

The Richlands Town Council reconvened in the Richlands Council Chambers on November 15, 2021, at 5:00 pm, having recessed from its regular meeting held on November 9, 2021, with the following present:

Mayor:	Rod D. Cury
Town Manager:	John O'Daniel
Town Clerk:	Connie Allen
Council Members:	Mary Ann Strong, Doug Ratliff, Jeff Hurst Mike Street, Richard Brown
Town Attorney:	Brad Pyott, Michael Thomas

Mayor Cury opened the meeting.

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

Mayor Cury - This is the Recessed Council meeting that we began on Tuesday November 9. Mayor went over the agenda for tonight's meeting.

Mayor Cury – Town Manager's Report

John – We had a couple of updates since our last meeting on the Greenway Space, the grant we applied for \$50,000 thru Cumberland Plateau we were awarded the grant for Phase II of the stage, we will start on Phase II as soon as we are finished with Phase I.

John - We are wanting to do a Small Business Christmas, for four (4) weeks leading up to Christmas. I would like to get consensus from Council to use \$400 from the Town Event's budget.

Mike - What is it for?

John – We want to put tickets at the place of business, when someone comes into their business they get a ticket if they spend \$20 or more. They will put their information on the ticket and they will be in a drawing the following week for a \$100 gift card from a business they choose downtown.

Mike - You will do it for four (4) weeks?

Mayor Cury - Who is going to pick up the tickets?

John – Ashley will pick up the tickets.

Rusty Hess - I will donate the \$400.

Mayor Cury - The money should come from the Town, I don't want any conflict of interest. Thank you so much for your offer. I think we need a motion if the Council sees fit.

Mike - I make the motion that we donate \$400 to Small Business Christmas, Jeff seconded the motion.

Mayor Cury- 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. Roll Call –Doug- Yes, Jeff- Yes, Richard-Yes, Mike – Yes, Mary Ann – Yes Motion carries – 5/0.

John – Last month the Planning Commission didn't have a quorum for the Public Hearing so they are working on scheduling the Public Hearing on November 30 at 7:00pm. They will be able to make a recommendation based on the vote from last Council meeting. There are no issues or concerns with it. The Bad Axery Company will be granted their Conditional Use Permit.

Mayor Cury – The Planning Commission will hold their Public Hearing on November 30 at 7:00pm here at the Council Chambers. That is regarding the potential new business Bad Axery, LLC.

John - IDA – They will meet at 6:00pm first Tuesday of the month before the Planning Commission. At the last meeting we approved the members. They also decided when to have their meetings. They will meet at 6:00pm first Tuesday of the month before the Planning Commission. If there is anything they would like to discuss that would impact the Planning Commission they can transition and have those conversations with them as well. Zoning Board - Larry has accepted the appointment. We will get his information and have him added to the Board.

John- The last thing I had is the Drive-Thru we had a \$30,000 budget of Cares Act funding that we have to spend by December. The bid came in at \$84,000 which is quite a bit more than we had budgeted. If Council wants to move forward with it, we would have to use AARP funding to do it, or we can do something to benefit our employees. They weren't able to take off time or get additional benefits during Covid. If that is something you would like to do as an extra benefit to our employees especially now since Christmas is coming up, it would be perfect time to do something of that nature.

Mayor Cury - Is the \$30,000 Cares Money?

John - It is Cares Money

Mayor Cury – Did we discuss not doing the Drive-Thru?

John - We have not discussed either option.

Mayor Cury - My personal take on this and I will refer to Council, I am not against any of these things I think before we allocate money for any of these things, an additional Xmas bonus, we will have discussion from Council. I suggest that we defer to later in the meeting. We will move to item "b" under Agenda Items.

Mayor Cury - Discussion on Vacant Council Seat - I would like to refresh everyone's memory and if anyone wasn't here what we did at the last Council meeting. Councilman Plaster resigned his seat so that leaves a vacant seat. Council has several options, and it will be Council decision on how they want to proceed or not. We will have Council discussion and Council decision on what they would like to do. I know a lot of people are here tonight. I want to say thank you for coming, don't matter how you feel about these issues your presence tells us you are interested in what we are doing and how we proceed with this position. Thank you for coming. I am very aware that people have different feelings on it and want everyone to know we appreciate the process and the fact that you have a voice don't matter what side you are on. I want to say I appreciate in advance just as you are right now kind, considerate, respectful and I cannot say thank you enough. That being said let's proceed.

Doug - I would like to make a motion since you have so many citizens here that we allow them to speak two (2) or three (3) minutes on the process on how they would want us to pick a new Councilmember.

