



A G E N D A
JOINT TOWN COUNCIL AND RICHLANDS PLANNING
COMMISSION MEETING
At Richlands Town Hall
August 9, 2022
5:30 P.M.

- I.** Call the Meeting to Order
- II.** Invocation
- III.** Pledge of Allegiance
- IV.** Open Public Hearing
 - a. Drug Rehab Added Use (B-2 Zoning)Close Public Hearing
- V.** Planning Commission Recess to Discuss Recommendation
- VI.** Adjourn



A G E N D A
TOWN COUNCIL MEETING
At Richlands Town Hall
August 9, 2022
6:00 P.M.

- I. **Call the Meeting to Order**
- II. **Invocation**
- III. **Pledge of Allegiance**
- IV. **Additions/Deletions to Agenda** (Includes the removal/transfer of Consent Agenda items as needed.)
 - i. Approval of Agenda
- V. **Consent Agenda**
 - a. Authorization to Pay Bills (July)
 - b. Minutes- Joint Public Hearing on July 12, 2022, and Regular Meeting on July 12, 2022
- VI. **Scheduled Public Comment (Five Minute Maximum)**
 - a. Cornelia A. Cox
- VII. **Unscheduled Public Comment (Three Minute Maximum)**
- VIII. **Agenda Items**
 - a. Utility Rate Schedule Discussion
 - b. Zoning Added Use Second Reading (Drug Rehab, O-2022-07-01)
 - c. Economic/ Community Development Department Discussion
 - d. Personnel Policies Update
 - i. Holiday Pay Policy (Amendment #1)
 - ii. FLMA Leave Changes (Amendment #2)
 - e. Rescue Captain Truck (EMS Command Vehicle)
 - f. Water Treatment Plant Repair Discussion
 - g. Charter Change Discussion (Mayor, Ordinances, and Term Limits)
 - h. Electric System Discussion/Update
 - i. Update and Workshop date discussion
 - i. Iron Street Property
 - i. Update and Workshop date discussion
 - j. Dispatch Discussion
 - i. Update and Workshop date discussion
- IX. **Executive/Closed Session Pursuant to VA Code Section**
 - i. 2.2-3711(A) (1)– Personnel

- X. Return to Open Session, Certification, Report on Action**
- XI. Town Manager Report**
 - a. Year End Reporting Contract Update
 - b. Miscellaneous
- XII. Attorney's Comments**
 - a. Utility Easement
- XIII. Council Member Reports (Non-voting Items)**
 - a. Kristen Thompson-Whitt
 - b. Seth White
 - c. Doug Ratliff
 - d. Rick Wood
 - e. Laura Mollo
 - f. Jeff Hurst
- XIV. Mayor's Comments**
- XV. Adjourn Meeting**

Next regular meeting date is September 13, 2022, at 6:00pm.

Town of Richlands			
PAID CHECKS REPORT			
8/5/2022			
Check#	Paid To	Description	Amount
12302	ADVANCE AUTO PARTS	ADVANCE-ALL DEPTS-PARTS, WIPERS, BATTERIES, ETC.	\$392.52
12303	AMAZON WEB SERVICES, INC.	AMAZON WEB SVCS-IT-JULY '22 CLOUD SVCS	\$610.22
12304	ANCHORAGE PHOTO & VIDEO RADIO SHACK	ANCHORAGE PHOTO-ST-CHAIN SAW CHAINS PO 14661	\$50.38
12305	APPALACHIAN AGENCY FOR SENIOR CITIZENS	AASC-AUG'22 PUBLIC TRANSIT	\$600.00
