

The Richlands Town Council held a “Regular Meeting” on May 24<sup>th</sup>, 2022, in the Richlands Council Chambers at 6:00 pm with the following present:

Mayor: Rod D. Cury

Town Manager: John O’Daniel

Town Clerk: Rebekah Hackworth

Council Members: Jeff Hurst, Doug Ratliff, Kristen Thompson-Whitt, Darrell Addison, Mike Street, and Seth White.

Town Attorney: Michael Thomas and Brad Pyott

Mayor Cury opened the meeting.

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

Mayor Cury- First up on the agenda is addition/deletions to the agenda. I have some comments so we can have a better order of business. Councilmen Seth White suggested, and we have approval from our attorney that while the members of council are in executive session that the ordinance O-2022-05-03 (water, sewer, garbage, and electric rates) be read to the public. So, I would request that we move items A, (Amended Section 125 Plan Renewal Approval) C, (Proposed 2022-2023 Budget- Second Reading and Adoption of O-2022-05-01, O-2022-05-02, and O-2022-05-04) and D (Proposed 2022-2023 Budget- First Reading of O-2022-05-03) from roman numeral X to go under roman numeral VII. We will call it roman numeral VII (A). Next, I would ask that we move roman numeral XIII Mayor’s Comments to go before Council Member’s Reports. So, Mayor Comment’s will become roman numeral XI (A) and Council Member’s Comments will remain roman numeral XII if that is approved.

Is there any other additions or deletions to the agenda?

Seth- I make a motion to approve the amended agenda. Mike 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- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- Next we have the approval of minutes from the Public Hearing on April 12<sup>th</sup>, 2022, the Special Called Meeting (Budget Workshop) on April 27<sup>th</sup>, 2022, and the Special Called Meeting on May 3<sup>rd</sup>, 2022.

Mike- I make a motion to adopt all three sets of minutes. 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- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- Next on the agenda is the scheduled Public Comments with Laura Mollo.

Laura Mollo- 262 Linwood Drive.

“I think some of you have forgotten that the council must work together as one, not as six individuals doing what they want. Citizens are being told that Point Broadband is coming and it’s a done deal. As a citizen, it isn’t fun for me to have to point out the things that are being disregarded by this administration. These are things you all should know. You may want to ask the Town Attorney to educate you on the Virginia Public Procurement Act, Virginia Code 2.2-4300, specially 2.2-4303 E & F.

You can’t make a deal with Point Broadband without putting this out for public bid when you have no written procedure stating otherwise. If you continue with this, you will knowingly be violating Virginia Code. You also spoke with Blue Ridge Power at the last meeting about a solar ordinance and have already agreed to allow GDS to provide the study. This must be placed for bidding as well as the aforementioned code applies.

Another ball being dropped is your FOIA training. Our Town Manager went a year filling FOIA requests despite having no required training. While I appreciate the fact that he has now

completed the training once I asked about it, again, I shouldn't have to point these things out. Most of our council has not received proper training either. You went into closed session to get a printout of the VA FOIA law. That is not FOIA training. You were in that room for 11 minutes and you're now calling that FOIA training. And speaking of that closed session, you cannot go into closed session just because you want to talk to the attorney. VA Code 2.2-3711 (8)- which is what you cited, specially states that "Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter."

You not only cited an improper code, but you went into closed session for the wrong reason, and to add insult to injury the mayor explained, in detail, what you were voting on with that certification vote and every single one of you still voted yes that you were in that room for the proper reason, which tells me your 11 minute "FOIA Training" wasn't very effective.

The citizens of this town are suffering for your poor decisions. Our parks are falling apart, our sidewalks are impassable in a lot of areas, our bridges are crumbling, businesses are leaving to open outside of town limits, citizens are moving and most of the ones who are staying are suffering, realtors often use phrases like "Not in Richlands town limits" and "Not on Richlands electricity" as selling points in their listings and whether you want to take responsibility for it or not, the responsibility for this rests in the hands of the six of you sitting there. It's time for you all to take your positions a little more seriously or step aside and let people who see this position as more than a notch on their belt, step in."

Mayor Cury- Thank you, Ms. Mollo. Next, we have unscheduled public comments. We have Barbara Cook, Morgan Earp, and Blake Ray. Is there anyone else who would like to speak that may have missed the sign-up sheet?

Since there is no one else that would like to speak, we will start with Barbara Cook.

Barbara Cook- 264 Plantation Drive

"Richlands- the center of a friendly circle. Since moving into Richlands, I have indeed found many friendly people, people that really care about Richlands, but there are many people that are upset about the town's budget. Last year 2021-2022, the town's budget increased one million thirty-four thousand nine hundred and forty-one dollars from the previous year. This year's proposed budget is almost \$1.2 million more than last year's budget. That is a 7% increase. I would like to say every citizen's payday or check increased by the same percentage, but I know that is not true. In addition, the cost of inflation has made a large impact on everyone's finances and will continue to do so. We can't increase our budget by this amount. The poverty rate in Richlands is 20 some percent. The average household income (from what I got on the internet) is \$44,055, and the population is around 5,000 and that means this budget is about \$3,680 per person. The people cannot afford this budget. I urge you members of council to trim the surplus out of this budget. The citizens of Richlands need a budget that is not increasing around \$1 million every year as it has occurred over the last two years. Please, help your citizens."

Mayor Cury- Thank you, Barbara. Next, is Morgan Earp.

Morgan Earp- 1618 6<sup>th</sup> Street.

"Last time I was at the meeting I talked about the citizens invoking Article 1 Section 3 of the Virginia Constitution for cause of maladministration. The citizens of Richlands need proper leadership. So, as you discuss today, hopefully, you realize that the citizen's voice is not looked over.