Mayor Cury - There is a motion on the floor to allow the citizens to speak three (3) minutes if we allow them to have citizens comment regarding the vacant Council seat, is that correct.

Doug – Yes

Mayor Cury - That will need a second before we proceed. Having no second the motion dies due to lack of second.

Mayor Cury - Let's move forward with the vacant Council seat. There were several options that were discussed last time, I don't know if it was for or against anybody, I want to remain neutral I want to conduct fair for everybody and I intend on doing that. Council was not sure what to do, there were many recommendations, but no decisions were made. That is why we are meeting tonight along with the

considerations to add the drive thru and closed session. We are open with Councilmembers on how to proceed appropriately. Thank you, Council.

Doug - I would like to make a motion we hold a special election within 30 days to elect a new Councilmember.

Mayor Cury – Your motion is to hold a special election within 30 days.

Doug – I checked with Brain and it can be done within 30 days, will give citizens a say instead of letting Council just appoint who they would like.

Mayor Cury - There is a motion made and I want clarification from our attorneys on what we are allowed to do regarding a special election since that is the topic right now. Can I have some help please?

Brad – Charter refers to any type of vacancy being handled by general law no real direction specifically from your Charter. State codes has two specific code sections under 24.2-226. You have to petition the court first for a Writ of Election so that has to happen within 15 days from Mr. Plaster’s resignation which I understand occurred on November 9. You need to have something filed with Circuit Court, that is mandatory within 15 days which would be by the 24th. I think the Circuit Court may be closed on the 24th so may have to be on 23rd or possibly held over until Monday regardless that has to be done within 45 days. Appointing that is discretionary, they do not have to do that if they do not appoint there is also possibility that the Circuit Court could appoint but this is also discretionary and it’s not mandatory discretionary from the court action not going to take up that action unilaterally there would have to be some type of petition filed and there is no guarantee they would do anything. Writ of Election needs to be set with statutory requirements to set the election then for a special election at the November election but not necessarily required it’s discretionary again with the court. The latest possible date they could do that is the next general election which will be next November or they set an election. Spoke with Mr. Earls as well about the parameters, could be a special election held within 30 days if the Circuit Court set that election within 30 days, two scheduling drawbacks to that.

Mayor Cury - Just to make sure I understand with 30 days of the Court’s decision.

Brad – Court sets date that could happen within 30 days, closest date we could follow if we filed it tomorrow.

Mayor Cury – I was thinking about the motion of Councilman Ratliff.

Brad - You don’t want to mistake in terms of the filing within 30 days; court set a date that could occur within 30 day window. According to Mr. Earls earliest possible date they could have would be December 28th. They are required to have offices open two (2) prior Saturdays prior to that election being on the 28th that would mean the registrar’s office would have to be open on Christmas day and seven (7) days before that, it would also limit the window for applications for qualifications in terms of getting the necessary signatures and five (5) days to do that, it will be limited because of have the election so soon.

Mayor Cury – Everyone understand as well as we can on what we are saying.

Doug – I do, should I amend my motion to within 45 days?

Brad – Two different dates that you are referencing here, 45 discretionary, the Council has 45 days from the date of the resignation to make a nomination and so actually have to appoint someone that would fill the unexpired term, but the remainder of the time that they have until the next election can be set within 30 days, 45 days becomes meaningless if the court agrees with that since that day if you set the election. Let’s say you make the request of the court for the Writ of Election and it’s to be held on the first Tuesday in April, that appointment the Council makes has to be made within the 45 days and it would only last until the election. The resignation of Councilman Plaster which was the night of

November 9. The Council has 45 days to make a selection and make an appointment as a temporary appointment and if they don't come up with a name as a majority of three (3) out of five (5) that what you have left. The Circuit Court could appoint, again that appointment could only be temporary appointment until the election is held either at the next general election or a special election in November or at the special election solely on its own. Sometime between now and next open.

Doug - My thoughts were I didn't want to interfere with Christmas and if we set it for 45 days that would mean that the Registrar's Office would not have to be open on Christmas Day. My other thought is you said we could appoint someone. We don't have to because we went for a whole year without appointing anyone.

Brad - That is correct, that is discretionary.

Doug - I just thought on my motion can I amend it?

Mayor Cury - You can since we haven't seconded it.

Doug - I amend my motion to set the election for 45 days and we not appoint anyone until after with the court's discretion.

Mayor Cury - Doug let me think a few minutes, trying to help understand how this motion should be worded, not against anything just need to understand what you are saying. Petition the court is that the way you have to do that.