12306	APPALACHIAN AGGREGATES, LLC	APP AGG-ST-STONE	\$1,313.92
12307	APPLIED INDUSTRIAL TECHNOLOGIES-DIXIE	APPLIED-SHOP-PORT-A-COOL-PORTABLE A/C PO 14579	\$1,365.64
12308	ARAMARK UNIFORM SERVICES	ARAMARK-ALL DEPTS-UNIFORMS	\$1,210.95
12309	AUTOMATION DIRECT.COM, INC.	AUTO DIRECT-WTP-RHS VAULT TELEMETRY PO ELO04111	\$142.50
12310	B & H SALES	B & H SALES-ST #619-SALT SPREADER INSTALLED PO 14658	\$8,475.00
12311	BLUE RIDGE POWER AGENCY	BRPA-JUNE 2022-GDS/ENG/LEGAL/BRP SVCS	\$4,057.77
12312	BOUND TREE MEDICAL, LLC	BOUND TREE-RESCUE-MEDICAL SUPPLIES PO RS3400	\$504.28
12313	C.W. WILLIAMS FIRE EQUIPMENT	C. W. WILLIAMS-FIRE-ARPA FUNDS-19 SCBA AIR BOTTLES PO F2081	\$16,571.32
12314	CARTER MACHINERY COMPANY, INC.	CARTER MACHINERY-WWTP-LOADER-KIT FRONT, GASKETS, PARTS	\$1,048.45
12315	CLINCH VALLEY MEDICAL CENTER	CVMC-REC/PD NEW HIRES-DRUG TESTS, PHYSICALS	\$744.00
12316	CMC SUPPLY, INC.	CMC-LINES-SUPPLIES/MATERIALS PO L83585	\$8,274.21
12317	COCA-COLA BOTTLING CO, INC.	COCA-COLA-REC-CONCESSION PO RP2857	\$690.59
12318	CONSOLIDATED STEEL, INC.	CONSOLIDATED STEEL-ST-STORM GRATES-ANGLE ASTM A36 BROWN PO 14704	\$616.50
12319	CRAB ORCHARD VETERINARY SVCS, INC.	CRAB ORCHARD VET SVCS-PD-6.8.22 BURNETTE ST-DOG, 2 CATS PO 305332	\$102.31
12320	CREATIVETIME SOLUTIONS	CREATIVETIME SOLUTIONS-TIME & ATTENDANCE WEB HOSTING-ALL EMPLOYEES	\$150.00
12321	DOMINION PEST CONTROL, INC.	DOMINION PEST-JULY 22 PEST CONTROL PD/WTP/REC/RESCUE PO 305336	\$225.00
12322	ECONO SIGNS LLC	ST-STOP SIGNS/WRONG WAY/ONE WAY LEFT ARROW/ONE WAY RIGHT ARROW PO ST14	\$885.28
12323	FLOWNETWORK, INC.	FLOWNETWORK-LINES-BATTERY FOR LEAK DETECTOR PO L83581	\$160.00
12324	FRAZIER TIRE AND AUTOMOTIVE	FRAZIER TIRE-PD #47-TOW TO RAMEYS TAZ FROM RLDS PD PO 305320	\$150.00
12325	GALETON GLOVES AND SAFETY PRODUCTS	GALETON GLOVES-EL-PALAMINO GLOVES, SHIPPING PO ELO04106	\$532.66
12326	GIBSON ENTERPRISES, INC.	GIBSON-ALL DEPTS-SYN MOTOR OIL/TRANS FLUID/CARB-SOLVENT/ZENA CRYSTAL WIND	\$8,846.86
12327	HOME NURSING CARE, INC.	HOME NURSING CARE-RESCUE-OXYGEN TANKS PO RS3412	\$110.00
12328	HOMETOWN GROCERY, LLC	GRANT'S-REC-CONCESSION PO RP2863	\$56.46
12329	J & W SCREEN PRINTING, INC.	J&W-RESCUE-T SHIRTS/LONG SLEEVE T-SHIRT PO RS3420	\$547.00
12330	JAMES RIVER EQUIPMENT-TAZEWEILL	JAMES RIVER-ST #620/LINES #820-MINI BAR (2) PO 14708	\$300.00
12331	JERRY'S AUTO SERVICE	JERRY'S AUTO-RESCUE #552-FRONT PADS (SEVERE DUTY), FRONT ROTORS, LABOR, REAR	\$842.95
12332	JUNKIN SAFETY APPLIANCE COMPANY	JUNKIN SAFETY-RESCUE-4FORLIFE-PLASTIC SPRINT STRETCHER PO RS3388	\$815.57
12333	KIDD TIRE AUTO PARTS	KIDD TIRE-ALL DEPTS-TIRES/BRAKES/OIL DRI/OIL CHANGE	\$2,904.81
12334	LARRY HELTON	LARRY HELTON-PD#56-REPAIRED RADIO POWER CIRCUIT PO 305341	\$100.00
