

The Richlands Town Council held a joint “Public Hearing” with the Planning Commission on July 12th, 2022, in the Richlands Council Chambers at 5:30 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, and Seth White.

Town Attorney: Michael Thomas

Mayor Cury opened the meeting.

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

Mayor Cury- First on the agenda is the public hearing about the Mobile Home Park- 211 Hill Street. John, do you want to open us up?

John- This is about a Mobile Home Park in Lake Park. This has been there for some time. The ownership has changed and since it has changed, they must reapply to get to continue to use that as a Mobile Home Park. We do not anticipate very many changes. There are two mobile homes there now and I think they are planning to add a third one because they have the space. Since it has changed ownerships, they are just asking for the council and Planning Commission to approve that.

Mayor Cury- Okay, thank you, John. We do not have anyone at this time who has signed up to speak. Is there anyone in the audience who would like to speak on this matter?

Greg and Teresa Burress- “Hello, we are the new owners of the Mobile Home Park. We would just like to update you guys on some of the improvements we would like to do. We would like to add some pavement. We have already received an estimate on how much that will cost. It will be going from the entrance to the exit. We are also looking at putting new lighting there.”

“This is all new to us. We purchased this back in January and planned on putting newer mobile homes in the park and we didn’t know we had to go through all of this. I don’t know if this meeting answers all our questions or not.”

Mayor Cury- From my understanding and I spoke with John about it briefly today, this is an existing Mobile Home Park and it needs to be updated and it sounds like you guys are working on that. After our public hearing the Planning Commission will meet in this side room and give their recommendations.

Greg- I have one more question. We are wanting to put in underground utilities. That way if a tree or something falls you are not having to wait on the town or AEP to come fix your power. However, I would like to do that before I put in \$30,000-\$40,000 worth of asphalt and the have it ripped up.

Mayor Cury- I would say that needs to be taken up with the Town Manager and also talked over with the Planning Commission on what they decide to do on this matter as well.

Is there anyone else that would like to speak on this Mobile Home Park?

Seth- I just had a question? So, there is two Mobile Homes there, how many more spots are there?

Greg- There is a total of 6 spots for Mobile Homes.

Seth- Okay, thank you. I was just curious.

Mayor Cury- Is there anyone else that would like to speak on the Mobile Home Park?

Okay, we will close Hearing #1.

Closed!

Mayor Cury- We will now open Public Hearing #2 and it is concerning a Subdivision. John, would you like to start us out?

John- We have a parcel of property out on Birmingham Road. The owner has requested that we subdivide that. They are wanting it subdivided so they can sell off parcels of it or but mobile homes on it. In order for us to move forward on this, we have to have council's approval. So, that is why we wanted to have a joint public hearing with the Planning Commission and the Council, so we can decide how to move forward and allow anyone to have a public comment about it. As of right now there isn't anyone who has signed up to speak about it.

Mayor Cury- Is there anyone here who would like to speak on the subdivision on Birmingham Road?

Jerry Dunford- "Hi, I am the one who owns this property. All of these are 1 acre lots, they are 100ft by 300ft. I already have two double wides there now. I have one lot that is 1.67 tenths of an acre and I have it for sale now, but I have to have all this done before I can sell anything. The two people that live there now, I am giving them an extra acre a piece because it's on the side of a mountain and its no benefit to anyone and it adjoins their properties. I was in the middle of all that when I found out I had to come and do all this."

Mayor Cury- Thank you, Jerry. I do have a couple of questions. Is this near the pond?

Jerry- No, it is not there now. I filled that in probably 18 years ago. I still have pond up there but not there.

Mayor Cury- Now I don't remember it that way, Jerry. I was there less than 18 years ago and remember it being there.

Jerry- I bought this in 2002 and that one pond that was there I filled it in shortly after I bought the property.

Mayor Cury- Okay, that's fine. How many proposed lots are you wanting?

Jerry- Well all the ones that are flat, I think it's 5.

