

The Richlands Town Council held a regular monthly meeting in the Richlands Council Chambers on September 13, 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, Doug Ratliff, Rod Cury Town Attorney Brad Ratliff
Absent:	Larry Johnson, Joe McCracken

Mayor White called the meeting to order.

Mary Ann gave the invocation and led the Pledge of Allegiance.

Mayor White- Do we have anyone who would like to speak that is not on the agenda? Betty and Johnny Honaker were added to the agenda. Anyone else who would like to speak that is not on the agenda? Do we have any other additions or deletions to the agenda?

Tim Taylor- I need to add two resolutions under manager's report that I received today concerning the grant that we receive concerning the police cars.

Mayor White- Any other additions or deletions to the agenda? If not, do I hear a motion to approve the agenda as amended? Rod Cury made the motion. Frances Meadows seconded the motion. Motion carries 4/0.

Mayor White- We have a set of minutes from our regular meeting and then we have a set from our workshop that we did on gas. We can approve both of those or we can wait. Whichever is council's pleasure? Are there any corrections, additions, or deletions to the minutes?

Tim Taylor- On the second set I would make note that on the first line it really wasn't a public hearing. It was a work session.

Mayor White- Any other corrections, additions, or deletions? If not, do I hear a motion to approve the minutes of the regular meeting and the work session? Rod Cury made the motion. Mary Ann seconded the motion. Motion carries 4/0.

**Unscheduled Public Comments:**

Mayor White- You will have 3 minutes maximum since you aren't on the schedule.

Margaret Smith- I live on Sycamore Lane and thank you for allowing me to come before you today. I'm sorry I have to come back about East 2<sup>nd</sup> Street. I don't know what the town ordinance is about trailers or RVs that are parked in the back yard as a living space. There is a house at the corner of Carolina and East 2<sup>nd</sup> Street that has parked an RV there that someone is living in. They may just be visiting for an extended stay. It's been there for a couple of weeks or so. A vehicle comes and goes at that spot. We have a mail carrier that lives on 2<sup>nd</sup> Street. She has two vehicles that have the mail carrier thing across the top. One of them is sitting parked in front of the house with the tires flat. It's been there for quite a while. I don't know what their plans are for that vehicle. She does have space on the side of her house if she is going to repair it or fix it up to sell. As you know that street is so congested when trying to get through there. Now that the two families have moved in with several children, they play in the street. It's much more difficult getting through. One gentleman's family has been leaving their trashcans sitting on the side of the road instead of putting them back in their yard or wherever. I think that's about all that I wanted to bring to your attention and hope that something can be resolved about those issues. Thank you.

Tim Taylor-In order for them to live in the residence they must have a certificate of occupancy from Tazewell County. It would be perfectly fine to store the RV back there, but they have to have a certificate to live in it. We will have to check and see if that is a short term solution. I didn't get the address of the vehicle though. Is the vehicle with the flat tires on Carolina or East 2<sup>nd</sup> Street?

Margaret Smith- It's on East 2<sup>nd</sup> Street. It's very noticeable. It has the mail delivery sign on top of it.

Tim Taylor- We will have to address that.

Mayor White calls for Betty Honaker.

Betty Honaker- I am just coming to see if you have any questions about the letter I sent to the town about the zoning of my property at 130 Veteran Drive.

Tim Taylor- There is one thing I want to ask for clarification so we will know. Were you wanting the property zoned for both residential and commercial?

Betty Honaker- I didn't know if that was possible. That's what I wanted to know if I could not sell it as commercial then can I still sell it residential? Once it's zoned, does it have to be commercial?

Tim Taylor- Normally it is zoned either or. We have had some mixed zones but that has turned out to be something that is frowned on. It really shouldn't be done. It's already residential, so really your request would be for it to be commercial. The biggest question is; do you want the property zoned as commercial? We have to run a notice in the paper for 2 weeks and then send mailings to each of the adjoining land owners. To get that done in 30 days is hard. The council will have to have a public hearing. If it works out that we have a joint public hearing with the Planning Commission, that would reduce your cost. That would probably be the quickest way.

Betty Honaker- Would you will let me know what I need to do next. Thank you.

#### **Council Member Reports:**

**Rod Cury-** We have 3 positions on the Planning Commission that are vacant. I have 3 people that I have contacted that are willing to serve. All 3 of them accepted graciously and felt like they wanted to give back to the community. They are practically lifelong residences of Richlands. The first is Mrs. Virginia Hart, who is actually present tonight and lives in Lake Park. The second person is Pricilla Russ. She is a lifelong resident of Richlands and she also has a desire to serve on the planning commission and serve the town. The last person is Randy Smith who currently serves on the commission and does attend our meetings. He has a wealth of background experience. With all due respect to these nominees, I would like to place them in motion before the council to accept them. I will make that motion. Mary Ann seconded the motion.

