

The Richlands Town Council held a regular monthly meeting in the Richlands Council Chambers on June 09, 2020 at 7:30pm with the following present:

Mayor:	Paul Crawford
Town Manager:	Tim Taylor
Town Clerk:	Connie Allen
Council Members:	Richard Brown, Mary Ann Strong, Rick Wood, Doug Ratliff Rod Cury
Town Attorney :	K.W. McClanahan

Mayor Crawford opened the meeting.

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

Mayor Crawford – Do we have any additions/deletions/corrections to the agenda?

Wayne - Under executive closed session we need to delete VA Code 2-2-3711(A)(29).

Tim – I would suspect under XII you will have to “Recess” the Meeting instead of “Adjourn”. We would recommend meeting on June 16 at whatever time you would like.

Mayor Crawford – Do we have a motion to approve the agenda as amended? Rod made the motion to approve the agenda as amended, Mary Ann seconded the motion.

Mayor Crawford- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Motion carries – 5/0.

Mayor Crawford – We have one (1) set of minutes for Regular Council Meeting. Are there any corrections, additions or deletions to the minutes?

Doug- I make a motion to approve the minutes as presented, Rick seconded the motion.

Mayor Crawford- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Motion carries – 5/0.

Mayor Crawford – “Council Member Reports” – Rod Cury

Rod - My comments are on the Planning Commission, if it is OK with you Mayor, under Mayor’s comments, I will cover my part. We have three (3) seats available on the Planning Commission, the seat of Randy Smith, Virginia Hart and Pricilla Russ. I have contacted Randy and Virginia and was unable to contact Pricilla, she has been sick. Remember her in your thoughts and prayers. Randy has agreed to serve another four (4) year term, Virginia Hart has also agreed to serve another four (4) years. I have contacted Michelle Elswick who is a qualified resident to serve in the vacant seat. I would like to put forth these three (3) names, Randy Smith, Virginia Hart and Michelle Elswick to serve on the Planning Commission. I put in the form of a motion. Mary Ann seconded the motion.

Mayor Crawford- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Motion carries – 5/0.

Mayor Crawford – “Council Member Reports” – Rick Wood

Rick - I have nothing Paul.

Rick - I’m sorry I do have something. What have we done about the streetlights in Birmingham?

Tim - Kevin can you give an update exactly where we stand on that?

Kevin – AEP has everything designed as far as the streetlights for Birmingham, Daw Road, Vickie Drive and that area. They already have it engineered and it is ready to go. The only thing we have to do now is to go forward with the project as soon as we get exact pricing.

Tim - Some of the delays is where they did the wrong design, they had to go back and revisit.

Mayor Crawford – “Council Member Reports” – Doug Ratliff

Doug – There is a pothole on East Front Street, they fixed last week, and it is already falling thru.

Tim - Is that the one we had to come out this weekend for?

Doug - Yes, I think so.

Tim - They were back over there working on it today.

Doug - Cecil Ball has a house over there with no electricity, I have gotten a lot of complaints on it.

Tim - Is that on Purcell Addition?

Doug - I think so.

Tim - We have some history with that resident. If I remember correctly it may be ready to be sold for unpaid taxes. We will have to look into that. Cecil Ball is the owner.

Doug - We have six (6) residents I think on Iron Street that is flooding, I think we are working on it , do you have an update on that?

Tim – Talked to staff and met with some of the railroad people and residents in the area and examined the drainage, the railroad has cleaned up some of the areas that had obstruction toward the drainage. If we could elevate the road from Iron Street down to Jewell Street and pick that road up on elevation toward landowners that would help those houses tremendously, especially for some of the residents that are in that area like Mr. McCracken. I have talked with him specifically and met with him. If they can do that it will minimize the flooding in the future. We are going to try to possibly get some funding to help them with their homes. I have some more information about flooding in my report.