Brad - I recommend that you go ahead and petition the court between now and November 24th.

Mayor Cury - I just wanted to understand the law and we are operating within the bounds of the law and make sure any motions are clear before we have anything on the floor does that make sense.

Doug - I make the motion that we petition the court within 15 days, within 45 days and that we not appoint anyone until after the ... no need to appoint anyone.

Mayor Cury - Is that simple enough just keep it simple.

Doug - I make the motion to petition the Court to hold an election within 45 days.

Mayor Cury - That is the motion from Councilman Ratliff.

Mayor Cury - Madam Clerk did you get the motion? Please read the motion.

Connie - Doug made the motion to petition the court to hold a special election within 45 days.

Mayor Cury - Is that correct?

Doug - Yes

Mayor Cury - Madam Clerk read the motion again.

Connie - Doug made the motion to petition the court to hold a special election within 45 days.

Mayor Cury - Is that correct?

Doug - Correct

Mayor Cury - We have a motion on the floor.

Brad - Is still going to put you in that window where you will require the Registrar's office to be open two (2) Saturdays before, if you petition the court tomorrow within 45 days, it has to be done on a Tuesday, if you follow the protocol you are still going to end up with an election that is going to require...., January 4th or December 28th is your last Tuesday in December and your first Tuesday in January. Either one of those days you chose they are working on Christmas Day and New Year's Day. Sounds like you are trying to avoid those holidays you are looking at the earliest possible Election Day would be January 11 still puts you on the first for being there as on a Saturday, January 18 you are going to avoid the Registrar's office from being open on a holiday.

Mayor Cury - We just want to make sure we understand how these things are working.

Brad - Has to be on a Tuesday, election statutes require that, and have to be open two (2) Saturdays prior to that for any type of comments or questions, the 18th is going to be the first

Doug - Should my motion say we petition to court to hold the election January 18 would that be simpler.

Brad - In Writ of Election, that request that date to be used.

Doug - I don't want to see the Registrar work on Christmas or New Year's.

Mayor Cury - That is where I was headed, you want to rethink a minute it is your motion.

Doug - I make the motion that we petition the court to hold a special election to fill the vacancy January 18th.

Mayor Cury – Madam Clerk did you get the new motion?

Connie – Doug made the motion to petition the court to hold a special election to fill the vacancy on January 18th.

Mayor Cury - Does that satisfy you Doug, is that what you are saying?

Doug – It does.

Brad – January 18th, 2022, special election has an additional cost, if you have a special election on the same day as the general election it all gets folded in the same terms of having an election. Example Town of Richlands have election on the first of November opposing to having the first Tuesday in January or March/April, looking at an additional cost between five and six thousand dollars that the Town would have to pay in terms of election official ballot training.

Mayor Cury - I appreciate that very much. In consideration of this motion if members of Council want to consider and all the facets that be involved is that correct? Doug are you with what he is saying and what I am saying.

Doug – Yes

Mayor Cury - There is a motion on the floor to petition the court to hold a special election on January 18th, 2022.

Connie – Doug has a motion on the floor to petition the court to hold a special election to fill the vacancy on January 18th, 2022.

Mayor Cury - Is there a second to the motion?

Mayor Cury – Order in the room, order from audience in the Council Room. Sergeant-at-Arms please come in the room.

Doug - Can I make a motion?

Mayor Cury – You may.

Doug - My motion is that we appoint the second runner up in the previous election namely Laura Mollo to the empty seat on Council.

Connie - We have a motion on the floor.

Mayor Cury - Motion died due to lack of second.

Doug - My motion is that we appoint the second runner up in the previous election namely Laura Mollo to the empty seat on Council.

Mayor Cury - There is a motion on the floor to appoint Laura Mollo to the Council is that correct?

Doug – Correct

Mayor Cury – Is there a second to the motion? Being no second the motion fails.

Mayor Cury – I am going to defer to Council for other ways to proceed.

Mary Ann - I would like to make the motion to appoint Darrell Addison to the vacant seat of the Town Council.

Mayor Cury - There is a motion on the floor to appoint Darrell Addison to fulfill the vacant seat of Councilman Plaster. Is there a second to the motion?

Jeff – I second the motion.

Mayor Cury - There is a motion on the floor it is movement of Council, a formal motion. Mary Ann made the motion, Jeff second the motion. Is there any discussion by Council on this motion?

Doug - Darrell Addison is a great person and I respect him, but he didn't run in the election Ms. Mollo ran in the election and she deserved to be appointed.