I am going to give you a little bit of wisdom, so bear with me here. Everybody thinks their ideas are right, that's why the people we call terrorists call themselves freedom fighters, the fundamentalists think they are right, the capitalists think they are right, and the communists think they are right. No one will convince anyone of anything. All of these honorable men and women lecturing the people in council and in congress, whose time has long since passed, refuse to admit publicly at least, ideas don't determine who's right, power does, and the citizens of Richlands has that power. So whatever decision they make, they are right. People say the pen is stronger than the sword, but the pen has support of a battle ax that could break the sword, and the citizens represent that battle ax, but if that battle ax ceases to support that pen, then the pen will

break. I do not want to see that pen break here in Richlands. However, if that time has come, then that time has come.”

Mayor Cury- Thank you, Morgan. Next is Blake Ray.

Blake Ray- “First off, we just had awards for pop-up Richlands. Thank you to everyone that came out for that. We had a total of 5 participants, 1 participant decided to take their business to an online platform. The other 4 participants plan to open their businesses by summer. Thank you for the funding. We were able to fund 3 of the 4 business that will be opening. Thank you to Virginia Community Capital, they donated an additional \$3,000 that was to be given from their economic equity award fund. That will be funding at a \$1,000 a piece to the 3 women participants who went through that program. So, thank you guys for your support. We are working on scheduling things for the fall. The fall round is funded. One thing I will ask of you guys as you go through the economic development discussion. There is a lot happening right now. We must have our own economic development person in-house. Based on one of those grant applications that we had. It was so well written, the USDA came back and said instead of giving you \$75,000 for revolving loan fund, we want to give you \$100,000 There is a lot of big things happening and I don’t think John would say this, but he can’t be expected to facilitate that, and we can’t rely on the county to do that because there will be things inevitable that will be dropped. So please consider that as you are going forward.

Two or three meeting ago, I came in and we were talking about the meeting that we had with the ATVs being on the streets of Richlands, Mayor Cury paused that vote until we had a full council. We have a full council. I had a meeting with Shana Plaster today, this was the proposal. So, the map I handed everyone goes from the beginning of the bridge at McDonalds all the way to Cedar Bluff and it covers the downtown loop. This gets ATVs in from the big creek exit going up to route 67. There was a meeting with a couple members of the IDA and VDOT cannot move forward until a resolution of support is voted on by the council, to make sure you guys are okay with that from a public safety standpoint. Jerry agrees and his folks will do a really good job of monitoring that. So, as you guys are going through your meeting today, please consider voting on that. Thank you.”

Mayor Cury- Thank you, Blake.

Mike- John, do you have a resolution for this?

John- We have what Cedar Bluff has done. Our issue is where exactly council would want to support the ATVs being allowed. There were some things discussed in that meeting and I had to leave early so I am not sure what was decided. So, I wanted to hash it out with you all before I type up a letter of support if we are not sure what we are supporting.

Mayor Cury- Thank you, Mike. And thank you to everyone that spoke. We are on roman numeral XII A agenda items A, C, and D. Is there a motion to dispense with the second reading of the ordinances O-2022-05-01, O-2022-05-02, O-2022-05-04?

Seth- I make a motion to dispense with the second reading of the ordinances O-2022-05-01, O-2022-05-02, O-2022-05-04. Mike seconded the motion.

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

Seth- Just for clarification. We had the first reading of these ordinances at our last meeting and anyone that would like a copy of them, we have those available.

Mayor Cury- Thank you, Seth for the clarification. Any more discussion?

Doug- Is there anyone in the audience that would like for it to be read again?

Mayor Cury-Okay, there being no further discussion and no one wanting it read again. All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- Okay, let’s go ahead and dispense of the Amended Section 125 Plan Renewal Approval because this is a certificate of resolution, and it does not require a second reading.

Mayor Rod Cury conducted the reading of the Amended Section 125 Plan Renewal Approval.

Mayor Cury- Is there a motion to approve the certificate of resolution?

Mike- I make a motion to approve the certificate of resolution of the Amended Section 125 Plan Renewal. Doug 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- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- Next, we are on Proposed 2022-2023 Budget- First reading of O-2022-05-03 (water, sewage, garbage, and electric rates). Do I have a motion that is ordinance be read publicly by a town employee while we are in executive session?

Seth- I make a motion that we conduct the first reading of O-2022-05-03 while members of council are in executive session. Mike 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- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- Next on the agenda is Executive/Closed Session Pursuant to VA Code Session 2.2-3711 (A) (8)- Legal consultation regarding mal-administration of a municipal corporation under the Virginia Constitution. Is there a motion to go into executive/closed session?

Mike- I make a motion to go into Executive/Closed Session Pursuant to VA Code Session 2.2-3711 (A) (8). Kristen 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- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- Council members we will adjourn into the council room for executive/closed session. While we are in closed session Attorney Brad Pyott will conduct the first reading of O-2022-05-03.

Attorney Brad Pyott conducted the first reading of Ordinance O-2022-05-03.

Mayor Cury- Thank you, Brad. You have gained the popularity of the people. I will entertain a motion to return to regular session and in so voting you are certifying that nothing was discussed other than Session 2.2-3711 (A) (8)- Legal consultation regarding mal-administration of a municipal corporation under the Virginia Constitution. Is there a motion to return to regular session?

Mike- I make a motion to return to regular session. 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- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- Is there any action that council would like to take at this time?

Seth- Mr. Mayor, after coming out of executive session, I would like to make a motion that our legal counsel seek out our Attorney General's opinion to this matter of maladministration, and just for public knowledge our town council hasn't found any previous cases. This is really a Constitutional issue and the Attorney General's office is set up just for this purpose, to help towns, to help counties, and to help citizens. So, I think this is the most proper way we can respond, and that is to seek out our Attorney General's opinion. We will make sure that we share that with Morgan Griffith and that we share that publicly when we get that response. Mike 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- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- We are now on Economic Development Discussion. So, the floor is open to discuss this. John, would you like to start us out on this discussion?

