't take from taxes. I have another appointment with a neighboring community so the people of this town aren't the only ones participating in this. If all areas offer this opportunity to participate I think we can get the job done.

Larry Johnson- You are going to promote this as a campaign too, aren't you? We will try to put it on our website to the town.

Council Member Reports:

Rod Cury- I had some street concerns other than the ones discussed earlier. We need to work on those. I wanted to mention that the Planning Commission had hoped to meet about the comprehensive plan but we had some staff conflicts which can't be helped. We will have to work to reschedule the meeting. Is there a further update on that?

Tim Taylor- I have it in my report but I can talk to her and see. We had multiple meetings but the budget got in our way. That's on our agenda to do next. It won't affect our time line though. The adoption will be in June or no later than July.

Francis Meadows- Fred, I really appreciate what you have done with basketball program. I appreciate the article on the front of the paper but I did feel bad that my picture was the only one to be put on there. This is Doug Ratliff and this is Rod Cury so that you can get the names right next time. I discussed a mobile home park with Tim because I did see an advertisement for lots that were available and I was just making sure that any mobile homes that were replaced go by a certain standard that we go by. He assured me that we do have an ordinance and that they would be checked. I don't think there will be too much of a problem but you do have to have electricity and a sewer before you move into a mobile home park.

Doug Ratliff- I have a complaint about the garbage being put out too early at a mobile home park on Big Creek. They're putting it out daily which isn't a problem but once it starts getting hot out it will stink.

Tim Taylor- As of right now, it's only supposed to be put out on the day of pickup and put in containers. We do not allow it to be out for two or three days because that attracts rats and other things that may be in the area.

Doug Ratliff- What about our gas negotiation?

Tim Taylor- I haven't had time to discuss it due to the budget. We are trying to make sure we know what is going on with the company. We should be out of the period that Mr. Ebert talked about. Have you seen anything from the state corporation about the finalization? I think we can start that anytime.

Doug Ratliff- If we don't watch the gas is going to get away from us and Richlands is going to get left out. The council will have to decide if we're going to go forward or not. Does anyone know about Optinet? Cumberland Plateau owns 50% north of Bristol. Bristol is trying to sell it out from under the Cumberland Plateau and if they do that it will affect us. All the papers are pushing the deal but hopefully it can be stopped. If they sell it, all of Southwest Virginia will be left out. Bristol isn't cooperating at all. It will really affect Southwest Virginia.

Larry Johnson- I want to speak about East Second Street. I had a complaint on the Critterville bathrooms. I had some pictures sent to me. They looked terrible. Who takes care of those?

George- We need paper towel holders when you come in and toilet paper containers to improve on the situation.

Tim Taylor- The way we're doing it now is just being abused. By using those, it will be a stainless steel container that folks can respect. As far as the cleanliness of it, it's hard to control on an hourly basis. The people who are there will just have to help us out by picking up some of the trash. It's hard for us to keep it as monitored as everyone would like to see. We're trying to make it bullet proof. If that doesn't work we may have to go to electric driers.

Larry Johnson- A lot of what I've saw is been due to the doors being left open and stuff blowing in. We need to put closures on the doors. The lights are on full time now. I had someone from Hidden Valley ask me today if we wanted to promote a neighborhood cleanup day. They were going to pressure wash and everything.

Tim Taylor- We can do whatever it takes. We have ways to supply them with water.

Mayor White- I have seen a big improvement concerning the trash pickup. It looks a lot better.

Larry Johnson- My last concern is on "In God We Trust" motto. I can't bring it up again since I made the motion last time but I just want to say the reasoning behind it was a lawsuit but as far as I am aware there are no pending lawsuits. I wanted to clear that up.

Mary Ann Strong- I would like to apologize for my absence in the March meeting. In my life it's God first, family second, and then work and other responsibilities. I know I missed an important issue with Mr. Ebert and the gas. I was very disappointed to learn where that stands now. I hope we can soon get a

meeting and as a council make an agreement and pursue this by being aggressive. It's my personal opinion that we do but it will have to be a council decision. Secondly, is the "In God We Trust" issue that we had. I have the upmost respect for all the chiefs of our departments and pray for each of them every day. I would not want to take any action that would place you in any other harm or danger. However I strongly believe that putting these on the cars is a wonderful idea considering it is our national motto and is on our currency. I was approached and had many calls about the decision and none of them were happy with the decision that was made. We say the pledge at sporting events and here at our meeting and that references God; along with prayer. We celebrate Thanksgiving that was declared by our government and that was to thank God. Should we stop celebrating Christmas that celebrates the birth of our Savior and the other holidays because of the issue of possibly being sued? I think that is cowardly. I would like to make the motion to place these stickers on all of our police, fire and rescue vehicles. Doug seconded the motion.

Mayor White- We have a motion and a second. Is there any further discussion?

Doug Ratliff- This is more of a national motto than a reference to God. That's all I want to reference to so make sure that's in the notes. It's our national motto.

Rod Cury- Mary Ann, I appreciate you and your views. I know it can seem cowardly to be afraid of law suits but that's something I considered. Chief Dorton spoke at the last meeting about a violation to the first amendment and that can be debatable. The founding fathers had a specific reason for not mentioning God in the constitution. Religion is only mentioned one time and that's in the first amendment. This states that the government can make no establishment in religion and vice versa. Neither of them controls the other. Several court cases proving that there is a wall of separation between church and state. They were careful to mention religion in the constitution because they knew of the wars that it had caused before in Europe that led to their devastation with many lives being lost. Thomas Jefferson wrote his own version of the New Testament but he didn't believe the miracles in the bible. He said the life of Christ will stand for itself. I will vote no for this and I don't particularly like being called cowardly.