Mayor Crawford – “Council Member Reports” – Richard Brown

Richard – The school was very appreciative of the assistance that the Town gave during the Seniors Parade as well as the banners. They wanted me to publicly thank the Council and the Town for everything. I think it was a pretty huge turnout. Also, on July 3 which is the day of the fireworks, the seniors and juniors as well didn't get to have a prom this year. Project Graduation approached me and ask of any ideas. I spoke with Connie about this. We already have our fireworks that night. They asked for the use of the Police Department. They will be the ones to follow the COVID-19 and those requirements. They are not calling it a prom but a Senior/Junior Formal, I don't think it will be any expense to the Town after I talked to Connie.

Connie - I will take care of the decorations, it will not cost the Town anything. They are taking care of the food.

Richard - They are taking care of the food and the only thing they asked was to use the facility. They will be responsible for the requirements of COVID-19.

Mary Ann - I would like to make a motion to allow Projection Graduation to use the Richlands Police Department on July 3, Rick seconded the motion.

Richard - That is from 8pm to 11pm.

Mayor Crawford- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Motion carries – 5/0.

Mayor Crawford - "Council Member Reports" - Mary Ann Strong

Mary Ann - To start with I would like to say thank you to Travis Hackworth, he paid for the banners on the east and west end of Town, encouragement "Richlands Strong". I kind of like that word "Strong". Thank you, Travis. We appreciate it, we need all the positivity in Town we can get. I also had three (3) different people call me about abandoned or burned down homes. I will get with Wayne, may have already started legal action where the homes are located, a couple of these have been brought up previously. There are some potholes on Charles Street that have been requested to be looked at.

Tim - OK

Mary Ann - The rest of my report deals with recreation. I have done some research with the Tazewell Rec Department and I did learn and Doug, we talked about their budget, it is so much larger at \$683,000 and a \$300,000 grant. I did learn the grant is a VDOT grant and can only be used at the Back of the Dragon facility where the Little League fields are located. Little League and what I understand the Town and/or Back of the Dragon is trying to work on an agreement to move those fields. I have been told that they are at a point they are not moving them. What I was explained from Tazewell, they have to give that money back. The \$300,000 is not for operational it was for an entry where the fields are. I just wanted to kind of clear that up because if Tazewell can get a \$300,000 grant Richlands should too.

Doug - They are still only putting in \$240,000 out of the \$600,000 budget. I have their budget here.

Mary Ann – We can discuss that separately that is what we were told from the \$683,000 the \$300,000 was from the grant.

Doug - There is only \$240,000 in their budget, I do not doubt what you said but it is some kind of right of way, you are right, but I know they are only putting \$240,000 in the budget.

Mary Ann - I also learned that the Town of Tazewell gives \$0.10 of their cigarette tax to YMCA because they don't have an indoor facility. Again, they are giving \$0.10 of their cigarette tax to the YMCA. I am going to make a motion that the proposed increase of \$0.01 of meals tax for Town of Richlands that we put that \$0.01 in the Rec Park. Based on proximation which with COVID meals tax is down. It is estimated that it should generate \$70,000 from the \$0.01. I am making the motion that we give the \$0.01 increase of approx. \$70,000 to Rec Department budget. Rod seconded the motion.

Mayor Crawford - We have a motion and a second, any further discussion?

Mary Ann - I would like to clarify one thing, the reason I chose the meals tax instead of the cigarette tax which Tazewell gives the \$0.10 is because not everyone participates in tobacco but most everyone uses our restaurants. We have reasons to believe that approx. 70% of the people that use the Rec Facility are out of our Town limits. The Rec Commission made a formal request to Board of Supervisors of Tazewell County for \$50,000, they were very nice about it but said at this time they cannot give us that. I also ask Travis Hackworth and Tom Lester if they could give us some of their discretionary funds and they both said not at this time. In thinking about it I feel like the meals tax is the appropriate tax because the people who are not in our Town can help support Rec when they eat at Richlands restaurants. It is a way for non-Richlands residents to help support our Rec Department.

Doug - I don't think you can do that until it passes. We can't allocate to the Rec until the tax is passed.

Wayne - Councilman Ratliff is correct on that it is just an anticipated increase at this point that will have to be passed by ordinance, we are not at that stage yet. Council can choose to raise or keep the same.

Mary Ann – I will withdraw my motion. I thought about it a lot and I should have asked the Town Attorney. I felt it was appropriate to bring up now prior to the budget. I respectfully apologize for making a motion that was not appropriate this week. If that tax passes you can expect I will make the motion for the \$0.01 increase to go to Rec Department.