Mayor Cury - Any other discussion by Members of Council?

Richard - At the last meeting on November 9th it is my understanding that we had made a motion, seconded and passed that we would take applications for the seat, do we need to recall that motion before we do anything with this, I think we are going above what our last direction of Council.

Mayor Cury – Councilman Brown has brought up that a motion was made, can you refer back to the minutes Madam Clerk. We will give her a minute to read back exactly what we said.

Doug - I don't think it passed, did it?

Richard - I had made a motion with Councilman Ratliff so I think so for a second Councilman Ratliff limited to two (2) prior elections which was Rick Wood and Ms. Mollo. That motion was nullified with a vote to open for all applications and after that motion passed best I can remember.

Doug - If we set to do applications, I'm not sure; I think we just opened it up. I don't think it was a motion.

Mayor Cury - Best I can remember we need a motion to read what did pass, generally accepted an application process but I don't know that, so to say generally understood, it is not a good thing in formal business.

Mayor Cury - Let me clarify something we are waiting for Madam Clerk Connie to find the motion may take her a few minutes; we did a lot of work at the last meeting. I think Council basically has three (3) options, to appoint, not to appoint or to have a special election. Would that be a fair thing to say?

Brad - You still have to have the election. It's not an option whether you will have the election or not, the other discretionary question is whether or not they appoint someone to fill seat until the special election occurs.

Mayor Cury - Okay, I follow you now. The special election is either held at a near future date such January 18, January 31 or November because it will be a special election to fill the vacated seat by Councilman Plaster is that correct?

Brad - That is right.

Mayor Cury - I appreciate that.

Doug - May I add something to that.

Mayor Cury - Sure

Doug - I talked to Brian and if we have the election in November along with the other election it is going to be very confusing, because it is sort of like two (2) elections, one to fill the vacant seat and the other three (3) members who are coming up, he said it would be very confusing to have the election at the same time as the general election, if I may add that.

Brad - I spoke to Mr. Earls (County Registrar) on that point; if the special election were held next November, there would be two (2) separate measures on the ballot. There would be a general election for the three (3) seats, and a special election for the vacated seat of Plaster. As far as being confusing, the ballot would include two (2) separate votes, one (1) for the top three (3) vote getters (general), and the other just the top vote getter (special).

Doug - I think it would be very confusing to the public. That is why I made the motion that we have a special election before that time to fill the vacancy, so it won't be so confusing in November.

Connie - As for the motions made during the November 9 meeting, the first motion, Doug made the motion to put Laura Mollo into the Council seat into Logan Plaster's seat, Jeff Hurst seconded the motion. The motion failed.

Connie - Mike made the motion to have an official application process, Mary Ann seconded the motion, and motion passed, 5-0.

Doug - It was not 5-0.

Connie - Everyone agreed to the application process, and then you made a motion.

Doug - I voted No.

Connie - I have not typed the minutes yet, I can double check.

Connie - The next motion you made was to limit to Mr. Woods and Ms. Mollo that was 3/2. Three was "yes", two was "no".

Doug – That motion passed and then Mr. Street nullified that vote or something.

Connie – Yes, Mike made the motion to nullify that and Mary Ann second the motion. That was two “no” and three “yes”. That is where it ended.

Mayor Cury – To nullify

Connie – Yes, three “yes” to nullify and two “no”. The next comments were to talk about an application process for the seat. A motion wasn’t made after that but agreed to have a special meeting.

Mayor Cury - I appreciate it and I want to be clear, so everyone will know the direction of the Council, the motion to nullify I think, and I want to be corrected by the Clerk, the motion to nullify was to nullify the limitation of two (2) people. Is that correct, does member of Council understand what is going on here? Members of the audience do you follow the history what went on last week? I want to be clear what the motions were stated. Members of Council do you agree this was recorded accurately? We have to approve in a formal way we have not done that, but I am asking for general consensus.

Mayor Cury - Any action of Council that is what I am looking for?

Doug - Can I make a motion?

Mayor Cury - We have motion on the floor, I am losing track of this. We have a motion on the floor right now made by Mary Ann and seconded by Jeff to appoint Darrell Addison, any further discussion on this motion. Roll Call Vote?

