

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

Mayor:	Jannis White
Town Manager:	Tim Taylor
Town Clerk:	Julie Cordle
Council Members:	Mary Ann Strong, Frances Meadows, Larry Johnson, Joe McCracken, Rod Cury Town Attorney Brad Ratliff
Absent:	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 was anyone that wanted to speak that was not on the agenda. Margaret Smith and Ralph Ray were added to the agenda.

Mayor White- We need to add closed session.

Brad Ratliff-We have two specific issues to discuss in closed session. The first is Prospective Business which will be under Section 2.2-3711 A (5) and the second one will be regarding existing Litigation Section 2.2-3711 A (7).

Mayor White- I think the soccer team will not be able to attend tonight's council meeting.

Mary Ann- That is correct because most of the girls are on vacation. The coach will be contacting me and hopefully they can attend the August meeting.

Mayor White- We will remove the resolution recognizing the girls' varsity team under Section 11 Attorney's Comments.

Brad Ratliff- We need to add under the Attorney Comments an update regarding FOIA Notice of Rights and Responsibilities.

Mayor White- Are there any other changes, deletions, or additions to the agenda? If not, do I hear a motion to approve the agenda as amended.

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

Mayor White- You have the minutes of the last meeting. Do you have any additions, corrections, or deletions?

Joe McCracken- I have a correction on page 14. It should say 1.7 million instead of billion.

Tim Taylor- On page 15 line 3 on the Thornburg purchase, it should say sodium permanganate.

Mayor White- We need to insert a word on page 5 near the bottom of the page. Insert the word "allow" to make the sentence say "I think that's great that you will allow."

Mayor White- Does anyone else have any corrections, additions or deletions? If not, do I hear a motion to accept the minutes as amended? Frances Meadows made the motion. Larry Johnson seconded the motion. We have a motion and a second. Any other discussion? Motion carries 5/0.

Mayor White- Before we move on to the scheduled public comments, I would like to introduce a young lady from Spur, Georgia who's doing a government or civics project. Dillion Rease wanted to come and observe because she is doing a project for next year's class. I just thought it would be nice to introduce

her. She can go back and tell them that she has met with council and was interested in what a town council does.

Rod Cury- I'm sorry. I know we've already voted on the minutes but there's something on page 8 in the second paragraph where I am speaking saying we received a grant from Virginia Tech. It should say with the help of Lara not Laurel.

Mayor White- I don't think we need to revote on that.

Mayor White-Under scheduled public comments, Randy, I don't know if you have spoken since we've changed the time limit. If you are on the agenda, you get 5 minutes. If you were not scheduled you have 3 minutes.

Scheduled Public Comments:

Randy Cordle- I would like to thank the council for the opportunity to speak this afternoon. I want to speak to you on behalf of the property that my mom owns on Kent's Ridge. I don't have to tell you that it is falling into disarray. Any of you that know my mom knows that she is a fiercely independent person and she does things her way. My mom has worked very hard all of her life and refuses help a lot of times. She doesn't want to infringe on anyone or feel like she is being a burden to anybody. She suffered a stroke back in the winter and I am working on getting her property cleaned up. I haven't been able to give my full attention to it with my work schedule but I finished my last day of school June 6th. I started working over there on June 7th and have been over there almost every day except for a few days I had to go to Ashville, North Carolina for a class for certification that teachers are required to do every 5 years. I am going to get the property as neat and clean as it should be. I have a guy working with me doing some irrigation because of standing water. It's hard to undo in 30 days what has accumulated over 30 years. The weather hasn't cooperated as well as I would like but we are making good progress. As for the units that are staying, we are washing and updating them. We are making them look as nice in appearance as we can. My short term goal is to make that property as neat as any property in the town. We've been cutting brush. Long term, I think that would be a great place to have modular duplex apartments or something for older people that would like to have a level lot and be close to town with town amenities. I am requesting the town work with me as I work toward that goal.

Francis Meadows- I appreciate you coming and saying that. It makes us know that you really are trying to make a difference.

Randy Cordle- I appreciate this council and your vision for our area. If we want to have true economic development, then we have to develop our infrastructure and make improvements. When we bring people from the outside in it's with a different set of eyes. I understand what the council is doing and I appreciate that. I would just ask that you bear with me as I work toward that.

Brad Ratliff- I've been working with Randy. Unfortunately, I am in the position to prosecute his mother on this particular case. The case has been on hold for several months. He has come to court on her behalf and made representation to both me and the court and has made efforts to resolve these issues. I see the council's part on having the property cleaned up. Is it appropriate to continue this case? I don't feel the need to continue this prosecution.