Mayor Cury- Okay, I have one more question, John, what is it currently zoned over there where he is wanting this?

John- It is zoned as R2 (General Residential).

Mayor Cury- Okay, thank you, Jerry. Is there anyone else in the audience who would like to speak on this matter?

Seth- I just wanted some clarification, he kept saying mobile homes, but he is talking about double wides, correct? Isn't there a town ordinance that says you can't put single wides there?

Mayor Cury- Not really. We have allowed single wides in places like that before, because it is replacing another single wide that is already there.

Commission Members, do you all have any questions? Or does anyone in the audience have anything else they would like to say?

Okay, we will close Public Hearing #2.

Closed!

Mayor Cury- We will open Public Hearing #3 and this is about a Drug Rehab Added Use to B2 zoning. John, I will let you talk about this.

John- So, we received a request from Spero Health to put in a Drug Rehab. In their request, they have asked that the B-2 (commercial zone) allow the added use of Hospital Health (HH). If this is approved by the Planning Commission and Council, then it would allow this to be approved in the whole green area that is marked on your zoning maps. They are looking at a specific location and that is the Mullins Professional building.

Mayor Cury- This is for a request for a Drug Rehab to be added to the B-2 zoning and we have two people that are signed up for this, Jesse Kinde and Pauline Hagy.

Jesse Kinde- "Hello, I am Jesse Kinde and I am the Senior director for the Spero Health. We have 16 clinics operating in Virginia now. We have 83 clinics in 6 states. What we do is treat patients for substance and opioid use. We are not a methadone clinic. We do not have any

methadone clinics in our company. What our operation looks like is a counseling office. So, there will be a Physician or a Nurse practitioner on site that will prescribe those medicines as needed and then they will go to a pharmacy to get that filled. We use buprenorphine and vivitrol. Buprenorphine goes with the brand name suboxone. Suboxone has buprenorphine in it which is a partial opioid agonist and it stops craving withdrawals and it has naloxone in it. So, they are taking a combo of buprenorphine and naloxone. Naloxone is what Narcan is. So, patients that take suboxone, stops their craving withdrawals, and if they use heroine or fentanyl, they cannot get high. So, it is actually a very good medication. We will have a master's level counselor on site, and we do group counseling and case management. We help people look for jobs and set up appointments for primary care and other appointments that they might have. We also are trying to help people get affordable housing. We work really well with the state, drug courts, law enforcement, hospitals, and other out-patient programs.”

Mayor Cury- Thank you, Jesse. We have other people that would like to speak, Pauline, would you please come up.

Pauline- “My name is Pauline Hagy. My family has owned and developed property in Richlands for more than 135 years. These properties are owned by corporation, Overbay and Brown, Inc. or our larger family partnership, Eldridge Brown Company, LLLP. Since our mother's death, my brothers, Reggie Brown and George Brown, and I are equal owners of both. We take responsibility for maintaining our properties quite seriously and use the resources of these two entities to do so.

We appreciate the interests of the petitioners, the committee members, the town officials, and other parties attending this hearing...all of whom are working and advocating for the betterment of the town. Your efforts to maintain and economically, aesthetically, and socially for all of its citizens are appreciated.

At the end of last week, we received the letter giving notice of this public hearing regarding a proposed amendment to the list of permitted uses within a business, general district (B-2) zone to specify adding “(HH) Hospital Special Care, with conditional use permit aka Special Exemption Permit” as a permitted use. There is no further information as to the intentions of the person(s) requesting the zoning change.

It has come to our attention that the request is being made in order to put a type of drug rehabilitation facility in our town. We assume that the actual parameters of this request and the proposed facility will be divulged at this meeting.

The possibility of having a drug rehabilitation facility in the middle of town has caused some degree of consternation as many businesses, civic organizations, revitalization groups, and individuals have put a great deal of thought and effort into elevating the business areas of town. This has encouraged new building, the renovation and rehabilitation of existing buildings, and various initiatives and actions to enhance the public appearance and commercial presence of the town to make it more attractive to visitors, potential new businesses, and the development of recreational venues for programs and events that can be held here.