Connie - Doug – Not any reflection on Darrell Addison, he would be a fine person on Council but in all fairness to Ms. Mollo and running in the election I must vote “No”, Jeff – Yes, Mike – No, Mary Ann – Yes, Richard – I am struggling that we left this with an application process, it bothers me we haven’t done what we said we were going to do whether the public agrees with it or not, even though it was not in the form of a motion a consensus or whatever you want to call it we agreed to an application process, that is why I am struggling. I know Mr. Addison and I know all these other people, but I think what happens if we have someone that comes out of the woodworks and blow everyone out of the water and would make a great councilmember that what I struggle with. Even though we have made the motion and voted there is still some discussion. I wish I knew Mr. Addison intent if he planned on running for the election if he is appointed the seat, having said that I will announce I am not running again for re-election, and I will vote “yes” to appointment, so the Motion carries.

Mayor Cury - Madam please read who vote “yes” and who voted “no” for the record.

Connie - Doug – No, Jeff-Yes, Richard-Yes, Mike-No, Mary Ann- Yes

Mayor Cury - Motion carries Thank you members of Council and the community.

Mayor Cury - Next on the agenda is Item No. VI.

Doug – I make a motion to petition the court to have a special election in 45 days to fill the seat that Darrell Addison....

Mayor Cury – I think the 45 days was a hiccup earlier.

Doug – I make the motion we petition the court to have a special election to fill the seat that Darrell Addison is taking on January 18th.

Mayor Cury – Motion on the floor to petition the court have a special election on January 18th, is that correct?

Doug – Yes, Sir

Connie – Motion was made to petition the court to have a special election on January 18th, 2022 to fill the vacancy of Darrell Addison.

Connie - To fill seat vacated by Logan Plaster.

Connie – Motion is to petition the court to have a special election on January 18, 2022 to fill the seat of the vacated by Logan Plaster. Is that correct?

Mayor Cury – Doug is that your motion?

Doug – Yes, Mayor

Mayor Cury - Motion on the floor.

Jeff – I like the idea of a separate election from doing it at the general election time. I'm not crazy over the 18th date just because of several factors that can happen in January. Having an election in January opposed to anytime of the year, you know with the weather or any elements a snowstorm were to hit because you know I think last year at Christmas we had six (6) inches of snow if we are looking at 28th. Would potentially hamper citizens from being able to get out to vote. I think we owe it to them to have some type time frame where there is a shot for good weather and good voter turnout that's what I am concerned about.

Doug – What about March 1st?

Mayor Cury – I don't know what day that is, need clarification?

Doug – I withdraw my motion and make a new motion.

Doug – I make a motion we petition the court to have a special election March 1st, to fill the vacancy that Logan Plaster vacated.

Jeff – I seconded the motion.

Mayor Cury – Wait until its ready.

Connie – Doug made the motion to petition the court to have a special election on March 1st, 2022, to fill the vacant seat of Logan Plaster. Jeff seconded the motion.

Mayor Cury – Councilman Ratliff made the motion and seconded by Councilman Hurst, any discussion from Councilmembers?

Mary Ann - I have a question for the Attorney, would it still be a special election if we waited until the November normal election, it would save the Town \$5,000 to \$7,000 dollars if it's done in that manner?

Brad – Correct

Mary Ann – That is what we previously did when we appointed Councilman Hurst and he ran for that seat against other interested parties.

Doug – We allotted \$134,000 for Health Insurance and Council don't want to spend five \$5000 on a special election, Oh my gosh. I urge Council to spend \$5000 to give the citizens a voice in the election.

John - \$134,000 was not allocated for insurance just for clarification.

Doug - I beg your pardon it was on your budget.

John - That was an estimate for worst case scenario if each Councilmember had a family plan.

Doug -- But it was budgeted.

John - It was not.

Doug -- On average your insurance cost \$9000.

Mary Ann - \$7200

Doug - That is \$7,200 we are talking \$5,000.

Mayor Cury - I am listening but I realize we are not going into discussion about the health insurance cost the motion is about having an special election on March 1, so I would ask Council to direct their comments toward that.

Doug - You did budget \$134,000 if it was the worst case scenario or not it was budgeted \$134,000

Mayor Cury -- Members of the audience, I am the type of person that can only do one thing at a time.

Mayor Cury - There is a motion on the floor to have a special election on March 1, the first to fill the vacancy that was vacated by Councilman Plaster. The health insurance is not relevant to what we are discussing I appreciate what you are saying.

Mike - I have been pretty quiet here I think it is important that we give our citizens fair opportunity to vote. What that looks like in my mind is a fair vote and maybe a lot of people that are not informed of the in's and out's, I appreciate everyone here but there are people who are not here. The November election they know that Tuesday is the day they vote. If is about full representation what this Town is and what this Town can do. I welcome anybody that gets that seat. I think it is fair to all citizens. Just a comment to say I support a general election in November. I think that is the best representation for the Town and the citizens and to be fair to all citizens.