Francis Meadows- If he is making such strides to make a difference with the cleanup, that tells me that he really cares about this.

Mayor White- Can we give an extension? How much do you think we should give?

Randy Cordle- I want to have this completed by the time school starts in the fall. I have a gentleman who supposed to come in and take a wall out. I can't give a definite time but that's the goal.

Brad Ratliff- I will also add that he has a very legitimate reason for his delay on resolving some of these issues. It's been very rainy, a lot of water, and a lot of things.

Mayor White- What would your suggestion be Brad?

Brad Ratliff- My suggestion would be to hold the charge out for an additional month or two at the council's discretion to allow time to properly figure out the problem. Then of course I can dismiss the charge.

Larry Johnson- Why don't we just do six months?

Rod Cury- I have a thought, not to interrupt you. First, I would like to say thank you. Your property has been a topic of discussion for a long time as you know, Randy which is why you're here. I've known her for years and hope she is doing better. The fact that you're trying is good. It's not easy to clean up a mobile home park. The goal of getting it done before school starts is a good goal. I don't know if you can do it by the 15th of August. Larry had a good thought but I was just going to suggest an easy thing to remember would be to have it done by the first of the year. Is December 31st acceptable?

Randy Cordle- Yes sir. There are four days next week that I have to be gone for a camp choir for a church with high school students outside Cincinnati.

Mayor White- Who would like to make that motion to extend the time to get this completed? Rod Cury made the motion. Mary Ann seconded the motion. We have a motion and a second. Motion carries 5/0.

Ralph Ray- I live on 302 Hyatt Street. I am having a lot of problems with water runoff from Rays Circle going to my house. It's tearing up my driveway and I need to have something done. The road elevation is wrong.

Tim Taylor- I had spoken with you and told you that we had this on the list to do.

Ralph Ray- It's been a year and it seems like that would be enough time to get something done.

Tim Taylor- We've been shorthanded a lot lately.

Ralph Ray- I've approached you twice on the issue.

Tim Taylor- When it's winter time you can't do this. It's a summer time project but I did mention it to George.

Ralph Ray- They put the curve from Ray Circle all the way down at the house with me and my neighbor getting all the water.

Tim Taylor- If you are not careful, the water will be discharged on the other residents.

Ralph Ray- Not if you run it in with the ditch line.

Tim Taylor-We will get to this as time allows.

Margaret Smith- I live on 524 Sycamore Lane. First of all I just want to say there was a lot of hard work that went into the Freedom Festival. I want to congratulate all who worked so hard.

I think it was a couple months ago that I mentioned the property on Farmer Street. There are about four vehicles there so it looks like a used car lot at that address. I don't know exactly what the address is but it's beside of Joe McCracken's mother's house. They filled in their land there and made it level. Then they brought in an old truck that's broken down, a camper, and a couple of other vehicles. I don't know if this has been addressed or not. I just wanted to know the status on that. My niece purchased a car and wasn't able to get the tags and insurance for it right away. It was no time before they came and told her she had to move it off of her property.

Mayor White- Do they have parking on the street through there?

Joe McCracken- I don't think the vehicles are on the street. They're on the property. I think we have something that says if you don't have it tagged, insured, stickered that they have to be hidden from the public.

Tim Taylor- Is it Mr. Ball's residence?

Margaret Smith- I don't know their names.

Joe McCracken- That's Mr. Ball. We had property problems on Vickey Drive with him and I think he has moved in with his mother.

Margaret Smith- He's caused numerous problems.

Mary Ann- I would like to say I saw Mrs. Smith out hanging red, white, and blue bows throughout the town for the Freedom Festival. I know many others helped, but since you're here I want to thank you.

Mayor White- Next month Karen Deel will give a full report on the festival. She couldn't be here tonight so I will just say thank you to everyone that helped.

Gordon Russ- A couple months ago at the council meeting I brought up about the gentleman going to school to be an instructor. He has completed and passed the course and I want to tell him tonight that I'm proud of his work. He is now an EMT instructor. This saves a lot of money sending people out of town to get recertified.

Mayor White- Bring him to the next council meeting.

Council Member Reports:

Rod Cury- My report is very short. The Planning Commission has not met because we are waiting for the Community Planning Partners to finish their work on the comprehensive plan. When that happens, we will meet and give our due diligence. I attended a meeting of the Public Safety Committee and Larry can report on that. The last thing is I addressed my concerns to the management and staff and the problems were appropriately handled.

Joe McCracken- I would like to ask if we have any updates on the contaminated property belonging to Ingersoll-Rand.

