

The Richlands Town Council held a "Special Called Meeting" in the Richlands Council Chambers on June 21, 2021, at 7:00pm with the following present:

Mayor:	Absent
Town Manager:	John O'Daniel
Town Clerk:	Connie Allen
Council Members:	Mike Street, Jeff Hurst Richard Brown, Doug Ratliff, Mary Ann Strong – Vice-Mayor,
Town Attorney :	Bob Altizer

Vice-Mayor Strong opened the meeting.

Vice-Mayor Strong - I ask for a special guest to come, Pastor Sawyers, he is the Pastor at Corner Stone Church on Fairfax Avenue. Logan Plaster and myself mentioned in June after we had the pleasure of attending the National Day of Prayer that his church hosts, it was the fourteenth consecutive year and as Logan and I mentioned it was a wonderful service. I encourage everyone next year to come; they treat you like you are royalty. You leave extremely uplifted and encouraged. It is my pleasure and honor to ask Pastor Sawyers to open our meeting with prayer and I will lead us in the Pledge of Allegiance.

Pastor Tex Sawyers opened up in prayer.

Vice-Mayor Strong – I will be chairing the meeting tonight in the absence of the Mayor and I ask you to continue to keep Mayor Rod Cury in your prayers as he recovers from his knee surgery.

Vice-Mayor Strong - Is there a motion to approve the agenda as presented?

Logan - I make the motion, Mike seconded the motion.

Vice-Mayor Strong- 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, Logan-Yes, Richard – Yes, Mike -Yes, Mary Ann – Yes Motion carries – 6/0.

Vice-Mayor Strong – Consideration of 2021-2022 Budget – Real Estate Tax Ordinance O-2021-06-01

Vice-Mayor Strong - Is there a motion to dispense with the second reading of the Ordinance as permitted by Section 3.8 of the Richlands Town Charter.

Richard - I make the motion, Mike seconded the motion.

Vice-Mayor Strong - Any discussion?

Doug - Can you do that on an Ordinance?

Lawyer – Yes – Section 3.8 – No ordinance, unless it be an emergency measure, shall be passed until it has been read at two (2) regular meetings not less than seven days apart, unless the requirement of such reading has been dispensed with by the affirmative vote of four (4) of the members of the Council. You can dispense with the second reading.

Vice- Mayor Strong - Any further discussion?

Vice-Mayor Strong- 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, Logan-No, Richard – Yes, Mike -Yes, Mary Ann – Yes Motion carries – 4-Yes /2-No.

Vice-Mayor Strong - Is there a motion that this Ordinance be adopted as an emergency measure and take effect July 1, 2021, as pursuant to 3.8 of the Richlands Town Charter.

Doug - Why is it an emergency?

Vice-Mayor Strong - I would need to refer to the Attorney please.

Attorney – Under Section “c” of the Charter 3.8 – No measure increasing a tax or license, or providing for any new form of tax, shall be adopted until notice has been published 30 days which has been complied with. All Resolution and Ordinances shall be in effect from thirty days from the day of its passage. If you want it to take effect fiscal year of July 1 you would have to adopt as an emergency measure, to take effect fiscal year of July 1.

Doug - I don't understand why it is an emergency, how can it be an emergency to raise taxes? I don't concur that as an emergency. If I read this urge not to raise taxes and why it is bad for the community I've ask this question many times, Richlands is in line to get 4.75 million dollars, that can be used for a lot of things and there is not a lot of strings attached to it. You can use it for a lot more than the Cares Act, if we are getting an estimate of \$4.75 million dollars. I think Tazewell got \$3 million, why in the world are we considering raising taxes, it is beyond me. What are we going to do stick that money away? We have citizens on a set income, \$1800, and we are sticking them with all these taxes when Richlands is in line for a windfall as well as Tazewell and all these other communities, to me it is ludicrous to even consider this.

Vice-Mayor Strong - Is there a motion?

Doug - If someone could explain from the Council why it is an emergency that we raise taxes. I disagree, and I think it would be challenged in court.