There have been events such as “Chasing the Wild Boar” bicycle competition in the continuing Little League Championship games that serve to showcase the area as a destination for visitors. The successful hosting of these events has had a positive effect on the town by showing the resources available here and by the economic boost provided by the influx of the participants, their families, and the spectators for them. There have also been many local festivities for citizens and visitors. There are different holiday events sponsored by these groups and other unique ones such as the Honey Festival. In June, there was the Summer Fest and the dedication of the brick patio at the Railroad Section Foreman’s House. In the next two weeks, there are dates on which there are two community events planned: on this weekend, the Sun Day, Fun Day and on the last weekend of the month, the Rock the Clinch Celebration.

These efforts, developments, and activities have one thing in common... they occur in the Town of Richlands. They contribute to the overall ethos of Richlands and serve to enhance the appearance and the reputation of the town. This is one of the reasons that we are concerned about the possible development of a drug rehabilitation facility in the middle of town. We fear that the presence of such a facility would undermine the efforts that have been expanded to maintain the

position of the Town of Richlands as a competitive destination and a decidedly integral part of Tazewell County.

What chilling effect might a drug rehabilitation facility have on the continued success of these efforts? Will its presence affect the continuation of the larger, more far-reaching events and/or the success of the local gatherings? What will be the impact on the values of properties in proximity to this facility if it is allowed to be developed? What effects will it have on the decisions of owners who are thinking of opening new businesses within the footprint of our commercial areas?

Will the allowance of another such facility in Richlands diminish the reputation of this historic community to the point that it is thought to be so derelict that it needs its own drug rehabilitation facility in the middle of the town?

We assume that the zoning commission is in place for the specific purpose of protecting the history, the integrity, and the future direction of Richlands.”

Mayor Cury- Thank you, Pauline. Is there anyone else in the audience who would like to speak at this time? Any questions from the Planning Commission or the Council?

Seth- What is the size of the proposed facility?

Jesse- The size of the facility is around 3,500 - 4,000 square feet. It will have a group room, counseling rooms, a lab area because we drug test our patients, and a lobby area.

Seth- How many patients do you estimate dosing a day?

Jesse- We will see 25 patients a day. But we do not dispense medications on site. If the provider feels they need medication, then they will write a prescription and the patient will then go to a pharmacy and get that filled. We help patients get their lives back together so they can become working members of society again.

Seth- I'm asking a lot of questions because I think it's important. There's a distinction between what you're doing and a methadone clinic. I just want to make sure you get the information out that you are not a methadone clinic, because we have methadone clinic in our community and everybody has driven by there on dosing times and it's an absolute zoo. There are hundreds of cars, and traffic is backed up. So, that's why I'm asking questions because I want to understand for myself. I don't know how your operation works.

Jesse- Right, and we are not a methadone clinic. We have normal business hours 9:00am – 5:00pm and patients have scheduled appointments. So, 25 patients per day is the max that we would schedule. Methadone clinics are generally open very early and there are people lined up outside waiting to get their dose and that is not what we do at all. Our office looks like a counseling office.

Kristen- How often are your patients seen?

Jesse- Early on, they come weekly. If they do well and are not taken illicit substances, then they can go to biweekly and eventually monthly depending on what insurance they have.

Seth- I guess this is a question for legal. If we vote this in and make this zoning would we be able to have a distinction between what this is and what a methadone clinic is?

Michael- The Richlands Town code already has a definition for hospitals/special care and it just didn't fit in zoning anywhere. So, really this is just to put a definition on it which is an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts. So, what we are here for today is to decide whether this definition fits in a B-2 zoning area.

Seth- I don't see why you don't already have that in place. Counseling is offering the same thing. If the Planning Commission agrees to make this change, I just want to make sure that you are not going to open it up to dispensing facilities which is totally different than what this place is going to do.