12335	LAWSON PRODUCTS, INC.	SHOP-TOOLS,ST/SANT/LINES/EL-CABLE TIES, WASHERS/NUT/BOLTS/SCREWS PO ST1474	\$1,037.00
12336	LOWE'S	LOWE'S-ALL DEPTS-SUPPLIES & MATERIALS	\$2,621.88
12337	LUSK DISPOSAL SERVICE, INC.	LUSK-WWTP/CVMC-JUNE'22 HAUL SVC PO 81785	\$1,954.60
12338	MARK E. ISON	MARK E. ISON-IT SUPPORT-AUG '22 PO 305353	\$1,500.00
12339	MCCLURE CONCRETE PRODUCTS, INC.	MCCLURE-ST-BRIDGE PAST HARDEE'S 8.5 YDS CONCRETE	\$1,725.50
12340	MICHAEL MCCOY	M MCCOY-PMC-REFUND-OVERPMT	\$30.00
12341	MINEQUEST, INC.	MINEQUEST-SANT #624-HOSE ASSY, JIC SWIVEL PO ST14707	\$91.18
12342	MSC INDUSTRIAL SUPPLY CO.	MSC IND SUPPLY-SHOP-TOOL-CHEM PUMP PO 14709	\$51.82
12343	NORTHERN SAFETY CO., INC.	NORTHERN SAFETY-SHOP-FIRST AID RE-SUPPLY PO 14706	\$90.58
12344	OLD DOMINION SLUSH PUPPIE	OLD DOMINION SLUSH PUPPIE-REC-CONCESSION JUNE/JULY	\$1,312.00
12345	PRIORITY MEDICAL CLAIMS, INC.	PMC-RESCUE-JULY '22 COLLECTIONS	\$3,209.36
12346	PYLE SOLUTIONS LLC	WWTP-LIQ EMUL POLYMER 1,800, GLOVES, LINES-GLOVES	\$4,929.45
12347	QUADMED, INC.	QUADMED-RESCUE-MEDICAL SUPPLIES	\$859.67
12348	RICHLANDS FARM BUREAU	RLDS FARM BUREAU-ALL DEPTS-SUPPLIES	\$20.29
12349	SAFE LIFE DEFENSE	SAFE LIFE-RESCUE-4FORLIFE-ENHANCED MULTI-THREAT VEST PO RS3384	\$602.10
12350	SAFETY TEST & EQ. CO., INC.	SAFETY TEST-EL-TESTING GLOVES, SLEEVES PO EL93623	\$215.17
12351	SOUTHERN SOFTWARE, INC.	SOUTHERN SOFTWARE-PD-RENEWAL SUPPORT FEE RMS/HRMS PO 305334	\$6,119.00
12352	SOUTHWEST SANITATION CO, INC.	RESCUE-ON-SITE SHREDDING & RECYCLING ON 6.29.22 PO RS3395	\$248.00
12353	SUB-AQUATICS, INC	SUB-AQUATICS-FIRE-REGULATORY-AIR TESTING PO F2080	\$956.55
12354	SUBURBAN PROPANE	SUBURBAN PROPANE-ALL DEPT-COMM BLDG-YRLY TANK RENTAL	\$60.00
12355	TEEN VENTURE	TEEN VENTURE-JULY'22 DONATIONS COLLECTED	\$164.00
12356	TREASURER OF VA-DEQ	TRES OF VA-DEQ-WTP-PERMIT MAINT FEE-NSR (SM)	\$596.00
12357	ULTRA PETROLEUM	ULTRA-ALL DEPTS-FUEL	\$25,599.00
12358	USALCO	USALCO-WTP-DELPAC 2020 PO WTP0085	\$9,740.85
12359	VIRGINIA UTILITY PROTECTION SERVICE, INC.	VUPS-MISS UTILITY-JULY'22-21 TRANSMISSIONS	\$22.05
12360	WORLDWIDE EQUIPMENT INC.	WORLDWIDE-SANT #630/625-SUPPORTS, BRACKETS PO 14660	\$801.25
		Total Checks:	\$127,954.45
		AMP (JUNE'22)	\$393,897.26
		CONSTELLATION ENERGY (JUNE '22)	\$9,866.16
		ANTHEM BC/BS (JUNE '22)	\$106,808.00
		VRS (MAY '22)	\$69,301.17
		GRAND TOTAL	\$707,827.04

Town of Richlands				
PAID CHECKS REPORT				
7/13/2022 to 8/4/2022				
Check#	Paid To	Description	Check Date	Amount
12214	ADVANCE AUTO PARTS	ADVANCE-ST-SUPPLIES	7/14/2022	\$335.55
12215	APPALACHIAN AGGREGATES, LLC	APP AGG-ST-STONE	7/14/2022	\$1,625.63
12216	BRITTANY N. DYE	B DYE-GOODWILL SECURITY-CONTRACT LABOR	7/14/2022	\$240.00