John- So, I met with the county's Economic Development Director. He spoke at our last meeting, and this is something they are willing to assist us with. This is something that I still feel hesitate in pushing this all on them and letting them manage all of this. We have a lot of projects that really make more sense to me, to have someone in-house. At our last meeting, it was requested that I have a list of those duties. We have been transitioning from Community Development focus to Economic Development, and it is still kind of in hybrid. I spend a few minutes the other day coming up with a list of what the most recent job duties are. It is not an exact list. One of the things on the list is the Revolving Loans for small businesses. If we were to pass that off to the county and years down the road if someone wanted to know how that money was spent and if we didn't have someone that worked on that in-house, it is just a little bit harder to keep track of. It just makes me very hesitate. That is just one of my concerns. If we go that route, yes, they could help with the business recruitment and retention. Tim said he was going to focus more on the outside businesses bringing them in and Ashley is going to focus more on the businesses that are already here, but I still feel there is a gap where we could work with our businesses on things that we could do that really wouldn't be in their purview. I am open for discussion. I am just really hesitating to push that all on the county or chamber. I think there is some potential to work with them and have mutual benefits, but I really have some concerns if we got rid of the department in its entirety.

Mayor Cury- Thank you, John. My only question right now is what was the allocation in the budget for that right now?

John- Total was \$81,000

Mayor Cury- Is that for salary and...

John- Benefits and materials and \$8,000 for downtown activities.

Mayor Cury- So, what is the salary?

John- The salary was \$40,000 plus benefits.

Mayor Cury- So, there is money in there of operations for this person to work.

John- Yes.

Mayor Cury- Okay, any further discussion?

Seth- So, what are your qualifications that you were looking for with this job?

Heather- I am not really sure. I would have to look it up.

Seth- Do we have any kind of funding for this salary?

John- It all comes from the town.

Seth- I am not saying I am against this job. I am just saying we need the right person for this job. They need to be held accountable. I think you should have board involvement when you hire this person. This person should be held accountable not only to John, but also to town council if you are going to invest resources into this position. We could interview these people during executive session.

Mayor Cury- By the charter, the only people that work for the town council are the town attorney, the town manager, and the clerk.

Seth- I feel like we should also evaluate John every year. That's not a bad thing, he just needs to know our feedback. Just like with the Economic Development position, if you all choose to hire someone, there needs to be accountability and goals.

Doug- I agree with everything Seth said. We are probably a half million dollars in the hole and we keep hiring personnel and there is just so much that the citizens can pay for. Already the central office has taken \$865,000 and you add another \$81,000 to that and they are going to approach \$1 million to oversee the budget. If you take the electric out of it that \$9 million. Okay, you are taking \$1 million out of the \$9 million for the central office that is probably 12 or 13% of everything we are taking in except for the electricity. The citizens are already paying probably more than they should and more than they can afford and if you keep adding more personnel,

they are not going to be able to survive and if you look there is some family or business moving out every day and you just keep adding more so they can't survive. So, I can't see adding another position. Several years ago, we had 4 people in the central office now we have 9 and then if you add your Economic Development position that's 10 just in 3 or 4 years when we had 6,500 people. Now we have less than 5,000 and you have gone from 4 to 10 personnel. I don't think that makes sense. Instead of adding more to the budget, like one of the citizens spoke, we are adding over \$1 million a year to the budget, and everybody wants something, but you have to make the hard choices on can we afford this or not? We cannot afford all of this that the Town Manager is proposing.

Mike- I'll give my 2 cents here; I believe we need the department, and we need to keep this position. We talk often and the only way we are going to increase revenue is to have businesses here. So, why stop the momentum that we have. Why would we not focus on these grants here. We literally have people trying to give us money and that would be unreal if we didn't give them the option to give us that money and us put that into our downtown and revitalization. That would change the whole face of what our downtown looks like, and you are telling me we can't focus on that because we don't want to hire this person. It is a replacement; it is not hiring a new position. It is refilling a position. I totally support what Seth said about holding them accountable to council and seeing the results. I think the results are what we should focus on and see what their vision is for the town. We had a citizen talk about a vision. So, what is that vision? I think we need to all work together to identify the vision. I support keeping it. I think the county can help us. I have no issues with that, but I love my town too much to rely on someone else to do work for me. I think they will be a wonderful asset, but they have other towns to worry about. I want this town to be that person's focus and them be dedicated to this town and what we want to accomplish.

Mayor Cury- Thank you, Mike. Is there anyone else that would like to say anything?

Doug- I want to say one more thing. No one in this town has put more money into this town than me. Some may have put the same amount, but no one has put more than I have. I put \$1 million into this town every year. No one in this town has tried as hard as I have to put things in this town, and I never had an Economic Developer to help me. We did it all and we had help from each other and from the other businesses in the community. All you are going to do is add more to the payroll and see nothing in return. You can't give someone \$6,000 to start a business to save the town. The business won't last. You helped three businesses, but you had ten move out. It is a joke. We can't keep putting money into these things that don't produce. If you have a business, then you work it yourself. If you give someone something, it's not going to last very long because they didn't work for it. Mark my word. If you look at who owns these businesses and where this money goes from the town, it is people in leadership in the town. It is the people in IDA, and I am not saying it is corrupt, but it is not right how it is done. All you are doing is running people out of town, getting their land for cheap and getting grant money to build your own self up.

Mayor Cury- Thank you, Doug. Any other discussion?

Seth- I just think the job duties need to be clarified a little more.

Mayor Cury- Yes, I think it is a lot to ask someone to focus on all this on the top and worry about all this on the bottom as well. I would hope that we could redefine it somehow or another.

Darrell- I would like to say something. It looks like to me that the IDA is going to do things in town that has nothing to do with the IDA. They are doing more social events than they are trying to help businesses, and not doing grants like an IDA person should be doing. An IDA person shouldn't be doing Christmas letters to Santa. I just think a lot of these issues need to be changed.