Tim Taylor- No. I talked to a guy whose name I don't recall and had received no response. Brad you need to get involved in this and will provide you with the contact information.

Joe McCracken-It's been 15 years. We have contamination in the middle of our town about a quarter of a mile from here. We as a council and as a town need to push forth and get something going or not. Do we want our town cleaned up from contamination or not?

Tim Taylor-This is a volunteer cleanup project and don't think they have to clean it up. Brad I would like your opinion on this matter.

Brad Ratliff-If a citizen goes out and dumps motor oil in their yard, this would be a violation especially with DEQ. I will research this further.

Joe McCracken- It's like Brad said, if I go out and dump gasoline or motor oil in my yard I can be in trouble but a large company can come in and mess up several acres and they're on a voluntary clean up.

Rod Cury- I understand the property that Joe is talking about. Not only is it unfair to the citizens but also it has been going on for a long time even before I was on the council. We've been requested to do something about it but it leaves a chunk of property unusable.

Joe McCracken- Also, I want to bring up something that may have been brought up before. I think we need to think about and work on not sending our funds from Fire and Rescue to West Virginia to be collected. It cost \$40,000 per year. Why can't the town collect that \$40,000 and put it to use for our town rather than send it to West Virginia? It seems to me that we could create a job and make a profit. I think we need to discuss on how we can keep that money here in our economy.

Larry Johnson- We tried to get this locally before and it didn't work. It would cost you \$100,000 in order to collect the \$40,000.

Joe McCracken- We have part time people that work for the town that have no benefits. If we gave one of them benefits, even if it was non-profit the first year costing the \$40,000, the next year would be profitable. I would just like to keep this money in our town and not West Virginia. If there is any way we

can hire a part time person or let the staff already working part time work on this, we could keep this money here. We need to take a closer look at this.

Frances Meadows- Do we have anybody that works in the finance department that could take care of something like that?

Tim Taylor- In your opinion, Sue or Adrienne, what kind of skill sets does that require?

Sue Wade- They would have to be trained on the laws. Medicare and Medicaid have so many different laws and there is quite a bit of write off on these insurances. Two people would be need to be trained on this in case something like an accident occurred and someone would be able to fill in and keep the billing going. You have to take into consideration the training, supplies, postage and you would have to put them in an office which we have a space for someone to do this. There are a lot of things you have to consider with wages and insurance. You're going to have to pay for those things. It would be time consuming. You would have to watch the amount of hours an employee would work in case they went over the work hours and the town would have to offer insurance. There's no way we can do it with the staff we have now.

Joe McCracken- Eventually, it would be profitable after you got everything set up and going for us to handle our own billing. I'm not saying it can happen right away but after a certain time period. Then we could keep our own money and not send it out of state.

Gordon Russ- Also you would have to have someone trained in the coding. That's one big issue with the whole thing.

Joe McCracken- Which is about \$40,000 per year. That's the bottom line. I just want to try to keep that money in our town with our people. As long as we are sending it out and not even thinking about trying to do it ourselves then we are just throwing our \$40,000 to another state.

Joe McCracken- It could be another part time and part time wouldn't cost \$40,000 per year.

Mayor White- Sue, maybe at the next council meeting you could provide council with some options of what it would cost to hire someone to do the billing.

Frances Meadows- I would like to thank George and the street department for repairing the Critterville playground. I want to apologize to Fred again because he was out of town when I called George and I've done that a few times. They did a good job.

Last month I asked about the marking of the parking spaces on Front Street. I was wondering if you all had checked into that.

Tim Taylor- We have been practicing at the town hall and George is doing a preliminary report now on the spacing. We have a VDOT inspection on Thursday or Friday.

Frances Meadows- Do you think after that you would be able to get that started before the next council meeting?

Tim Taylor- I would think so.

Mayor White- VDOT doesn't have to approve that?

Tim Taylor- Yes, they do. They require you to have the skill sets to meet VDOT guidelines and our people who use to do the painting have retired.

Larry Johnson- There is a water drainage problem at the end of south Front Street near Tadano Manis. He also has a power pole in the yard that has rotted down to the point where he is afraid it's going to fall.

We had a public safety meeting and discussed the need to purchase a large fire truck. We need figure out how we are going to take care of those needs and see how soon we can get it taken care of. Something has to be done as soon as possible.

Mayor White- We have received the "In God We Trust" stickers. Matthew Whited works in all of the public safety departments so if he would come forward, I would like to present these to you.

Larry Johnson- I appreciate Matt for standing up for placement of the stickers on the vehicles. I thank Chief Frank Dorton even though he wasn't in favor of it he did have the fortitude to stand up for what he believes in.