Attorney - The raising of the taxes is a policy decision by Council, I am just speaking as to the procedure. If the ordinances pass all go into effect 30-days after they are adopted, if you decide it's a better policy to raise the taxes, under the ordinance would take 30 days unless you've declared an emergency. What the stature of the Section the Charter says except that the Council may, by the affirmative vote of two-thirds of its members present, pass emergency measures to take effect at the time indicated therein. You indicated in the ordinance to take effect July 1.

Mike - What you are trying to say to pass as an emergency measure in order to take effect July 1 to start the fiscal year.

Attorney – Right

Doug - We can call anything an emergency if we had a set date. Everything in the world could be called an emergency. I still think it could be challenged in court; I assure you.

Richard - I make a motion to adopt the ordinance as written as an emergency measure to take effect on July 1, Mike seconded the motion.

Vice-Mayor Strong - Any further discussion?

Vice-Mayor Strong- 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, Logan-No, Richard – Yes, Mike -Yes, Mary Ann – Yes Motion carries – 4-Yes /2-No.

Doug - I don't think Mary Ann can vote.

Attorney - She can vote; she is not the Mayor.

Doug - She is Vice-Mayor, and she is conducting the meeting, if you will check Robert's Rules she cannot.

Attorney - By Charter the Mayor cannot vote except for a tie, the Vice-Mayor can vote.

Doug - If she is conducting the meeting, we can check later.

Attorney - The Mayor is elected as Mayor; Mary Ann Strong was elected as a Councilmember. She is a voting member and can cast a vote.

Doug - That changed when she started conducting the meeting and acting on behalf of the Mayor. Again, I think that will be challenged.

Vice-Mayor Strong – I sought legal advice before I would choose to vote, and I obviously am going with the opinion of legal counsel.

Doug - If you will remember, Mayor Crawford was not allowed to vote several months ago even in a tie.

Vice-Mayor Strong - I don't know if that is irrelevant to this situation.

Doug - The same situation, it was a tie vote. If you check the minutes, it was the same situation.

Vice-Mayor Strong – Personal Property Tax Ordinance, O-2021-06-02 - Is there a motion to dispense with the second reading as permitted by Section 3.8 of the Richlands Town Charter.

Mike - I make the motion, Richard seconded the motion.

Vice-Mayor Strong - Is there any discussion?

Doug – Are you talking about the second reading?

Vice-Mayor Strong – Yes, dispensing of the second reading.

Vice-Mayor Strong - Any further discussion?

Vice-Mayor Strong- 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, Logan-No, Richard – Yes, Mike -Yes, Mary Ann – Yes Motion carries – 4-Yes /2-No.

Vice-Mayor Strong - Is there a motion to adopt as an emergency measure and take effect July 1, 2021, as pursuant to Section 3.8 of the Richlands Town Charter.

Mike - I make the motion to adopt as an emergency measure and take effect July 1, 2021, as pursuant to Section 3.8 of the Richlands Town Charter.

Doug - Can I read something from the Charter?

Vice-Mayor Strong - I need your opinion? (Attorney)

Attorney - You are conducting the meeting whatever you feel is appropriate.

Vice-Mayor Strong - Right now we have a motion on the floor, wait until we get to discussion, please.

Jeff - I will second the motion.

Vice-Mayor Strong - Any discussion? Doug, go ahead and read the letter.

Doug – In the Charter if a vacancy shall occur in the office of Mayor, shall become Mayor for the unexpired portion of the term, in the absence or disability of both the Mayor and Vice-Mayor the Council shall by majority vote of those present, choose one of their number to perform the duties of Mayor. If this person is performing the duties of the Mayor, it would make here illegible to vote, it is in the Charter.

Attorney - That is not my interpretation or my law firm's interpretation of the Charter; the Mayor under the Charter is elected as a Mayor he is not elected as a Council person. The Mayor has specific responsibilities and only votes in case of a tie. If the Mayor is absent and someone else is chairing the meeting that does not disqualify the Vice-Mayor or someone else chairing the meeting from voting as a voting member of Council.

Doug - If she takes his duties she is acting as Mayor and she is performing his duties.