Mary Ann - I do agree with Councilman Street but I have a question. There is a Primary Election in June, can we have this election in June and not cost the Town ...

Brad -- There are certain protocols. You cannot have a special election related to a primary election, we did not have this specific conversation with Brian, I don't know if we can piggyback.

Brad - Upon receiving the petition or upon its own motion the court shall issue the rewarding election properly and shall order the special election to be held on the date of the next general election in November or scheduled by law to be filled in but that doesn't happen here anyway it's been changed in 2012. However the governing body or requested this petition a different date for the election the court shall order the special election be held on that date so long a day requested proceeds the date of the next general election in November and coupling with the provisions of Section 24.2682 which restricts that you cannot have a special election on the same day as a primary election.

Mayor Cury -- Any further discussion from members of Council?

Connie -- Doug made the motion to petition the court to have a special election on March 1, 2022 to fill the vacancy of Logan Plaster.

Connie -- Doug -- Yes, Jeff- Yes, Richard- No, Mike-No, Mary Ann -- No - Motion fails

Mike -- Mayor I would like to make a motion.

Mike - I would like to make the motion that we petition the court to add the seat of Logan Plaster to the general election in November, to petition the court for a special election to occur with the general election in November. Do I need to word differently?

Mike - I make a motion to have a special election with the general election in November 2022, petition the court for a Writ of election.

Mayor Cury - To fill the vacant seat, is that correct? Please read one more time so Council is clear on what the motion is.

Connie - Mike made the motion to petition the court for a special election to occur with the general election on November 22, 2022, to fill the vacant seat of Logan Plaster.

Mayor Cury - Would it be November 22nd or November 8th.

Brad -The Council appointment is a temporary position; it is filled temporarily until the election can be held as a special election. The appointment is only good from the time of the actual appointment through the date of the special election and the qualification of the election winner.

Mayor Cury - So we leave Logan Plaster's name out of this? Should Logan Plaster's name be removed from this motion?

Mayor Cury - I wanted to make sure we had it right and following with the bounds of the law, Connie please read on more time please.

Connie - Mike made the motion to petition the court for a special election with the general election on November 8, 2022, to fill the vacant seat of Logan Plaster.

Mayor Cury - There is a motion on the floor to petition the court for a special election to be held on November 8, 2022, to fill the remaining term of the seat vacated by Logan Plaster.

Mary Ann - I seconded the motion.

Mayor Cury - Mike makes the motion, Mary Ann seconds the motion. Any discussion at this time?

Doug - This is no reflection on Mr. Addison he is a fine person and I respect him a great deal but to me every day that we put off the special election that's a day that the citizens did not have their voice and everything that Mr. Addison votes on is The citizens will of him being there when we need to hold a special election as quickly as possible. I am sure since Ms. Mollo came in second, I think all the citizens are going to remember this.

Mayor Cury – Thank you very much, any further discussion? Since there is no more discussion, I will ask the Clerk for a roll call vote.

Mayor Cury- 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. Roll Call –Doug- No, Jeff- Yes, Richard-Yes, Mike – Yes, Mary Ann – Yes Motion carries – 4/1

Mayor Cury - Has Council fulfilled its obligation to properly fill this vacancy at this point in time?

Brad – Yes, I will make sure that we have the petition for the Writ drafted by tomorrow.

Mayor Cury – Thank you

Mayor Cury – Next on the agenda is 5(b) Drive-Thru – To refresh everyone, the reason that was on the agenda, I thought we need to dispense with this important business and then we could talk about the Drive Thru.

Mayor Cury – 10 minute Recess

Mayor Cury - Back from Recess, John can you discuss the Drive- Thru

John – Essentially we had about \$30,000 left from the Cares Act money; we spent some on architectural firm to give us some specs so we could put out for bids. When the bids come in it was around double what we anticipated, then when we first started looking at the Drive Thru, construction prices continue to increase which now it is around \$80,000. We felt like it may not be the best use of the money so but before we make a decision wanted to touch base with Council, we have the plans we can always go back at a later date maybe construction prices will go down. We were told it would be \$40,000 project and now it is double. Need some direction on how we spend the Cares money, we only have until December to spend the money? We came up with one idea, to do something for the employees especially with our Christmas Banquet coming up this Friday.

Mayor Cury - My first thing is I don't think construction prices will ever come down.

Jeff - Can we do in two (2) Phases, maybe Phase I use that money for that purpose and complete it?