12217	CHARLEY DUPREE	C DUPREE-PD-GOODWILL SECURITY-CONTRACT LABOR	7/14/2022	\$285.00
12218	CHRISTOPHER MICALE, TRUSTEE	GARNISHMENT	7/14/2022	\$225.67
12219	COMMONWEALTH OF VA-ENERGY ASSISTANCE PR	COA-EAP-REFUND	7/14/2022	\$1,800.00
12220	CRYSTAL STANLEY	C STANLEY-GOOWWILL SECURITY-CONTRACT LABOR	7/14/2022	\$285.00
12221	LEAF	LEAF-PD-KONICA C287 LEASE, INSURANCE PO 305325	7/14/2022	\$111.04
12222	MARK SMALL	M SMALL-REFUND FEB 22 VRS/457	7/14/2022	\$6.19
12223	NICK DENVER	N DENVER-PD-ACADEMY PER DIEM PO 305226 (18-22 JULY 22)	7/14/2022	\$260.75
12224	NICK DENVER	N DENVER-PD-ACADEMY PER DIEM PO 305226 (25-29 JULY 22)	7/14/2022	\$260.75
12225	NOAH BROWN	N BROWN-PD-ACADEMY PER DIEM PO 305225 (18-22 JULY 22)	7/14/2022	\$260.75
12226	NOAH BROWN	N BROWN-PD-ACADEMY PER DIEM PO 305225 (25-29 JULY 22)	7/14/2022	\$260.75
12227	NORTHERN SAFETY CO., INC.	ST/SANT-CTR PULL TOWELS, TOILET TISSUE, LYSOL SPRAY PO ST146	7/14/2022	\$420.09
12228	PAUL LITTLE	PAUL LITTLE-PF-GOODWILL SECURITY-CONTRACT LABOR	7/14/2022	\$285.00
12229	PITNEY BOWES INC.	PITNEY BOWES-MAIL SYSTEM LEASE 04.30.22-7.29.22	7/14/2022	\$486.21
12230	RICOH USA INC.	RICOH-PD-COPIER-INVESITGATIONS-B&W, COLOR PO 305329	7/14/2022	\$62.20
12231	SEGRA	SEGRA-PHONE SERVICE-ALL DEPTS	7/14/2022	\$2,255.41
12232	SPECTRUM BUSINESS	SPECTRUM-ACCESS CHANNEL-SET TOP BOX PO 305327	7/14/2022	\$31.50
12233	STATE ELECTRIC SUPPLY COMPANY	WTP-SCHOOL TANK VAULT-TELEMETRY-AC IN/RELAY PO ELO04105	7/14/2022	\$870.34
12234	TAZEWEILL COUNTY DISTRICT COURT	TCGDC-GARNISHMENT	7/14/2022	\$23.97
12235	TWIN ENTERPRISES, INC.	TN HALL-ENG SIDE-PARTS/LABOR TO REPL VALVE	7/14/2022	\$744.25
12236	ULINE	ULINE-PD-LOE GRANT-ULINE RED UTL TILT TRK 1/2 CU YDPO 30532	7/14/2022	\$573.43
12237	VDH-WATERWORKS TECH ASST FUND	VDH-WATERWORKS OPERATION FEE 2022-0223	7/14/2022	\$7,830.00
12238	VERIZON BUSINESS	VERIZON BUSINESS-PD-LONG DISTANCE	7/14/2022	\$7.07
12239	POSTMASTER	POSTMASTER-JUL 22 DELINQ UT BILLS, R/E BILLS AUG 22	7/18/2022	\$325.07
12240	FIRST COMMUNITY BANK	ALL DEPTS-SUPPLIES, PARTS, ETC.	7/25/2022	\$2,106.53
12241	ANDREW LEE	ANDREW LEE-ST-PER DIEM-DEL #619 TO KINGSFORT	7/28/2022	\$15.00
12242	BILLY SHELTON	LINES-PER DIEM-ABG TO PICK UP SUPPLIES FOR SMOKE TEST	7/28/2022	\$15.00
12243	BRADLEY BEAVERS	B BEAVERS-WTP-PER DIEM-PRJ JONAH MEETING TAZEWEILL	7/28/2022	\$98.69
12244	CART	CART-DONATION-22-23 CREATIVE COMMUNITIES PARTNERSHIP GR	7/28/2022	\$10,000.00
12245	CHRISTOPHER MICALE, TRUSTEE	GARNISHMENT	7/28/2022	\$226.34
12246	COLEMAN, BRIAN KEITH	Utility Refund for 605630.00 95	7/28/2022	\$33.24
12247	COLLINS, LINZIE SCOTT	Utility Refund for 11011600.00 93	7/28/2022	\$22.87
12248	EARL COLE INC. DBA-THE VOICE	THE VOICE-1 YR SUBSCRIPTION RENEWAL	7/28/2022	\$50.00