Seth- I agree with what Darrell is saying. I watched my mom for many years with no pay from this town with a committee of three or four people put on a lot of these events with their own money. I know that because I was there, and I helped. All of that really changed because of an election and they no longer wanted to do events that mom and her committee had established and that's just the truth. There are people in this town that are willing to help, and I'm not saying you don't need someone to coordinate because you do. However, there are a lot of people in this

town that love Richlands and they are willing to help without a paycheck. I think you do need someone to coordinate, but this really is too much for one person to do. If you are going to invest money into an Economic Development position, but this is not how you do it. These grants are important. I took part in the first revitalization grant that we did in 2000 and we took advantage of the façade grant, and it was great. It was a match dollar for dollar and those kinds of things put money into your community and it is not only grant money, it is match money, so you are getting the benefit from that, the extra tax money. The other piece to this is that it builds our whole community, and these are great things. If this is the direction council wants to take, I think we need to be heavily involved in this position to help hold them accountable.

Mayor Cury- Thank you, Seth.

Mike- What are you searching for .....census to move forward?

John- Well, last time I had town interviews scheduled for this job and council asked that I hold off on those interviews until we decided what we were going to do. So, I let those two candidates know that council was deliberating on how we were going to move forward with this position.

Doug- Who are those candidates?

John- I am not going to put that out there...

Doug- I wouldn't think that you would.

John- It is not something that we put out to the public, if they are not being considered anymore.

Doug- All we do is hire our friends and buddies and give them a high paying salary and take it from the citizens. That is what we do.

Mayor Cury- I want to make a suggestion here, but it is council's decision. I am not opposed to the position, but I really think all these activities here are going to spread anyone too thin. By the time you get into the banners, Christmas trees and parades your time for all these other things and energy is gone, so I really think we need to pair this down. I think this is just unrealistic. However, that is just my thoughts.

John- Okay, like I said, a lot of that is from when it was Community Development, and I just don't want to just quit doing that, and it is just all kind of falling on that one person.

Mayor Cury- I will leave this up to the council on what action they wish to take.

Kristen- I do think for the growth of the town that having an Economic Developer in-house that could be a liaison with the county, who could work on the grants and be an administrator for the grants. That is a lot of work and I do think that should be the majority of the job. I understand what you are saying on we need to watch our spending, but if we are ever going to grow or bring businesses in, that money has to come from somewhere. Like Laura said, there are a lot of grants that we are not even applying for and we could probably get more money if we just had someone here to help us with that.

Doug- I think we need to apply for the grants, but we need to go out and find a professional grant writer, but not put them on salary. Pay them if they get the grant. Say they help us get a \$100,000 grant pay them 5%. I know it is illegal to pay them out of the grant money, but we could pay them as compensation for writing that grant. That way you would not have someone on salary, they only get paid if they helped us get a grant, so you are not stuck with someone who does not produce.

Mayor Cury- Doug, I will suggest this, logically it makes sense, but what if someone worked 10 months trying to get the grant and they wasn't able to get that grant. They don't get paid.

Doug- No, they didn't produce. I am just saying, we need to get a professional and they will produce, and we will get those grants and then they will get paid based on what grants they get for us.

Mayor Cury- Thank you, Doug. Does anyone else have any thoughts they would like to share?

Mike- I am ready to give a census if that is what we need to do.

Mayor Cury- John, would you rather have a motion or a census? There is more power behind a motion.

John- Whatever you all want to do is fine with me.

Doug- In that motion does the council have a choice of who we hire?

Mayor Cury- I think we need to redefine what we are doing here before we decide on something.

John- Yes, we can send you the actual job description.

Mayor Cury- I think that would be very helpful and we will discuss this again at our June meeting. Is that okay with council?

Seth- I think John could look at what the county's job description is and kind of play off that because they just hired someone not too long ago.

Mike- John, if you want to include what the process would look like if council were to be involved.

John- So, you all just want me to wait and get all this together and present this to you all at our next meeting and we will rediscuss this?

Council Members- Yes.

Mayor Cury- Okay, we are moving on to Town Manager's reports.

John- We have talked about events; I spoke with Jerry Gilbert about people using their facilities. During Covid, we allowed outside organizations to use the police station because they were not able to use their own facilities, but now everything is going back to normal. So, it is our plan to stop letting people use that facility. It is not fair to those people that are renting out the Rec Center or other places and we are using the police station as a public event center. Especially with the events that they have going on there and the liability that we have with letting the public use that facility. So, it is our plan to start pushing back unless it is something that is sponsored by the town.

Mayor Cury- You mean specifically school events.

John- School or church events or birthday parties or whatever. Just things that are not events that are sponsored by the town.

Mayor Cury- So, you are going to revisit a written policy.

John- I don't think we ever had a written policy, just during covid we were extra generous in letting people use our facilities. It doesn't make sense for the people that can use their own facilities to use ours and us take on that liability. So, it is our plan from now on to start turning those groups away, unless council approves of it, or it is a town sponsored event.

Seth- I think that is fine. My only suggestion is to just be consistent with it. Do not allow one person to use it then turn 10 people away. If this is our plan don't allow anyone to use it.

John- Right. We talked about doing it a couple weeks ago, but we ended up having an event move in there and I just wanted to make sure you guys were aware of it so when you guys start getting phone calls, you know what is going on. Unless it is a town sponsored event.

Next item is Committee/Board update. At our last meeting, I gave you guys a list of everyone that are on our different boards and whose terms are about to expire. We are still in the process of calling everyone to see if they will want to stay on for another term. We have 5 that their term expires at the end of June, so they would start a new term on July 1<sup>st</sup>. I know the Rec Commission had a new opening and they spoke with Jeff at their last meeting. I will defer to Jeff and let you guys discuss that.