Doug Ratliff- There's been three Supreme Court rulings that as long as it's a national motto it can be upheld with no lawsuits. If you have money in your pocket it has "In God We Trust" on it which hasn't destroyed us and I don't think having it on cars will either.

Rod Cury- I've said all I need to say and can say but I am appreciative of my rights and my freedoms. Words are powerful with tones and different meanings to different people. I want to live my life by the teaching of Jesus Christ. "In God" was not part of the original pledge. The national motto came in after communism. A lot of innocent people were sent to jail.

Mayor White- We will call for a vote. Motion Carries 3/2

Francis Meadows- What are we going to do if there is a police officer who doesn't want this on their vehicle?

Larry Johnson- What if they don't want to wear their uniform? What if they don't want badges on their doors or stickers on their cars?

Doug Ratliff- I have talked to several of the officers and most of them were ok with it. Some of them said they were just afraid of lawsuits.

Larry Johnson- The cars don't belong to the officers. They belong to the Town of Richlands. You are a representative of the town so they're your cars.

Mayor White- If anyone objects that strongly then they need to present their case.

Tim Taylor- You voted on allowing for the stickers but are you going to use tax dollars to pay for them?

Larry, Mary Ann, Doug and Jan agreed to pay for them. We are not using tax dollars.

Mary Ann- I do appreciate the trash pickup. I would to thank Rusty Hess and his crew for doing a great job in cleaning up even in the cold weather and late evenings.

Mary Ann Strong- I want to make a positive comment for the recreation department. The \$7,500 donation from the Richlands youth basketball league was tremendous and American Carpet Care donating the cleaning machine that is valued at \$8,500 was also a tremendous boost to the Recreation Park.

Department Head Report

There were no comments.

Mayor White- Read the proclamation on the "Click it or Ticket". May 23rd-June 5th 2016 has been selected as the national "Click it or Ticket" mobilization enforcement period.

Mayor White- Discussed the high grass on the lots at East 4th Street. Frank, do you have this on your list or if not could you add this; this property is next to the McClintock's place.

Frank Dorton- It's not on the list but she has talked to the code enforcement officer about it. I think this property was taken as a part of bankruptcy.

Brad Ratliff- I have one issue with an ordinance that has been proposed to establish an enterprise zone in Tazewell County. A portion of the business license fee collected by the Town of Richlands will be abated or refunded if already paid. For a three year period according to the following schedule year one will have 80% abatement, year two 60% abatement, year three 40% abatement. For qualifying new business the entire fee will be subject to the above abated schedule. For qualifying existing businesses only the fee levied on the increase on the gross receipt calculated from the base year plus 5%. The base year is the year prior to the first incentive year. Qualification requirements are as follows: the qualifying business must be located within the Virginia Enterprise zone in the Town of Richlands and the qualifying business must create at least ten new FTE jobs. If it is an existing business it must increase its gross receipt subject to the business license fee by at least 5%. A business must obtain a business license. A qualifying business must sign a release permitting the town treasurer or the town's commissioner of revenue to disclose the amount of qualifying business license fees paid by the business. The qualifications and abatement period begins in the first year which the business license payment is due after certification by the town that it qualifies. An existing business must apply for a VLFA within 24 months of qualifying means. The language used in this ordinance comes directly from state statutes and state recommendation. It would be my recommendation that the council should consider passing the ordinance.

Mayor White- We will need a motion to dispense with the second reading of the ordinance.

Larry Johnson- Made the motion. Mary Ann seconded the motion. Motion carries. 5/0

Mayor White- Now we will need a motion to adopt the ordinance.

Larry Johnson-Made the motion. Mary Ann seconded the motion. Motion carries 5/0

Authorizing Invoices

Tim Taylor-Please look over the check register and I will answer any questions that you may have.

CK#53182- Dell Marketing-Payment one for IT services

CK#53165- BSN Sports-Recreation park bleachers funded by donations

CK#53187- Foam Works LLC-for roof system repairs for water treatment plant

CK#53197- Hill Studio- Section House grant Funding

Mayor White- Does anyone have any questions?

Rod Cury- How is the power bill and how does to compare to last year?

Tim Taylor- I don't know for this month, but for annual we are down from last year. It is a lot less than what we anticipated.

Mayor White- Do we have a motion to pay the bills?

Doug Ratliff- Made the motion. Rod Cury seconded the motion. Motion carries. 5/0

Tim Taylor- We need to schedule a council work session for April 25th at 7:00p.m.

Mayor White-I just want to remind the finance office to add the yard sale reminders on the electric bills.

Mayor White-We need a motion to go in closed session for 2.2-3711 A (7) Legal Session.

Larry Johnson made the motion. Doug Ratliff seconded the motion. Motion carries 5/0

Mayor White- We need a motion to come back in from closed session.

Larry Johnson made the motion. Rod Cury seconded the motion. Motion carries 5/0

Mayor White- Do all members affirm that the only thing discussed during closed session was 2.2-3711 A (7). All members affirmed.

Rod Cury-On behalf of the Richlands Town Council, I make a motion to pay in full the judgement of the approximate amount of 127,000 plus interest owed to the Town of Cedar Bluff arising from prior litigation between the Town of Richlands and the Town of Cedar Bluff and authorize the Town Manager, Tim Taylor, to remit by Friday April 15th 2016.

Mayor White-Do we have a second? Mary Ann seconded the motion. Motion Carries 5/0

Mayor White-Do we have a motion to adjourn?

Larry Johnson made the motion. Rod Cury seconded the motion. Motion carries. 5/0

Jannis White, Mayor

Julie Cordle, Town Clerk.