Mayor White- We have a motion and a second. Any further discussion? Motion carries 4/0.

Rod Cury- Requested Mrs. Hart to provide contact information to the clerk. I will provide contact information for Pricilla Russ and Randy Smith later.

Tim Taylor- We will give them a letter along with that with a set of bylaws.

Rod Cury- I spoke with Keith Reynolds and I think he has an excellent idea. I will ask Keith to address this, but he suggested that it is a nice time for a river clean up particularly around the Critterville area. The water is really low so it would be a good time to do that. Keith, do you mind to elaborate on the idea?

Keith Reynolds- I noticed there are about 40 tires just off of the Critterville trail that are in the river. The water is extremely low so it would be a good time to get them out. There is also a big tree going across the river that needs to be taken out.

Mayor White- Do you want to go ahead and set a date?

Keith Reynolds- We need to make some arrangements before October.

Rod Cury- I just want to suggest one way is to involve the community in doing this. There are many groups in high school that are looking to do public services. I'll refer to Mr. Taylor on that. I wouldn't put any youth in danger, but is there a way that they could be interested in helping? There are other groups too that could be helpful. There are also the boy scouts that could possibly help.

Tim Taylor- We wouldn't want to put the youth in danger, but there are many things they can do.

Mary Ann- Are we going to set a date?

Rod Cury- We may want to wait. If we want to involve people which is obviously a good thing, maybe we can contact these people and then set a date. The community at large is involved in keeping our town nice and being good stewards of the environment.

The only other thing that I have will depend on when we meet for the next Planning Commission meeting. We were meeting once a month but if we don't have anything particular to discuss we don't meet. The next meeting of the Planning Commission will be on the first Tuesday of October which will be October 4<sup>th</sup> at 7:30pm here at the town hall. Sue, could you let Richard and the committee know.

Mayor White- I have a question on the Zoning Appeals Board member that the term had expired.

Rod Cury- I think we are going to need to reappoint someone to that. Usually when the Planning Commission meets we find someone that is able to attend those meetings because they are day time meetings. If it is alright with you, Mayor White, we can do that in our next meeting. We will select someone that is available in the day time hours.

Frances Meadows- I just want to make sure who is on the Planning Commission now and who is off.

Rod Cury- Todd Brown and Chad Ashby has been removed. The replacements will be Mrs. Hart, Mrs. Russ, and Randy Smith who currently serves.

**Frances Meadows-** I just want to say if nobody has been out to any of the football games, what about those Tornados? We have had some real exciting ball games. Go and have your heart checked before you go because the past few times I've sweated and felt it in my chest. Really get out if you are able and support the kids when they have sports going on. I think that is an important thing when they see a lot of you out just watching and supporting them. I do have a name to be added on the Rec Park Commission. I have been in touch with one other potential member that has not gotten back to me. I make a motion that Greg Earls be placed on the Rec Park Commission.

Mary Ann seconded the motion.

Mayor White- We have a motion and a second. Any further discussion? Motion carries 4/0.

Mayor White- Frances, isn't the homecoming parade this Thursday at 6:00?

Frances Meadows- Yes it is.

**Doug Ratliff-** I just have one thing. There was a misunderstanding with some of the people in Hidden Valley and their deed restrictions. Just because the town or county gets a request for a permit, it doesn't mean that those people can't object to those things in the deed.

Brad Ratliff- The deed can be recorded at any time.

Doug Ratliff- A lot of people didn't understand that. They thought since the town rezoned that area, the deed didn't have any significance. I just want people to know that it does. If you object to anything going on in Hidden Valley that is in your deed, you can raise an objection.

**Mary Ann-** Since we are talking about Hidden Valley, a few citizens wanted me to mention this. Apparently Sunday night there were a lot of mailboxes that were knocked down. They appreciate all the police protection that we already receive but if that could be increased a little since this has happened.

Frank Dorton- It's already on the list.

Mary Ann- I was certainly aware of that but if people are watching or listening they like to know that we are talking about it.

Secondly, there is a coal miner appreciation picnic on Saturday, September 24<sup>th</sup> from 10-3:00 that is sponsored by the Southwest Virginia Workforce Development Board. Any former coal miners may go out and attend this.

The girls' soccer team that we have a resolution for, hopefully will be able to attend in October. Mrs. Lindsay had a difficult time with girls that are playing other sports. She's trying to find a date when the majority of the girls can come. They very much appreciate it.

I usually try to attend the Richlands Economic Enhancement Committee meetings and Mr. Taylor is very kind to attend those too. There were two items that were brought up last week that I told them that I would bring up just so we can have a little discussion and be thinking about this for the future. One is about e-cigarettes. Brad would you look into this for us, if we even wanted to adopt an ordinance to prohibit e-cigarettes? That would be at the pleasure of the council of course. The REEC committee asked that we begin to give that some thought. The second item was about fluoride in our water. Tim and I spoke about that today too. Ginger is very pro fluoride in the water, but Tim had a good idea. Will you share that please?