John - I don't know, I feel like it is the boring and the cutting the hole in the building, I can't think of any way you could break that up.

Mike - Let's talk about the logistics of it, \$84,000 what is the usage that is where my mind goes given the amount of the people that come in and the amount that pay on line OR on the phone. My biggest question is the \$84,000 does it equal the value for what it provides. Do we have a percentage of Richlands customers that would use the Drive Thru?

John - I will give you my thoughts and I will refer to Heather, she is updated more than I am. We are trying to transition away from credit card payments it is hard to tell how many people come in the front door that would use the Drive Thru. With the limited staff we have up front you have the phone ringing somebody at the front door and someone at the Drive Thru. You would have so many avenues coming at you. I feel our quality of service and our response could suffer but to guess the percentage of how many would use the drive thru I would have to defer. (Heather commented)

Mayor Cury - What kind of services could our community use the Drive-Thru for? (Heather commented) I just wanted to understand.

Mike - My next questions, I just want to understand, primary need or want or thought process for this Drive Thru was because of pandemic, right? John do we feel like we are more prepared in whatever the next pandemic will be, do we feel like the Drive Thru is necessary for the next pandemic or we are more prepared for the next one.

John - I am not sure, we were not prepared for this one and you really don't know what will be next and how it will affect our area that is difficult to answer. We put up the glass have limit access and they ring the doorbell, this is what we implemented in the past. We can quickly switch back from open to closed. Up to Council on how we handle the next pandemic and how comfortable you would all be with potentially the next pandemic or whatever it may be that this Town faces.

Mike - Did we every completely shut down with our employees or have has someone always been here.

John - Since I have been here.

Mike - Full Staff thru the entire pandemic?

Mayor Cury - Any thoughts on the Drive-Thru? John you are asking Council whether to use the Cares money toward the drive thru plus the additional funds it is going to cost because of the overage that was not expected.

John – Correct

Mayor Cury – Suggested to take the Cares money \$30,000 and give it to our employees for Christmas is that correct.

John - that is the recommendation

Mike - Did we ever give any type of compensation for anyone here during Covid? (Heather commented)

Jeff - Just let the Manager use it at his discretion.

Richard - Ask Mr. Young what the County did for the employees?

Mr. Young - This best of my recollection the meeting last December I believe we gave our EMT's and the our Sheriff and deputies, seems like EMT got \$1000 and the Deputies' \$500 something like that. We focused on EMT's we felt like they had the most exposure other personnel other than EMT's and Deputies I don't recall giving them anything. Tomorrow night I have a proposal to the Board to give our Emergency Management Personnel a stipend for managing this 20 month long emergency.

Heather commented

Mary Ann - I make a motion that we allow our Town Manager to use the \$30,000 Cares Act money at his discretion in accordance to the Cares Act guidelines , Mike seconded the motion.

Connie - Mary Ann made the motion to allow the Town Manager to use the \$30,000

John – For clarification the reminder is \$36,000/\$37,000

Connie- Mary Ann made the motion to allow the Town Manager to use the remaining Cares Act funds at his discretion in accordance to the guidelines.

Mary Ann – Should we say Care Acts funds approximately \$36,000?

Mary Ann - Connie, after Cares Act funds jut put approximately \$36,000 and the rest is fine.

Mayor Cury - We have a motion and a second on the floor.

Connie – Roll Call - Doug – Yes, Jeff-Yes, Richard – 2.2-3115 personal interest in this transaction, in case the Town Manager at his discretion is to distribute amongst Town employees, fulltime employees I will abstain, Mary Ann – yes, Mike-Yes Motion carries – 4/-1 (Abstain)

Mayor Cury - We will go into Executive Closed Session pursuant to VA Code Sections 2.2-3711 (A) (29) Contract Negotiations (Jonah Project) and 2.2-3711(A) (7) Attorney Client Privilege (Economic Development).

Mayor Cury - Do I hear a motion to go into “Closed Session” for these Code Sections?

Richard – I make a motion to go into “Closed Session”, Mike seconded the motion.

Mayor Cury – All in favor say “I”, any opposed? Motion carries unanimously.

Mayor Cury - I will ask the Sergeant-at-Arms to ask people to leave who are not part of this discussion. Thank you.

Mayor Cury - Council back in Session -I will entertain a motion for all Councilmembers to vote to come back into session with each vote they are certifying that nothing was discussed in "Closed Session" other than 2.2-3711(A)(29)- Contract Negotiations (Jonah Project) and 2.2-3711 (A)(7)- Attorney Client Privilege (Economic Development). Roll Call Vote

Connie - Doug – Yes, Jeff-Yes, Richard – Yes, Mike-Yes – Mary Ann – Yes

Mayor Cury – Motion Carries

Mayor Cury – Is there any action that Council would like to take?