Mary Ann- Tim, I was just wondering if we had any success with Mr. Duckworth with the gas company to arrange a meeting with him.

Tim Taylor- I haven't heard from him yet. I was on vacation last week but we mailed the letter to him a week and half ago.

Mary Ann- I would certainly hope by the next meeting in August, if we haven't received any correspondence from him, that we take immediate action. I'm tired of follow ups and feel they have had enough time. I apologize but if they're not going to respond my recommendation would be to go to court.

Tim Taylor provided council with a copy of the letter sent to Mr. Duckworth.

Mary Ann- I look forward to Karen Deel's report on the Freedom Festival. I'm sorry that I had to be out of town but want to thank everyone for the hard work. I heard nothing but positive reports and the citizens really appreciated it.

Mayor White- We did have a lot of people participate. She's going to do a thank you letter through the papers.

Mayor White- Does anybody have any questions on the department head reports?

Mary Ann- Adrienne, do you know how long we have been receiving donations for the Teen Center?

Adrienne Cordle- Maybe 4 to 6 months, but I am not certain. I will check and send you an email.

Mary Ann- How are we doing with the email problems?

Tim Taylor- We have had a few setbacks but overall it's been successful. It's very difficult because all of our mobile devices are out. If you send me emails and I don't answer them it's because it's not working.

Joe McCracken- Speaking of that, Tim, what about the access channel?

Tim Taylor- We have lost the access channel. The equipment is 16 years old and our migration to what we have went to is pretty much beyond its life. We can't even get the software that it takes to interact with it. I know how important it is to the council so we went ahead and purchased a new box to be integrated in. That will be on as soon as we get it in and our website will come back.

Mayor White- I have a letter from Bob Haynes over on 4th Street. I'm not going to read all of it because I've asked Mr. Taylor to look at some of the issues too. He is basically requesting that the town look at another site for the carnival. There are several things in it that need to be looked at. A copy of the letter will be given to each council member and we can discuss it at the next meeting.

We also have an issue with papers that are being thrown in town again and I had received several calls this week concerning them. I imagine that they have switched carriers and they don't know what is going on, but we will address that. I will call Mr. Maxwell again because he did send someone to pick them up the last time.

Brad Ratliff- I have no resolution about recognizing the girls' varsity soccer team tonight.

One thing I do want to discuss very briefly is in your handout that I typically do with our review. There is an additional memorandum and a draft document called Rights and Responsibilities. It is the rights of requesters and responsibilities of the Town of Richlands. We're giving this draft to Mr. Taylor to review to determine if all of the criteria are suitable. Essentially effective July 1st HB 818 The Commonwealth of Virginia requires public bodies with a population greater than 250 to post this type of FOIA Rights and Responsibilities document on the website also posted somewhere that the public is aware of. This law

requires designation of a specific individual to serve as a FOIA officer. As of this moment Mr. Taylor is going to serve in that capacity unless he designates that to someone else. Essentially this document has several pages that spell out how FOIA works, what folks are entitled to, and how to request records. I just wanted to provide this to the council and let council know that this has been addressed pursuing the new law. We will have the final copy very shortly.

Mayor White- We will move on to the manager's report.

Authorizing Bills

Tim Taylor- Asks council to look at the check register.

Check #53789 Atlantic Emergency Solutions- Fire truck inspection and a few repairs. \$10,546.60

Check #53804 Capital Auto Group INC.- Police car that was in the budget. \$24,705.70

Check #53887 Tyler Technologies INC.- Education package required to have. \$24,920.87

Check #53860 R.J. Merkel INC.- Annual fee for street painting. \$20,403.54

Check #53897 VRS Line of Duty Act Fund \$28,368.50

Mary Ann- Who is Dell Marketing?

Tim Taylor- That's for our computers.

Check #53826- Grants Home Town Groceries- Recreation Park concession stand expense. \$1,642.81

Mary Ann made a motion to pay the bills. Larry Johnson seconded the motion. Motion carries 5/0.

Tim Taylor- I want to give you a few updates that are ongoing concerns. We spent quite a bit of time with the Planning Partners since we were here the last time. We've made a lot of progress and are in our final stages of getting the comprehensive plan completed. We talked to VDOT today about this since they have a check list of items that they must have to approve the plan. We will get that to them as soon as possible. Our consultants should meet all this criteria. If we do not, it would hard to get funding so it is really important that we identify everything that we know of in that report for that particular reason. I don't have a real in depth report but we met with VDOT today concerning the 67/460 corridor. This was the only project in the Bristol area that received funding. We will continue to work on the streets and roads.

Mayor White- I have had a couple people asks when Terry Drive will be paved.