Mary Ann - Moving on with the Rec.

Richard - I have a question, does the ordinance need to be changed to reflect that?

Wayne - The individual increases in taxes will have to be passed as individual ordinances. The charter does limit that, every ordinance limited to one (1) subject, with exclusions of budgetary appropriations ordinance. Any increase in tax or a license fee has to have a Public Notice Hearing and have their own individual ordinances, subject to the same procedure process laid out in the charter about readings and that nature.

Richard - I am asking does the \$0.01 that Mary Ann is proposing need to be a separate ordinance, in the combined of the rates.

Wayne - I think in any event an ordinance does pass and a raise in that tax the appropriation of that would be referred to in the actual budget. The ordinance is going to appropriate that money to what the budget has adopted. I think you should be able to have a conversation and decide where you wanted it. If you wanted to allocate specifically.

Richard – I just didn't want to get to next week and the budget passes with that and you would need a separate ordinance.

Wayne - I understand what you are saying I will get some clarification on it.

Tim - Can that be in-bedded in part of the ordinance, I am curious?

Wayne – I need to get a little clarification on that.

Mary Ann – The Rec Commission needs direction with Phase II. One reason Mark Gillespie is here, and I do apologize I didn't realize he could not speak. Mark and I spoke today, the Administrator of the District of Little League has given him instructions to open the league within the guidelines of Phase II. He has teams ready to practice and ready to start the season on the 22 of June but our parks are closed. Rec Commission has talked about Phase II as far as the pool , rec park gym, weight room and so forth. First with Little League and softball Mark needs electricity and water turned on for the season to start.

Mayor Crawford - So what do we need?

Tim - Can you meet Phase II of the Executive Order in what you are doing?

Mark - The governor had another speech today and he brought out baseball , something coming out on baseball/softball this Friday. He mentions in today's conference you can pull up and look at it.

Tim - If the league will get with the Rec Commission, Mary Ann and myself, I ask Council to assign for us to decide. You are basically just asking for the use of the fields. You are going to be responsible for all the other, correct? You just want the water and electricity cut on.

Mark - Tazewell and others are already open.

Tim - I don't see why Council would delay cutting the water and electricity on. We just don't want to get into any trouble compromising.

Mark - We have already been in meetings with the necessary precautions we have to take.

Rick - I make the motion to go ahead and have the water/electricity turned on for Little League. Doug seconded the motion.

Mayor Crawford – Let Mark work with Mary Ann and Tim and decide on how to handle.

Rick - We can open parks now.

Mayor Crawford- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Motion carries – 5/0.

Mary Ann – The pool is in the process of being cleaned but the Rec Commission members and the Director have concerns with how to stay within the guidelines of no recreational swimming. The Rec Commission recommendation that the pool be ready to fill up with water when recreational swimming is allowed.

Mayor Crawford - I think we should accept the Rec Commission's recommendation.

Mary Ann – Same goes for the indoor facility, the gym and the weight room, we have talked about it in length. We don't believe with all the guidelines of Phase II will allow us to open the gym or the weight room. Only the parks would be open.

Mayor Crawford - Did he mention anything about pools and gyms?

Mark – I didn't go thru all that.

Rick - You can open the pool for water aerobics, exercise and lap swimming, that is it.

Mayor Crawford - It is like that for Phase II but sounds like he is opening things up. We will have the pool filled and as soon as we can open, we will.

Mayor Crawford – “Mayor's Comments”

Mayor Crawford – Rod you took care of the Planning Commission. I have to say I did not prepare or call the other members on the JDA and the Zoning. Does anyone have any information about these folks at all?

Rod - Zoning Appeals Board - Virginia Hart will serve on that Board.

Rod - I make a motion to accept Virginia Hart to the Zoning Appeals Board, Mary Ann seconded the motion.

Mayor Crawford- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Motion carries – 5/0.

Mayor Crawford - Does anyone know about the IDA, if not, I will take the responsibility of getting in touch with them, hopefully I will know next week or by the next time that we meet.