Jeff- Last Monday night the Rec Commission met, and we wanted to present a person to be appointed on for the Rec Commission.

I make a motion to appoint Jared Horn to the Rec Commission. Mike 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- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

John- I have a couple different things to go over with miscellaneous. I reached out to TACs they sent me an email and the representative that I spoke with is on vacation a couple days this week. They are supposed to be sending us a proposal or information packet so we can be looking at that further.

We had our kickoff meeting with Davenport a couple weeks ago. We are still providing them with some information so they can begin the work that council wanted from them.

I also just wanted to briefly discuss pop-up. For the first year, I think we had a great turn out and we are excited about the following round to see how many businesses we can potentially open in our town.

Last thing is the ATV item. I just wanted to open it back up and see if you guys had any more discussion on that. I do have a letter of support that Cedar Bluff passed. I just need to know what you guys are comfortable with so we can get with legal and get them to help us get something drafted to send off at our next meeting. We have had a meeting with about 15 people, and they met with VDOT and there is some discussion on where we want it to stop. Do we want to allow them to go all the way to the Italian Village shopping center? Or would they need to access that on the Cedar Bluff side. I just want to make sure that we are all on the same page of where we want the line to stop, so we can send that letter of support.

Mayor Cury- I haven't been able to attend any of the meetings, but I know there has been some pros and cons, mostly pros but I think it would behoove us to study the map so we can better understand about what we are talking about and a more detailed map so we can see exactly where the vehicles are wanting to go.

Doug- Time is of the essence because it is going to be proposed to VDOT. I think Blake could speak more on the timing.

Blake- So the meeting that we had there were two plans on where the ATVs would be allowed. The map that you have was plan A and that includes the 5-mile loop starting at McDonalds and go all the way around town to the Envisions Eye Care Center. That would allow all restaurants and some town businesses that are in the town limits to have access to the ATV riders and have access to the Cedar Bluff trail. To be truthfully honest the best person to speak about this is Rick Wood. He has worked on this for years. I want to see this over the finish line for him because he has worked so hard on this. The jeep trails that come out in Raven is not what we are looking at. We are looking at the ATV trails that come out up the Jewel Ridge 67 Route. So, Shanna and I talked today, under the bridge on Railroad Ave there is technically a 4-lane road and VDOT is working on a study to make sure that it is a 2-lane road. So, essentially turning one lane into a turning lane. I am not sure of all the details. However, Shanna told me today that because of they are waiting on that support from you, she hasn't been able to work with the county administrator to work up a draft of the county ordinance. So, they are essentially waiting on the Town of Richlands for this end of the county. If anyone has any questions, Rick Wood is a world of knowledge on this.

Jeff- Why can't we just write the letter of support and work on the areas later?

Mike- Yea, I don't want to be the one holding them up for sure. Jerry, do you have safety concerns?

Jerry- I was involved in that meeting. We established our routes and everything that we needed approved. The routes are from Westfork into town which gives everyone an opportunity to go to McDonalds area. We will allow them to go across the street into Powersport area and back up through town and the discussion went to allowing them to go up to Italian Village and it gives those business opportunity too. The biggest issue right now is the code will not allow ATVs on 4-lanes.

Blake- That is the solution that VDOT is working on.

Mayor Cury- So, I think the best thing to do would be to have a motion to draft up a letter of support.

John- For clarification, on this map if you come in from Jewel Ridge would you be able to go pass Virginia Avenue?

Darrell- I think this was the map that they proposed at the beginning and there should be a more updated map now.

Seth- I think we could write the letter of support and then go to Spearhead Trails, and they probably have a more detailed and up to date map that we could look at.

Darrell- The proposal that they started with cut the gateway shopping center off and that's cutting off 6 restaurants.

John- That is what I wanted to clarify. Is that what you all are wanting?

Doug- Cedar Bluff is working on their own plan and Richlands is working on their plan.

Seth- But we should connect them. They should all be together.

Doug- We need Shanna, and who is the other woman? She is a black woman....

Mike- AJ Robinson

Doug- Okay, We need Shanna and AJ to meet with us on Spearhead Trails....

Mike- I have a suggestion. My issue was safety concerns. It looks like there are no safety concerns. So, I suggest that John work with Shanna Plaster and Spearhead Trails and identify what that looks like and bring forth that resolution.

I make a motion that we allow John to reach out and create a resolution in support of the ATVs coming into the Town of Richlands. Jeff seconded the motion.

Doug- Why can't we have a meeting in the next 4 or 5 days with council and Shanna, Jackie, AJ, and Spearhead Trails to clarify all this and explain why they want to keep the certain area... and have a town meeting...

Darrell- Doug, why do you want to cut half the town out?

Doug- I don't want....

Darrell- To hell you don't. Pardon my language.

Doug- I am going by what they said. They said if you try to approve all of it that it wouldn't get approved. That is why they are just trying to do a smaller portion first. Why are you afraid of Shanna, Jackie and AJ to meet with council?

Darrell- I just don't know why you want to cut part of the town out. You like our tax money.

Doug- I am not trying to cut part of the town out. I just want it to succeed. I don't understand why you are so afraid. That would be in 4 or 5 days, and we can ask for a meeting.

Darrell- I am not afraid.

Mayor Cury- May I ask for order please. We have a motion and a second there is no further discussion. I will ask for a roll call vote, please.

Seth- Can we restate the motion. Let's make it clear.

Mike- My motion was to give John the approval to make the resolution. Are we going to have to look at the resolution and approve it?

Mayor Cury- Yes, we will need to approve it. We have to vote on a resolution.

Doug- Before we vote on it, would you withdraw it and let us meet with them and let them speak to the whole council about their position. Because they are the ones working on trying to get it approved through VDOT.

Mike- I don't need a meeting. I am ready to make a motion to give John the approval to make the resolution of support.