Attorney - It does not disqualify her from casting a vote as a member of Council, in our legal opinion.

Doug - I think that is what the Charter meant; if someone took the Mayor's position they perform his duties. If they are performing his duties the intent of the Charter was to exclude them from voting. That is common sense, but if I am the only one that sees that I am surprised. I am not an attorney but sir I know better than that. If you take someone's duties and you perform them, you are taking all the restrictions.

Attorney – Section 3.5 of the Charter – The Mayor shall preside over the meetings of the Council but is not a member thereof, have the same right to speak therein as members, and vote only in case of a tie, but shall have no veto. The Mayor is not a member of Council that is why the Mayor cannot vote unless a case of a tie according to the Charter. Mary Ann is not the Mayor she was elected as a member of Council and has a legal right to vote on all issues that come before the Council.

Doug – That is your opinion, but when she took his duties.

Attorney - She was not elected as the Mayor.

Vice-Mayor Strong - Any further discussion?

Doug - I have one question of Council, if anyone can answer that I would love for them to answer that, why would you want to raise all these taxes when you are going to get a windfall of millions of dollars to help the budget, I don't understand why these people with set income of \$1800 and you are going to set them with all these taxes, yet you are going to get a windfall of millions of dollars. Can anyone on Council give an explanation of why we would raise these taxes; we know we are going to get the funds. What are you going to use those funds for?

Richard - Mr. O'Daniel it is my understanding that it can't supplant the budget with the monies that we will be receiving or possibly be receiving, so anything we put in the budget would not be funded from any funds that we do get.

John O'Daniel - Infrastructure

Richard - Supplanting is illegal, if we were to use Covid money.

John O'Daniel - We don't have all the details of what it is going to be.

Richard - We don't know a number of what we are going to get, correct?

John O'Daniel – I don't like to speculate.

Richard – Correct.

Doug - When is that going to be, it is a lot less restrictions on this money, it is not supplanting, it can be used for the budget, you know that, and I know that, those funds can be used to supplement the budget on things that we need. It is beyond me; Richlands has such a culture that everything is hidden. Tazewell gets \$3 million dollars they put it on the front page, and they appoint a committee on how to spend that money. They are wide open, and they serve the citizens. What does Richlands do, it hides everything, and oh we don't know anything about those meetings we don't know how much, we don't even attempt to ask citizens how to spend that money. I guess we don't trust the citizens, how can we be so different from Tazewell, the whole culture of Richlands is so sad and wrong.

Vice-Mayor Strong - That is your opinion.

Doug - That is the opinion of a lot of citizens.

Vice-Mayor Strong - When we had budget workshops and we had several, we had two (2) public hearings, Tazewell has higher taxes than Richlands and it does cost more to live in Tazewell. This is not about Tazewell.

Doug - Tazewell don't have higher taxes.

Vice-Mayor Strong - I am not going to argue with you, we have a motion on the floor and a second, any further discussion?

Vice-Mayor Strong- 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, Logan-No, Richard – Yes, Mike -Yes, Mary Ann – Yes Motion carries – 4-Yes /2-No.

Vice-Mayor Strong - Cigarette Tax Ordinance – O-2021-06-03 - Is there a motion to dispense with the second reading pursuant by Section 3.8 of the Richlands Town Charter.

Richard - I make the motion, Mike seconded the motion.

Vice-Mayor Strong – Any discussion?

Logan - May I ask a question?

Vice-Mayor Strong – Certainly

Logan – Is it \$0.18 is that correct?

Vice – Mayor Strong - \$0.10 to \$0.18

Vice-Mayor Strong - Any additional discussion?

Vice-Mayor Strong- 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, Logan-No, Richard – Yes, Mike -Yes, Mary Ann – Yes Motion carries – 4-Yes /2-No.

Vice-Mayor Strong - Is there a motion to adopt as an emergency measure and take effect July 1, 2021, as pursuant to Section 3.8 of the Richlands Town Charter.

Mike - I make the motion, Jeff seconded the motion.

Vice-Mayor Strong - Any discussion? It's for the cigarette tax going from \$0.10 to \$0.18 effective July 1.