Mayor Crawford – “Attorney's Comments”

Wayne – Over the past few weeks as the budget deadline has approached several Council members reached out to me inquiring as to deadlines they have to operate in. I thought it would be best to go

ahead and address with Council. Any Councilman can call and get in touch with me that is what you pay me for. Based on my research with the applicable law in this matter is 15.2-2506 that imposes power and duty, to pass a budget with end of the fiscal year which is June 30. We addressed some of the ramifications in closed session. In what we are dealing with, no money shall be paid out or become available to be paid out for any contemplated expenditure unless and until there has been made an annual, semiannual, quarterly or monthly appropriation for such contemplated expenditure by the governing body. To put that in English, June 30 is the last date for us to approve budget. If there is not a subsequent budget appropriation ordinance the Town will effectively shut down. It will be unlawful for us to spend any money for any purpose that has not been approved in a budget then appropriated with the exception of previously approved capital expenditures. I believe that we are in good shape to continue to pay obligations, where the money comes from is yet to be determined and who would do it. Tim Taylor and his staff, he is Town Manager and in charge of making sure the bills get paid and management of the Town. Effective July 1 without a budget and without an appropriation ordinance Mr. Taylor would not be an employee for the Town of Richlands, or his staff. This is subject to any research I do in the next couple of weeks, I am actively trying to get a handle on the situation. I have not found any sort of exception in the code that authorizes Council to order police or emergency services to continue to work. Federal and State law that effects those types of things, FLSA (fair labor standards act) I don't think the Town can acquire anyone to work even further I don't know if it even would be permissible for them to work in any event they would want to volunteer. As Council is aware Town of Richlands provides power, water/sewerage services, police, emergency response services, subject to what I might find out in coming weeks, again this is uncharted territory, without appropriations ordinance no money is going to be spent. There is a VA code section that effectively makes the Mayor the Town's Executive Officer would take over for the management of the Town Mr. Taylor's role. I not sure what good that would do he would not have enough staff to help him in this process. To be quite frank with you I am not sure that I am not included, I have a contract with the Town and the Town approves my pay check every month. That is what happens when we get to July 1, I did not want any gray area on where we stand with the upcoming conservations of the budget and what to do. I have reviewed the Town charter and the applicable law to try to get a proposed timeline on how to do this. The charter does make a specific reference, in the form of an ordinance, the ordinance will require an affirmative four (4) person vote of Council. We have to read two (2) successive meetings, seven (7) days apart unless that is waived by a four(4) person vote of Council. In the event there is not a consensus to waive that requirement there is also an additional requirement the effectiveness of that ordinance, it is not effective for 30 days unless 2/3 of the Council vote for it. What constitutes now what is 2/3 of 5, hope to get some clarity on that in the coming weeks. As a proposed timeline I suggest that we meet again next week, I will have the appropriate ordinances drafted for the first reading discussion hopefully an agreement is made, we can go ahead and act on that. In the event that we don't, we can get back together the following week or perhaps a little later to read the ordinance again vote on it in specific reference to the proposed increase in tax. The charter provides that tax cannot be inactive sooner than 30 days of its publications in the local paper, with my understanding this happened last month on the 27. If Council is going to consider a tax, code also provides that we shall fix a tax rate by the start of the fiscal year. I am quite certain that goes for the real estate tax and the use related tax. I will get clarification to see if they are included as well. Basically, the window for any tax increases to real estate tax is posted 27 before the 30 don't give us long to act on it. As far as the proposed license increases, I think Council would be free to adopt those whenever, no time limit on that. If it is something town Council can address later. Again, just wanted to make sure everyone on the same page with the timeline and the potential ratifications.

Doug - If the budget is not passed, I have done some research and I would ask you to do that to. As a Council we can order the emergency services to carry on without the budget being passed, if you would check that out.