Tim Taylor- We've mentioned that at previous council meetings mainly just so the public might talk to one another about their interest levels on that. The product that we purchased was USA made and they no longer make the product. We buy from China but it's different and doesn't work with our equipment. We can't find the product so we would have to change our equipment. In times past when we were getting this equipment in place the Virginia Department of Health would provide grants and money for those. I don't know if that is still available. We are going to be faced with doing that. If it is a money issue to do that, we want to certainly make sure that the council and the people that benefit of where you are from and understand that things do change. Times have changed and people don't drink water out of the faucet much anymore but drinking bottled water more now. There are a lot of communities like this in the United States, the elderly and most of the nation doesn't want to pay extra for the fluoride in the water. There are a lot of issues in this and I think the proper thing to do, if you would want, is to get a health department representative down here to come and talk and educate us about it. Since the meeting is broadcasted most of the time it would give the public the understanding and the input of a professional on the situation and help them to know more. They used to be really aggressive about getting the fluoride on the children's teeth, maybe we could get someone from the dental offices come and speak about it too. I think that's what we should do and it is my suggestion that we have a council meeting on this matter.

Mary Ann- Do you all think an October meeting would be a good time to do that?

Tim Taylor- Let me start a conversation with this and ask the health department to see if they are available.

Mary Ann- I know a pediatric dentist very well and can get his opinion on it as well.

Tim Taylor- I just want to make sure before we invite people down here that it is something that we should do.

Mary Ann- Thank you very much, that is all that I have.

**Mayor's Comments:**

Mayor White- I have a couple of things that I would like to bring up during this time. I think this is on VDOT property. A gentleman has come by and shown me some pictures of trash that has been down there for two or three months.

I also have a complaint from some handicapped people who ride their motorized wheel chairs on the sidewalk above the Jewell Ridge exit that is covered in grass and rocks. They don't have enough room to ride on the sidewalk because of this.

**Attorney Comments:**

Brad Ratliff- I don't have anything to report.

**Manager's Reports:**

Tim Taylor- We will take a moment to look at the check register so we can pay the bills.

Check #54188- B&B Pawn \$7,200

Tim Taylor- We were actually able to purchase a brand new water calibration kit, valued around \$19,000, that we have been trying to get in our possession for a long time. It was an opportunity for us to capitalize on and the kit wasn't used either. It allows us to calibrate the larger meters much easier.

Check #54265- State Electric Supply \$9,514.92 Veterans Drive Project

Check #54271-The CI Thornsburg CO \$850.00 for parts

Check # 54274- DEQ \$8,852.00 fees paid to Virginia to discharge water

Frances Meadows made the motion to pay the bills. Mary Ann seconded the motion.

Mayor White- Any further discussion? Motion carries 4/0.

Doug Ratliff- Can we have a recess for maybe 5 minutes?

Mayor White- Is everyone ready to come back? We have had a little longer than 5 minutes.

Tim Taylor-Enclosed in your package is a letter from the Department of Transportation regarding eminent domain condemnations. Council is probably wondering what we are doing. The Virginia Department of Transportation executes those. This will actually be the project down at Hill Creek. The council at that particular time deeds the property over to the state of Virginia so that they can perform the construction. Basically what the town does is really give them the entire project. That includes land, money, and everything. At the end of the project, they are supposed to deed that back to the town.

Brad Ratliff- In this particular case we have a deed from VDOT. Ultimately the town of Richlands is getting back an easement that VDOT has had all this time. They either used their power to get it or we turned it over to them, one of the two. That essentially took the easement away and now they are granting it back. Ultimately I will take the deed and record it. What we will need from the council is a vote on the acceptance of the deed so that I can assure this gets recorded.

Mayor White- Do we have a motion? Doug Ratliff made the motion. Rod Cury seconded the motion. Motion carries 4/0.

Tim Taylor- We had applied for a technical assistance grant and we were awarded the grant. They met on August 25<sup>th</sup> as you can see in the letter and approved \$20,000. I'm sure the main reason they didn't fund it all is because the entire project was \$25,000. I wanted to make you all aware of that. We are not asking for execution of any agreements to get this started until next month. We are going to delay that. I am going to talk to the engineers before we actually make a recommendation. That was a grant to provide the sewer line extension project on West Fork Road. That will be the last part of the town that isn't serviced by a public sewer. We have an agreement with Holland & Knight. We have been using them for electrical issues especially contractual electrical issues for the Electrical Institute (EI). These are standards that you use to purchase power from either the market and/or other utilities. It is a standard that has been adopted and accepted by almost everyone that does business with power. These are specialty folks that have this particular expertise that will be doing this. We have used different attorneys over the years. This is another group that has that expertise in those types of engagements. We have used them case by case but it seems to be that we are going to use these folks quite often. We would like to get a legal retainer system in place and they recommended that we have council vote to approve the execution of the agreement with them.