Doug- I just think the whole council needs to listen to them on how they can get it approved for sure. Let's have a meeting, a special meeting, in 4 or 5 days. It can be open to the public. Let them speak and tell their positions.

Mayor Cury- Brad, Doug is asking for a meeting. How many members of council have to be present?

Brad- You have to have a quorum.

Mayor Cury- No, I mean how many members of council has to be present to call a meeting?

Brad- Any member or the mayor can call a special meeting. It just has to be in a motion and have a second and for the motion to pass with 4 or more yes'.

Mayor Cury- As it stands now with protocol, there is a motion on the floor and a second.

Mike- My motion was to work with spearhead trails and draw up a resolution of our support for the ATV trails to come into Richlands and connect with Cedar Bluff. Kristen 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- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Doug- I make a motion that we have a special meeting in 4 or 5 days and listen to those people who have worked hard on this project: Rick, AJ, Shanna, and the group to explain their position to the council, so we can help our Town Manager make decisions on which way we need to go. Seth seconded the motion.

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

Seth- I don't know that we need this motion. Our first motion was that we gave authority to the Town Manager and spearhead trail to just go ahead and do it.

Doug- The reason I want the meeting is because I was in that meeting, and they are concerned about getting it approved through VDOT and they told us how to get it approved through VDOT for sure. They were concerned if we tried to take in more territory that we would get turned down. That is why I want you to hear it from Shanna and the rest. I don't want to cut Cedar Bluff out. They are going their own way and they are going to get approved. Their concern was let's get Richlands approved first for sure and then we would try to get Cedar Bluff approved also. But if we tried to go for the whole thing with Cedar Bluff, then we had less of a chance of getting anything approved. So, that is why I am asking that group to come and explain why.

Darrell- Doug, that is not going to cut part of Cedar Bluff off but part of Richlands off.

Doug- I am just telling you... I don't want to cut anyone off. I am just telling you what concerns they had and what way they advised us to go. It is not my position, it is their position, and they were advising us on which way to get it approved. That is why I want them to come.

Mayor Cury- Doug, I am just trying to understand. Correct me if I am wrong. We are actually trying to have a meeting for a meeting that is proposed. So, we need to either vote yes to a meeting or no to a meeting? So, did we have a second?

Mike- We did so that we could have discussion. Doug, I have no issues learning what their concerns are and all that. I am like Seth; I think their maybe another way. I just don't think we have to all come here. I am fine with them writing a letter to each of us explaining their concerns so we can read it and process it. I am sure they could write something up.

Doug- The more council is informed from that group the better chance we are going to have to get it approved. Council, you were voted to serve the public. I don't know why... one-night, special meeting isn't going to hurt us to come and listen to that group. That is your job.

John- I will throw one more option out there. We have our June meeting coming up, we can have those individuals come to that meeting and speak.

Seth- I agree. We wouldn't be able to advertise a special meeting and have that meeting much quicker than our June meeting. We could have the draft ready and have them come and speak and bring the correct map with them and we can approve it that night.

Doug- The only thing is if we don't approve it that night, time is of the essence, and they are waiting on a resolution from the council before they can do anything. If we wait a month, that could throw everything off schedule.

Seth- It is just two weeks.

John- I haven't heard anything from VDOT yet.

Mayor Cury- Let's go ahead with the vote. Roll call vote please.

Jeff- No, Doug- Yes, Kristen- No, Darrell- No, Mike- No, Seth- Yes. Motion fails -2/4.

Mike- John, can you work it out to have those people at our June meeting and for them to have everything ready?

John- Yes, I will reach out to them.

John- So, earlier Mike made a motion and Jeff seconded the motion and there were no votes on it, then the mayor asked for Mike to clarify it and Kristen seconded the motion.

Mike- I nullify my first motion.

Jeff- I nullify my second to that motion.

Mayor Cury- I am so sorry I missed that. Thank you everyone for your help on keeping everything on track. We are moving on to mayor's comments.

My comments will be brief. I just wanted to say a few things for the town. Our next meeting will be June 14<sup>th</sup> and we will have a full agenda, and may I remind you that is flag day.

The next major holiday for us is coming up on Monday and that is Memorial Day. I just want to remind everybody that this is to memorize everyone that has lost their life for this country and all the armed services, and it has been going on since before the Civil War and most recently named Memorial Day.

We are going to have a Summerfest coming up on June 24<sup>th</sup>-25<sup>th</sup> and Ramp Up is doing that. To coincide with that, we have the section house and the section house board ask that I bring this up. We have a patio that has never been dedicated due to covid so they are going to dedicate that at 11:00am on Saturday and I hope that everyone can come.

John, we got an email and I think that Mike was copied from a citizen who had a concern about the sidewalk on Suffolk Avenue. Have you had an opportunity to look at that yet?

John- I have not, but I have it scheduled to go by there and look at it tomorrow.

Mayor Cury- Okay, thank you. So we will be able to give an update to that citizen.

I want to take a moment and thank everyone for being here tonight. As the mayor I am very grateful to see all of your faces and all members of council, we express things robustly, and I have learned that it is better to have that than no discussion at all. So, thank you all very much. It tells me that we are all very passionate about things. I think we all come here with an agenda. I have never known anyone to run that didn't have some idea to do something with this town. There ideas are their own and they belong to them, and they deserve the credit for it.

Jerry- I just want to say while we are all here, we are having the bicycle race again here in town. There will be some road closures. I just want the public to be aware of those. The roads will be closed Saturday morning and Sunday morning up until midday. Front Street and Second Street will be closed from Railroad Avenue up to the circle around next to Grayson Avenue on the far end and they will be closed on Monday from 7:00am until 4:30pm. There will be alternative

routes for them to drive through. I just want everyone to be aware of that. Second Street will only be a one lane road on Saturday. So, if you are in town, I just want you to be careful.