Tim Taylor- I am thinking they are two years out. The reason for that is just because of the way the streets are ranked. We're already behind on our list.

Joe McCracken- I've had complaints on Spruce Street in Lake Park. They complained that the road is needing attention.

Tim Taylor- We can make copies of the list. That doesn't mean all these will get paved. We always put more on the list than we have money for because if it price comes in cheaper, we don't have to go back and have a real hard time adding streets. It is easy if we don't have enough to cover, then we just carry it over. That is the main part of my report unless the council has any questions other than the activities to be discussed in closed session.

Mayor White- I would like to thank the Fire Department. About 3 weeks ago we needed their assistance and I want to commend them on their quick arrival and their expertise. Had they not been accomplished we could have had a really bad mess. We hardly had any water damage in the lower portion of our building.

Mary Ann- In our packet we have a committee listing and there are several people whose terms expired at the end of June. I have a question about the Recreation Commission.

Frances Meadows- I'm going to have to call each of these people to see if they want to stay on the Recreation Commission. There are a few of them that doesn't even live in this area anymore. We probably need to recruit some. I promised Sue an updated list for the last 4 years. The people that are on the committee are involved with so many sports and Fred knows that it's hard to get them all together. You just have to choose a date and if they can show up then that's great and if not we just have to catch them up on it later. I'll call them all and see if they want to stay on it and have at least 1 or 2 more meetings for the rest of this year. You can have at least 2 or 3 people that are located out of the town limits. The last meeting we had was last year at the end of the year.

Rod Cury- I will be glad to do the same and see how these people feel about continuing to serve on the Planning Commission.

Mary Ann-The IDA for example has two members whose terms have expired and if you don't want to be reappointed then council has to vote. On the others, they don't have to vote.

Tim Taylor-The Planning Commission, Recreation Commission and IDA has to be voted on.

Frances Meadows- I am wondering about the Joint Economic Development.

Tim Taylor- You can just let that one dissolve, just like the Redistricting Committee.

Mayor White- We need to make a motion to go into closed session for Perspective Business and Litigation.

Larry Johnson- What is the purpose of us going into closed session?

Brad Ratliff- Closed session is authorized to allow for the discussion of certain things that are extremely sensitive. There are things that should be protected. Some of it is personal information. Some cases are contracts with the town. With litigation obviously we have Attorney-Client privilege. Anytime an external party is involved we waive that privilege. That are a couple of the things I can think of that are specified in the FOIA law. I think there are 33 exceptions that allow that specific closed session to protect those relationships and that information.

Larry Johnson- I just thought we might need to review that. Sometimes it seems like we really shouldn't go into closed session because before you get home the public already know about it.

Mary Ann- In our packet we have this notice about the Masonic Golf tournament. Is this meaning that the Town of Richlands is donating \$50 a hole sponsorship or is this for us to take as a business or know of people who would like to do some type of sponsorship.

Mayor White- Bill Patton would you like to speak on that please?

Bill- This is our 17th annual tournament. It is just a request that is a \$50-hole sponsorship. That's how we help our expenses.

Mary Ann- I think very highly of the Masonic. My father was honored to be in the Masonic Lodge. \$50 is more than deserving. My only concern is that there are golf tournaments occurring all the time. I probably shouldn't have even brought it up but it does kind of set a precedent. I received a request for the high school golf tournament. It's a great fundraiser.

Mayor White- We received a request from Cumberland Plateau Housing requesting the town to waive the taxes for Fairfax Court. What is council's pleasure on this? Larry Johnson made the motion to not wave the taxes for Fairfax Court. Joe McCracken seconded the motion. Motion carries 5/0.

Joe McCracken-I would like to say thanks to Hobert Lester and his crew for getting the hydrant installed on Buskill. Those people may get a reduction on insurance now. That was the whole idea on trying to get an extra hydrant up that way.

Mayor White- I had a couple calls from those people saying thank you for getting the fire hydrant because some of them were about to lose their insurance.

Mayor White-We need a motion to go into closed session for Section 2.2-3711 A (5) and 2.2-3711 A (7). Frances Meadows made the motion. Larry Johnson seconded the motion.

Mayor White- We need a motion to come back from closed session. Rod Cury made the motion. Larry Johnson seconded the motion.

Mayor White asked if the only item discussed was Section 2.2-3711 A(5) Prospective Business and Section 2.2-3711 A (7) Litigation. All members verified yes.

Mayor White- Do we have a motion to adjourn? Rod Cury made the motion. Larry Johnson seconded the motion. Motion carries 5/0.

Jannis White, Mayor

Julie Cordle, Town Clerk.