Jeff - I would like to make a motion that we have our Town Manager John O’Daniel to sign a MOU for the water capacity allocation option between the Town of Richlands and Tazewell County Public Service Authority.

Mayor Cury - There is a motion on the floor is there a second?

Mike – I will second the motion.

Mayor Cury- We have a motion and a second, any further discussion? No discussion, roll call vote please.

Connie – Doug – (see below)

Doug - We have worked on this project since 2013 it is vital for the County and the Town, about nine (9) months ago I asked the Council that we involve our attorneys, Council or an expert on water rights and how it would impact Richlands, I was turned down. The last two (2) or three (3) months I have been kept in the dark, don’t know anything about the contract or very little. Since I don’t know that much about the contract I am going to "Abstain" simply because I don’t want to vote "No" because I don’t want to hurt the project, I am for the project. I am simply voting, "I Abstain" because I am afraid this contract, since it was not negotiated professionally, it is going to cause grief to Richlands at a later date, so I abstain.

Mayor Cury – Continue with the roll call vote please.

Brad – Before the roll call vote, required from the Council, Members of Council excusing Councilman Ratliff from voting on this measure.

Mike – I am not excusing him.

Mary Ann - I also will not excuse him because I think he should have a valid reason.

Doug - I just give you a valid reason.

Mike - You were given all these emails which I can prove you saw and had time to look at these agreements and give your opinion three (3) times, but apparently you are too busy doing car washes and that is fine you are a busy man.

Brad – Under the Charter, "Every member, when present when a question is put, shall vote unless excused by the Council". Mr. Ratliff obviously thinks he wants to abstain. "But no member who has a personal or financial interest in the result of any ordinance or resolution before the Council shall vote thereon."

Mayor Cury - Brad, All we need is for Councilmembers to say they allow him to abstain or not, no other questions or statements.

Mayor Cury – Abstain or Not? Mary Ann – No, Mike – No, Richard- Continue to abstain because of my relationship with the Town of Richlands Police Department and the VA Code requires me to abstain from certain things if I have a personal interest. If Councilman Ratliff can prove that there’s personal interest in his vote I will vote yes with him but what I’ve heard is that he has no personal interest it is the fact that he has not had enough knowledge in the contract, so I vote No, Jeff – No

Mayor Cury - Brad need your counsel.

Brad –??

Doug – Two weeks ago you guys and the attorneys had not seen the contract, the first time you seen the contract, what person would negotiate contract without their attorneys present. I had to insist about three (3) weeks that we get the attorneys involved, that is the only reason you got them involved two (2) weeks ago. I abstain and I am not going to say “yes” or “no” to a contract that I am not a party to.

Brad – According to the Charter “Every member, when present when a question is put, shall vote unless excused by the Council”.

Mayor Cury - Make sure that is in the record Madam Clerk. Let the record reflect that our Town Attorney has a vote from Councilman Strong, Councilman Street, Councilman Brown and Councilman Hurst not allowing Councilman Ratliff to abstain, but Councilman Ratliff abstained. I think that is where it stands at the moment. Moving forward if I am out of order please help me within the legal bounds of what I am supposed to do. We have a motion on the floor and it is seconded, please continue with the roll call vote on the previous motion.

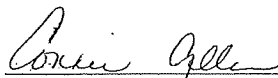
Connie – Jeff-Yes, Richard-Yes, Mike-Yes, Mary Ann-Yes- Motion carries 4-Yes/1 Abstained

Mayor Cury - Is there any other business that needs to come before Council following our executive session before we adjourn? Being no further business I will ask for a motion to adjourn the meeting.

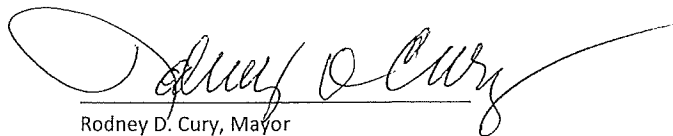
Richard – I make the motion to adjourn the meeting, Jeff second the motion.

Mayor Cury- 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. Roll Call –Doug- Yes, Jeff- Yes, Richard-Yes, Mike – Yes, Mary Ann – Yes Motion carries – 5/0

Meeting Adjourned



Connie Allen, Town Clerk



Rodney D. Cury, Mayor