Mayor Cury- Jerry, thank you for that. I love that we are doing this and Seth, isn't this your brother and his family that is putting this on?

Seth- Yes.

Mayor Cury- See this is a perfect example of people in the community doing things voluntarily. I think this is great. Is there a map that we could look at to see where the bicyclists are going to be so we could watch them and say hello if we wanted to?

Seth- There is a map. I will reach out to my brother and see if he can send me a map so I can share it with you.

Mayor Cury- I think that would be great and we could put it on our Facebook page for everyone to see.

Next on our agenda is council member's reports. Kristen?

Kristen- I don't have anything for tonight.

Mayor Cury- Okay, thank you. Again, we are glad you are here. Darrell?

Darrell- I don't have anything either.

Mayor Cury- Okay, thank you, Darrell, we are very glad you are here. Seth?

Seth- Yes. I will be sending you a copy of the map as soon he sends it to me, but Saturday is Time Trial. It is going to be a little smaller than last year, because last year all the races were shut down due to covid. So, we had all these professionals come here to ride. If anyone has ever watched the Tour of France, his partner Andre Rieu will be here all three days and he will be moderating the event. So, it is really exciting to have him here. Monday will be the day to just sit back and watch it and if you want to go out, there will be a finish event at the end of Middle Creek. They are going to climb this wall and it will be a mountain top finish. If you are not going to be out of town for Memorial Day, I encourage you to come out and support local businesses. It is going to be a fun event.

John, did you get an approval for the solar study? Did you figure out if we need to do an AFP report for that?

John- I looked at our Code of Ordinances and I didn't see anything that would prohibit that. However, I was still waiting on legal to double check and make sure there wasn't anything that I was missing.

Brad- I haven't had a chance to finish my study on whether or not you all needed an AFP for that or not.

Seth- Okay, I just wondering about that. While we are on this subject, one thing I want to look at while I am on council for the next couple months. I want to look at revising our procurement policy, Mr. Mayor. We have a service that is underutilized and that is Electronic Virginia. I think every bid that we have should go on Electronic Virginia and you would be amazed at the money you will save and the quality of services that you will get.

I do have an electrical update. John, did you get her list?

John- Yes, we are still working on that I am about 2/3 of the way done.

Seth- That's fine. I just wanted to know where we are at in the process. One of the things is this is not something that is going to be determined overnight, and I know that. It is a lot of information. The first step is to get all that stuff together. Once they get that package then they will be able to go over everything and we will set up another meeting. First meeting was more of a meet and greet. First off, they are very interested. I just wanted to know if this was feasible and have an open mind about it. Once they get all their information then they will be able to make an assessment for us.

Mayor Cury- Thank you, Seth. Doug?

Doug- Just one thing, I received a complaint from some of the weeds on Salyers Street and I got some complaints about potholes, but I think you are working on that. Just a few complaints from citizens, maybe we need to step up our game a little bit.

Mayor Cury- Thank you, Doug. Jeff?

Jeff- Yes, one reminder is that the swimming pool at the Rec Park will open at 11:00am if the weather permits. They are looking forward to a great pool season. I just wanted to let everyone know that it will be open Saturday.

John- Related to that. With Summerfest they have lined it out with the little league that little league will have their games in the mornings and Summerfest will be in the afternoons so that people can go to both.

Mayor Cury- Thank you, Jeff and John. Mike?

Mike- Not much from me, I just wanted to talk about Point Broadband. I did meet with them, and we will not be seeking funding from them at this point in our area. They wanted to sit down with me about pole attachment agreement, so that they are on all of our poles in the town which is how all the other providers are connected in our town. There is some red tape to go through, but we wanted to ensure that we allow everyone that can be on those poles to be on those poles to provide us with additional competition. So, Richlands and Cedar Bluff both got lucky. There are some unserved areas in Redash and Bandy that received grant funding. Because of citizens in the town that has inquired to Point Broadband about services, they have decided to service the areas in which they are passing as well as parts of Richlands and parts of Cedar Bluff. So, we are working on pole attachment agreements for all of those. They do have plans to be here and stay here. That is totally up to them and we welcome the competition for that.

Mayor Cury- I just want to clarify, who is we?

Mike- I shouldn't say we. Point Broadband is working on this. The only way "we" are involved is with the pole attachment agreement. To be on our poles, they have to pay a fee for each pole. We are working on that and there maybe some changes to our ordinances depending on what those fees are. Depending on how attractive the people are to their services, they are interested in maybe servicing the other parts of the town without any involvement from us or any money up front. So, that is very good for our area. They are doing a fantastic job.

Mayor Cury- Thank you, Mike. I just wanted to mention that we are still using the same protocol that unless you call ahead and asked to be added to the agenda you will only be able to speak for 3 minutes. If you call ahead and let us know then you will be able to speak for 5 minutes. I plan on meeting with John and Seth about this matter but until then we will be using the old method of protocol and that is 3 minutes for the public to speak to council unless you have called ahead and have been added to the agenda.

John- Mayor, before we adjourn, we need to go back, we never actually approved the budget. We suspended the second reading of Ordinances O-2022-05-01, O-2022-05-02, and O-2022-05-04 but never voted to adopt those.

Mayor Cury- I am so sorry about that. Would you like a motion on each of those?

John- I believe so.

Seth- Mr. Mayor, is there any change in this Real Estate and Personal Property Tax than what it currently is?

John- The only real changes is how the interest will be applied, but the rates are the same.

Darrell- I make a motion to adopt the ordinance of O-2022-05-01 Real Estate and Personal Property Tax. Kristen seconded the motion.

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

Seth- I would just like to say that if it was up to me and I am just one person, but we are voting tonight on no increase, but I own a lot of personal property and it has been significantly higher and I would like to see those rates go back down and I hope that we could work towards that and I think that is a lot of what Doug is saying. There are areas where we should probably be better

stewards of public dollars. Instead of always having to come here and cut fees and taxes there are times that you could look at our budget and cut and do things that are fiscally responsible. Now I realize this is just a function and you are just approving what has already been proven. The only changes are simply the collection on the interest, and I don't have any problem with that, I think that was just improperly done last year.