Brad Ratliff- I would wait until next time to offer anything.

Tim Taylor- This particular document is just a contract of services.

Brad Ratliff- There was no problem with the language in the agreement. It was perfectly acceptable.

Doug Ratliff- I have one question since you are talking about the power lines. Have we had any input from Appalachian Power about buying the lines at Hidden Valley? Then sometime in the future if we were interested in buying the lines at Claypool Hill if they eventually become part of the town.

Tim Taylor- They're basically going to wait on us on that. Probably what we would need to do prior to doing that would be to have a work session to discuss what we would have to do to do that. There would be some costs on our part. There's nothing wrong with talking to them, but once you start talking to them about that they're going to start spending money on how to do it. There wasn't any type of action like they weren't going to do it or that they would fight us in court over it. We've already talked to them about it. We know how many customers and basically what they will and won't do because of operational issues. We have an investment here. I want you all to understand that.

Doug Ratliff- I think it would be a good idea because we have lower rates in town. I think we could extend that to Hidden Valley and eventually if Claypool Hill decided to merge with us, it would be great for Claypool Hill.

Tim Taylor- If the numbers worked out, that's what I am talking about. We don't really know what that might be. Once you start that process you really need to follow through. We should be in a work session environment though before you make a move on that.

Mayor White- We need a motion on this. Rod Cury made the motion to accept the engagement of legal services with Holland & Knight. Frances Meadows seconded the motion. Motion carries 4/0.

Tim Taylor- On the project updates, we were on the very last leg of getting the office product in our email and all of that particular product. Then we will be able to engage the town's email accounts and you guys can start using them. You don't have any idea on when that can happen do you, Frank? Frank is the one taking the lead on that.

Frank Dorton- I would say in the very near future. Hopefully within a month.

Tim Taylor- You will get a notice from us that you are ready to go. When you log onto your website and log onto your screen, you will choose a new password yourself. The other thing is that we are upgrading our software. We have started a meeting and have engaged with the corporation to get us started on that. It looks like it should happen sometime in early 2017. It will hopefully have amenities that you all have wanted to see. A lot more interaction will be available at that time. That is a long process. Every piece of software has to be changed and you have to carry the data bases forward. We are currently working on that. We have some other ongoing projects mainly maintenance. We have some maintenance to do in the substation which will probably require an outage sometime in the near future. We will give the town plenty of notice when that is going to happen. We have to work on the voltage regulator. I do have 2 resolutions. I am pleased to announce that the United States Department of Agriculture has awarded us a grant that we put in two years ago. It's basically a 50/50 type of grant. The entire project cost is \$70,000. All grants for rural development is a federal agency getting money from the federal government and there are lots of papers involved. We have two items that we need to do and I would like to get them done tonight. We don't have the proper resolution numbers on this but if the council will agree on the content, we will add it before you actually sign it. There are two items I probably need to read for the record. One is the resolutions of the governing body concerning this particular grant. The governing body of the town of Richlands consisting of 6 members and having a meeting on this particular day with 4 being present is as follows: Do you hereby resolve that in order to facilitate and obtain financial assistance from the United States of America and the United States Department of Agriculture Rural Development to provide funding for the purchasing of police vehicles and equipment, the governing body does hereby adopt and abide by the government's contained agreements, documents, and forms required by the government to be executed. It has a blank here for me to sign to authorize to execute on the behalf of Richlands the above reference agreements and to execute such other documents including but not limited to security instruments that may be obtained to accept financial assistance. This resolution along with a copy of required documents is hereby entered into the meeting of the governing body of the town of Richlands.

Mayor White- Do we need to vote on these separately?

Tim Taylor- Yes.

Mayor White- Do we have a motion to accept the language in this resolution? Rod Cury made the motion. Mary Ann seconded the motion. Motion carries 4/0.

Tim Taylor- The other document is a code of conduct. No employee, officer, or agent of the owner shall participate in the selection, award, or administration of the contract supported by rural housing service funds if there is a conflict of interest.

Mayor White- We need a motion to approve this code of conduct resolution. Rod Cury made the motion. Mary Ann seconded the motion. Motion carries 4/0.

Tim Taylor- I don't have anything else.

Mayor White- We don't need to go into closed session for anything. We need a motion to adjourn. Frances Meadows made the motion. Rod Cury seconded the motion. Motion carries 4/0.

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Jannis White, Mayor

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Julie Cordle, Town Clerk