Doug - Can I read a letter?

Vice-Mayor Strong - We all received that letter by email it is rather lengthy.

Doug – I don't think citizens know about it; it is like everything else hidden. By Roberts Rules I have ten (10) minutes I can speak on the subject, regardless I am going to read the letter. It is to the Mayor, no one ask for this letter, it was sent because they were watching what Richlands was doing. (Read the Letter from Thomas A. Briant- NATO Executive Director).

Vice- Mayor Strong – Any further discussion?

Vice-Mayor Strong- 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, Logan-No, Richard – Yes, Mike -Yes, Mary Ann – Yes Motion carries – 4-Yes /2-No.

Vice-Mayor Strong – Garbage Collection Fee Ordinance – O-2021-06-04, is there a motion to dispense with the second reading this Ordinance as permitted by Section 3.8 of the Richlands Town Charter.

Mike- I make the motion, Jeff seconded the motion.

Vice-Mayor Strong - Any discussion with dispensing of the second reading?

Vice-Mayor Strong- 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, Logan-No, Richard – Yes, Mike -Yes, Mary Ann – Yes Motion carries – 4-Yes /2-No.

Vice-Mayor Strong – Is there a motion to adopt the Ordinance as an emergency measure and take effect July 1, 2021, as pursuant to Section 3.8 of the Richlands Town Charter.

Mike - I make the motion to adopt as an emergency measure and take effect July 1, 2021, as pursuant to Section 3.8 of the Richlands Town Charter, Jeff seconded the motion.

Vice-Mayor Strong- 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, Logan-No, Richard – Yes, Mike -Yes, Mary Ann – Yes Motion carries – 4-Yes /2-No.

Vice-Mayor Strong – 2021-2022 Budget Ordinance O-2021-06-09 Fiscal Year 2021-2022 is there a motion to dispense with the second reading as permitted by Section 3.8 of the Richlands Town Charter.

Mike - I make the motion, Jeff seconded the motion.

Richard - I have to read a disclosure – (Read the disclosure)

Vice-Mayor Strong – We have a motion and a second with the dispensing of the second reading, any discussion?

Vice-Mayor Strong- 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, Logan-No, Richard – Yes, Mike -Yes, Mary Ann – Yes Motion carries – 4-Yes /2-No.

Vice-Mayor Strong – Is there a motion to adopt as an emergency measure and take effect July 1, 2021 pursuant to 3.8 of the Richlands Town Charter.

Mike - I make motion, Richard seconded the motion.

John O'Daniel - The fiscal year on the Ordinance should read 2021/2022. We will change that.

Vice-Mayor Strong - The correction will be made, any other discussion?

Doug - If you read the Charter, it says shall become Mayor when we chose one of our members it does not say anything about maybe it says shall. It is a vacant seat if the Mayor is gone. We chose her to perform the duties and she became Mayor until he comes back.

Vice-Mayor Strong - I am not the Mayor I am the Vice-Mayor. We have discussed this at length, and we had legal counsel.

Attorney - She is performing the duties of Mayor in his absence does not make her the Mayor, she is an elected member.

Doug - She is acting as Mayor. I am not going to argue but she is acting as Mayor and she shall become Mayor in his absence.

Attorney – I think the law is clear on this issue.

Vice-Mayor Strong - Doug we have discussed this enough.

Vice-Mayor Strong - Any further discussion in pursuant to passing of this final ordinance?

Vice-Mayor Strong- 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, Logan-No, Richard – Yes, Mike -Yes, Mary Ann – Yes Motion carries – 4-Yes /2-No.

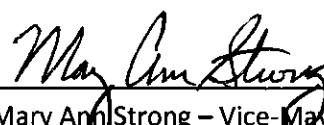
Richard made the motion to adjourn the meeting, Mike seconded the motion.

Vice-Mayor Strong- 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, Logan-Yes, Richard – Yes, Mike -Yes, Mary Ann – Yes Motion carries – 6/0.

Vice-Mayor Strong - Meeting Adjourned.



Connie Allen, Town Clerk



Mary Ann Strong – Vice-Mayor