Michael- What we also have in the proposed ordinance is that HH (Hospital and Special Care) would be allowed with conditional use permit. So, they would still have to come in and it would be a special vote every time.

Seth- Okay, that was my biggest concern and it sounds like you guys have already addressed that.

Doug- What is your procedure if someone comes in and they are not adhering to the treatment?

Jesse- Well, if you dismiss the patient then they may go back to the street and use whatever they can find. So, we tend to ramp up our care with more counseling and having them come more frequently. Some patients require a higher treatment than we can provide so then we would transfer them over to an in-patient facility. We also have some patients that are not ready for treatment yet and they decide to come back when they are ready. I don't know what facilities that you all have here, I just know that our patients want to go through treatment, and they want the group counseling. We require a lot of them just to get a prescription, and if they were not willing to do that, there are other places they could go to get medication.

Mayor Cury- Okay, thank you very much. Is there anyone else in the audience that would like to speak? Members of the Planning Commission, do you have all the information that you will need?

Members of the Planning Commission- Yes.

Mayor Cury- Okay, we will close this Public Hearing #3.

Closed!

Mayor Cury- We will now open the Public Hearing #4, this is for Off-Road Vehicle Use on Designated Roads.

Michael- Mayor, that needs to be changed to Off-Road Recreational Vehicle.

Mayor Cury- Okay, everyone we need to make that change. John, would you care to comment on this please?

John- This is something that we spoke about in our last council meeting and I spoke briefly to the Planning Commission about it. There is a draft ordinance in your council packet. It really kind of lines out everything that we discussed in our last council meeting. So, we wanted to have a public hearing to allow the citizens to speak on this ordinance.

Mayor Cury- Is there anyone in the audience that would like to make a comment about this?

Earnest Edgel- "I lived in a community in Gilbert, WV and they keep really strict rules on this. They have to have a permit to drive these trails, not just anyone can ride on these trails without a permit. Another thing is the noise. It is so noisy in town already that you can't sit on the front porch and hold a conversation from all the noise. Are the police department going to be able to enforce these rules?"

Mayor Cury- Earnest, I am not able to answer you on that. We have a draft ordinance here and I am sure that things like this will need to be explored. I am unable to tell you about the noise and the enforcement on that. I would ask that your question be asked to the Town Manager or the Police Chief, Jerry Gilbert. Jerry, are you able to speak on this?

Seth- I will comment on this while Jerry is coming. Mr. Edgel, anyone riding on these trails will have to have a permit and they have to be off the trails by sundown, I think. We have already addressed a lot of these issues and this is something that is good for our town. I will let Jerry speak on the noise enforcement.

Earnest- I am not here to speak against this. I just want to make sure that there are some ground rules put in place, so they are not infringing on other people's rights.

Jerry- As Seth said, daylight hours only. With the noise, we will regulate that with what the traffic laws allows us to. There are some regulations that have been passed which limits us on noise in vehicles, but I think that is going back the other way now. The Governor is changing some things to where we have more enforcement ability. It does sound like it is going to be a

good thing for us and there are rules that will only allow them to be out during certain hours. There are going to be a lot of regulations put in place so that people and residents will not be disturbed.

Mayor Cury- Thank you, Jerry and Earnest. Does anyone else have any comments? Commission do you all have everything that you need?


Members of the Planning Commission- Yes.

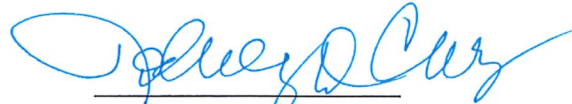
Mayor Cury- Okay, we are going to close Public Hearing #4.

Closed!

Mayor Cury- We are going to adjourn this joint public hearing to allow the Planning Commission to discuss their recommendations and then we will begin our regular meeting.

Adjourn!



Rebekah Hackworth, Clerk

Rodney D. Cury, Mayor