Wayne - That is inconsistent to what I have found. A few things I wanted to mention, part of the quandary Council finds their self in and I understand your position, from a member standpoint if Council or Mayor wishes for me to expound upon. I have been trying to develop some contingencies upon, I want to present all the options available to Council and eventually get to a passed budget. Since Ms. England left Council in February due to health reasons the Town charter provides the Council the ability

to nominate and appoint by vote someone to fill her seat. The charter is silent to what happens in the event that does not happen research I have done and the Attorney General's opinion from 2008. I interpret that the Town Council limits their own accord, loses the appointed power once that 45-day time period lapses. I believe that appoint power is transferred to the Circuit Court. I know the time frame is not ideal if Council wants to try to effectuate at the end of the year. It is an ambitious goal but something to look into. I do think the Council by resolution could direct me to file a petition with the Circuit Court seeking the fulfillment of that vacancy. I can't speak at length the mechanics of that and what it would look like but that is a potential option and the reason I have explored that particular option, if that seat is filled gets us back to an even number. My interpretation of the Town charter when you read Section 3.5 and 3.8 of the Town charter the ordinance has to be passed on affirmative vote of four (4) Council members Section 3.5 under Mayor's power specifically says Mayor is not a member of Council however that section goes on that the Mayor is empowered with certain tie breaking authority. This is not a final position on this but general rule the pieces of authority when you read them on their face present an annuity the law generally reads those two (2) pieces of authority to give effect to them both. If we don't do that it essentially makes one of the redundant or lack in meaning. That is obviously our interpretation. In one it says Mayor is a Council member one says he is not a Council member. I am not sure; I do think we can seek some clarification from the Authority General's office again timeline is not idea. I would probably have to reach out to Delegate Morefield or Senator Chafin. That is my understanding from a call earlier today may be able to expedite that process in terms of getting a ruling on an exact scope on the tie breaking ability again only reason I bring this up, I have express to you individuals on multiple occasions I am not here to participate in political process nor do I have a desire to. I do want to be able to help assist Council get to the end goal which is pass an approved budget money appropriate thereunder. In the event that we were able to potentially fill that seat and pending further determination the Mayor's rights in that at least in mind would provide an avenue for resolution right wrong or indifferent is honestly my primary concern. I am happy to continue what you said about the police and continue to explore other options and identify other options. I can state in emphatically enough what the optional fallout in legal prospective in the event we don't have a budget and money appropriated there under. I would employ all of you to please get a budget.

Mayor Crawford – "Manager's Reports" – Tim Taylor

Tim - Authorization for payment of monthly bills - You have two (2) check registers, one (1) is the first of the month bills which most are refund checks for utilities and type of bills that have to be paid earlier in the month such as telephone and cable bills, etc. The second page of bills is outstanding to pay. We did have to put a garage door on the rescue building Check No. 8091 – Bradley D. Hess - \$3,100.00, local company. Check No. 8147 - School Specialty - \$10,480.31, playground system that Connie order for the CPROP grant in front of the CART building. We budgeted \$15,000 we actually got at a reduced price.

Mary Ann - When is the plan to put the playground equipment in?

Tim – We have some work to do, we actually have an engineering drawing, our goal is to get that out to bid to the private sector, as soon as we can get that out the door and get someone to start on it as soon as possible. That keeps our street crew and carpenters working on things that need to be worked on in the streets. I can't give you an exact day but soon.

Richard – Check No. 8141

Tim - Collections for May

Adrienne - It is commission fees.

Richard - That is about half of what we were paying, are they collecting less?

Tim – Could be

Adrienne - Based on percentage of collections, collections were down some.

Rick - Are we collecting now?

Adrienne - Yes

Rick - We wasn't for a while, correct?

Tim - Reason it is down people don't want to go to the hospital because of COVID and hospital for a long time didn't want them there either.

Adrienne - Are you speaking about the bad debt? We were not collecting for the bad debt for a period of time due to the transition from Brad Ratliff.

Rick - They have started collection of bad debt now.

Wayne - If Mayor wants to get a motion to go into closed session, I can expound on Litigation I apologize for not doing that. With the court closes, etc. it has been complicated or we can address next week.

Rick - You probably need to have time to be prepared.

Rick - I make a motion to allow Mr. Taylor to pay the bills, Mary Ann seconded the motion.

Mayor Crawford- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Motion carries – 5/0.

Tim - Miscellaneous - I should have taken that off the agenda.