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

Doug- Of course I am going to vote no because I don't think it is applied the way it should be. We have people that owe 5-7 years of taxes, and they are never collected, and then we have people that are 1-2 years late and they go after them. Until it is applied properly, I am not going to vote any taxes and especially Real Estate Taxes until you really make everyone not just certain people pay their fair share of taxes.

Seth- Does any of this have to do with your tax collection? Other than just you are applying interest.

John- No, the only thing is this current year of personal property didn't have a late fee and penalty. So, we are implementing that.

Mayor Cury- Anyone else? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- No, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -5/1.

Mayor Cury- Okay, our next Ordinance is O-2022-05-02 for cigarette tax. There is an increase in the cigarette tax. Is there a motion to adopt this ordinance?

Mike- I make a motion to adopt Ordinance O-2022-05-02 for an increase on cigarette tax. Jeff seconded the motion.

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

Seth- Mr. Mayor I reached out to the county administrator today. I wanted to make sure I understood before I came and voted tonight. Right now, the county has already implemented a \$.25 per pack tax. What is the current rate for the town?

John- \$0.18

Seth- Anything above \$0.18 comes to the county, correct?

Heather- I don't think so. They are two different stamps.

Seth- So there are two stamps?

Heather- One is for the county, and one is for the town.

Seth- So if there were no tax then it would all go to the county? That's the way that I understand it.

Heather- Right, but it is whatever their rate is. Like when you buy a pack of cigarettes there will have two stamps and we will get our portion and they will get their portion.

Seth- But they don't get above what we are getting. If its \$0.25 and the town is charging \$0.25. they don't get an additional \$0.25 not in the town?

Mayor Cury- The towns belong to the towns and the counties belongs to the county. Does that help, Seth?

Seth- Right. So, my understanding is if the town doesn't pass this ordinance, then the county gets all the tax?

Mayor Cury- Yes.

John- I do not think they get that additional .07. Our tax is just less than the county's tax.

Seth- Okay, well I am going to need some additional clarification, because that is not how I understood my emails from Eric today.

Mayor Cury- Okay, while Seth is looking at those emails, is there any other discussion about the cigarette tax?

Seth- I just understood that if we didn't raise it to \$0.25 then the county got that extra \$0.07 and maybe I misunderstood.

Mayor Cury- Okay, did you get clarification Seth?

Seth- I guess I misunderstood.

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- Jeff- Yes, Doug- No, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- No. Motion carries -4/2.

Mayor Cury- The next ordinance is O-2022-05-04. Is there a motion to adopt this ordinance?

Mike- I make the motion to adopt this ordinance O-2022-05-04. Jeff seconded the motion.

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

Seth- Mr. Mayor, since we have all been discussing items on this budget, is it necessary to approve the budget tonight?

Mayor Cury- John, since we are passing this broad budget is the water, sewage, garbage and electric included in this? Since we only had to the first reading tonight?

John- It is included, but we will still have to pass the ordinance separate as an emergency ordinance at our next meeting.

Seth- So, is it necessary for us to adopt the budget tonight?

John- If we do not adopt the budget tonight then it would have to be passed as an emergency ordinance so that the rates would go into effect on July 1<sup>st</sup>.

Brad- That is correct you have to have your budget in place by July 1<sup>st</sup>. You have to adopt your ordinances first before you can pass the budget.

Seth- Right. So it has to be in place 30 days before July 1<sup>st</sup>.

Mike- I think what Seth is trying to say is that we might be able to amend the budget?

Brad- You can amend an item after you have already passed your budget.

John- You can always amend your budget throughout the year as well.

Seth- I am just having a hard time approving a budget that we are still having conversations on. I don't want to approve something that I know we are going to amend because there are things we are wanting to change.

Mayor Cury- Seth, what are you referring to?

Seth- Well, one thing is the dispatch, and there is a way that we would be able to save quite a bit of money and if we approve this budget tonight, I think we would have a harder time doing that.

Mike- When is your next meeting for that?

John- I was talking to Rod about that earlier. He wanted to wait until he wrapped up the school year so he could meet also.

Mayor Cury- I appreciate you guys waiting on me, but I do not want this council held up because of me.

John- If you pass the budget though and then council decides they want to do that, its not any different than us deciding to buy a truck and then later deciding we don't want to buy it. At the end of the year if you didn't spend it, you could cut it and reallocate it for something different.

Mayor Cury- Okay, I follow what you are saying. I just wanted to make my position clear. I don't want to stand in the way because of my personal schedule.



Doug- That is what is wrong. We put off trying to cut the budget. That is why I will vote no on this budget. Just what the Town Manager said if we don't use these funds, we will reallocate it for something else. We should cut the budget to save the citizens, not reallocate it for something else. That is why I am with Seth. We need to vote on transitioning 911 to dispatch and that will save us \$300,000 and we wouldn't have to raise all these taxes and so forth. I have said this many times, if we would have gotten rid of dispatch 10 years ago, we wouldn't be in the mess we are in right now. We are just going to drag this on and-on-and waste money.

Mayor Cury- Okay, is there any more comments here?

Mayor Cury- There being no further comments, we have a motion and a second. All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- No, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- No. Motion carries -4/2.

Mayor Cury- John, have we covered everything now?

John- I believe so.

Mayor Cury- Okay, I just want to say I appreciate councils help tonight. We are all in this together. There being no further business, I will entertain a motion to adjourn this meeting.

Mike- I make a motion to adjourn this meeting. Kristen 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- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Adjourned.

  
Rebekah Hackworth, Clerk

  
Rodney D. Cury, Mayor