Tim - 2nd Drawdown to Thompson & Litton for final design for the WWTP, need authorization for line of credit drawdown from National Bank for Wastewater Treatment Rehabilitation Project current month billing for a total of \$75,171.11.

Rick - And that is for what?

Tim - Final design for Wastewater Treatment Plant.

Rick - Do we get grant money back for that?

Tim - The money that we are using for interim financing to pay for engineering because it is expensive. They are 60% thru the end cost to us, before we get to construction bidding of \$800,000. That money except interest is refundable when we borrow the money. This money will be reimbursed and amortized 25 years.

Rod - I make a motion to authorize 2nd drawdown for Wastewater Treatment Plant from National Bank for \$75,171.11, Richard seconded the motion.

Mayor Crawford- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Motion carries – 5/0.

Tim - I handed out an email conversation from Army Corp about two (2) events that happen right together, which is common in that area. I had spoken to Army Corp Engineers about flooding issues that we had back to back in March, following our evaluation process. I gave you this email just for informational purposes. The representatives from the Army Corp and their staff that goes to flooding areas are going to come and visit the Town. We will meet with the representatives to discuss problem areas and look at what we could do to elevate some of the flooding that may happen more frequently

and what the availability might be for any type of funding or means with getting a start with that. The Army Corp is the major player for point of contact. They mainly control everything because of the hydraulics of the river. Under certain events it is very complicated what you could do to help one (1) individual in one (1) area would be determinantal to the other areas, because of the river it is complicated. The river has endangered species both globally and nationally, so we have a lot of sensitive type things to deal with. With the COVID restrictions they were going to try to make a field visit but had to retract. The last email I got from Thomas Herbert the district team cannot travel outside of 150-mile radius as soon as the guidelines are lifted off the Army Corp, they will schedule another visit.

Doug - Are they doing an incubator, trying to make sure mussels aren't endangered species.

Tim - I am not aware of anything. Every time you do a project in the river you have to do a mussel survey. VA Tech is the one that we use. The only ones local they are trying to protect are in Cedar Bluff and Middle Creek.

Doug - They were doing the incubator so we could do something with the river where they would not be in endangered.

Tim - I have not heard anything if you can give me information on that I would appreciate it. I will keep Council updated, I know you received lot of complaints and concerns. There were two (2) events that happened back to back. We are working with the experts, I will keep engaged with Wildlife and Fishery and TVA, it is in their water sheds.

Tim - A petition was mailed to me requesting the Town to do something on a trailer located at 515 Kents Ridge Road. It was signed by Susie Davis who lives on that street as well as 13 other individuals, by looking at the names these people live close to the mobile home. I have done no more than go by and look at it, I asked the police to go by and look at it and they can report back. They are asking the Council to do something with this.

Rick - Is it abandoned?

Tim - I don't know, I'm sorry. We will find out; we will also forward to legal if we have ordinance in place to handle this, we will take charge otherwise it will take Council action.

Mary Ann - The way the letter reads it is empty.

Rick - It is abandoned, I think we have an ordinance already in place

Rod - Wayne, will you have time to research before our meeting?

Wayne - I will certainly try to.

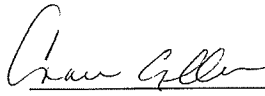
Mayor Crawford - I will "Recess" the meeting.

Doug - I want to clear up something from last meeting. I checked with Bluefield and they will absolutely be doing no dispatching, 911 is going to be doing it 24 hrs. They will have a person there during the day all she will be doing is paperwork, she will not be doing dispatching. They went totally 100% 911.

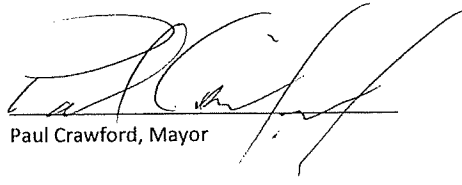
Mayor Crawford - Thank you, we will "Recess" our meeting until June 16.

Rod - I suggest we stay with 7:30pm since it is the practice of Council.

Mayor Crawford - Meeting is "Recessed" until June 16 at 7:30pm.



Connie Allen, Town Clerk



Paul Crawford, Mayor