12249	ELSWICK, JOSIE DANIELLE	Utility Refund for 909620.00 95	7/28/2022	\$12.66
12250	ERIC JOHNSON	E JOHNSON-WTP-PER DIEM-PRJ JONAH MTG TAZEWEILL	7/28/2022	\$15.00
12251	FIELDS, ERNEST VICTOR	Utility Refund for 504920.00 96	7/28/2022	\$16.46
12252	GLOBAL EQUIPMENT COMPANY	LITTER GRANT-SANT-2 SLATTED METAL TRASH CAN BODY	7/28/2022	\$1,362.50
12253	GRAHAM, TAYLOR BROOKE	Utility Refund for 404572.00 95	7/28/2022	\$222.94
12254	HESS, DOUGLAS W.	Utility Refund for 10010822.00 97	7/28/2022	\$73.38
12255	JACKSON, ORLISSA L	Utility Refund for 809382.00 96	7/28/2022	\$142.07
12256	JIMMY KEENE, JR.	WWTP-VRWA CLASS 7.21.22 SNACKS, DRINKS FOR CLASS	7/28/2022	\$63.31
12257	LUSK DISPOSAL SERVICE, INC.	LUSK-CVMC HAUL SVC-SANT-JUNE 2022	7/28/2022	\$1,595.08
12258	MAGNUS, BRIAN THOMAS	Utility Refund for 605775.00 95	7/28/2022	\$137.58
12259	MATNEY JR, GARY RANDALL	Utility Refund for 808630.00 97	7/28/2022	\$196.49
12260	MCCARTNEY, BRYAN CHRISTOPHER	Utility Refund for 505160.00 93	7/28/2022	\$40.88
12261	NATIONAL BANK	NAT'L BANK-LOC 39477 INT PMT DUE 8.1.22	7/28/2022	\$4,719.15
12262	NICK DENVER	N DENVER-PD-ACADEMY PER DIEM PIO 305226 (1-5 AUG '22)	7/28/2022	\$260.75
12263	NOAH BROWN	N BROWN-PD-ACADEMY PER DIEM PIO 305226 (1-5 AUG '22)	7/28/2022	\$260.75
12264	PROFESSIONAL MAIL SERVICES, INC.	PMSI-JULY '22 RESIDENTIAL BILLING	7/28/2022	\$361.53
12265	PROFESSIONAL MAIL SERVICES, INC.	PMSI-JULY '22 RESIDENTIAL POSTAGE	7/28/2022	\$1,171.55
12266	RUSSELL, ALFRED C.	Utility Refund for 11011542.00 98	7/28/2022	\$129.37
12267	SAMUEL CARVER	SAM CARVER-REFUND-P/R DEDUCTION	7/28/2022	\$23.97
12268	SPECTRUM BUSINESS	SPECTRUM/WWTP/REC PARK	7/28/2022	\$262.82
12269	STEVENSON, JADEN LAUREN	Utility Refund for 605772.00 94	7/28/2022	\$267.00
12270	STINES, ARMON J	Utility Refund for 505274.00 95	7/28/2022	\$34.02
12271	TAZEWEILL CO PUBLIC SERVICE AUTHORITY	TC PSA-WWTP-LIFT STATION	7/28/2022	\$39.74
12272	TIMOTHY ELSWICK	TIM ELSWICK-WWTP-2 GAS CAN NOZZLES PO WW81783	7/28/2022	\$8.46
12273	TOWN OF RICHLANDS	UT BILL-P/R DEDUCTION	7/28/2022	\$400.00
12274	TOWN OF RICHLANDS	UT BILL-P/R DEDUCTION	7/28/2022	\$400.00
12275	TRAVIS BENDER	T BENDER-PD-7.13.22 ACADEMY PER DIEM	7/28/2022	\$15.00
12276	VERIZON	TN HALL/FIRE/RESCUE/WTP/DTF	7/28/2022	\$340.40
12277	VERIZON WIRELESS	PD/DTF/RESCUE/TN HALL/W/5/E CELL PHONES	7/28/2022	\$1,409.56
12278	VIRGINIA IN HOME PARTNER-VII, LLC	Utility Refund for 1402198.00 97	7/28/2022	\$335.35
12279	VIRGINIA IN-HOME PARTNER-VII, LLC DBA PREFERE	Utility Refund for 1402200.00 97	7/28/2022	\$295.80
12280	LINZIE SCOTT COLLINS	REFUND P/R DEDUCTION	7/29/2022	\$400.00
12281	COMMONWEALTH OF VA-ENERGY ASSISTANCE PR	COV-EAP-REFUND-COOLING	7/29/2022	\$1,424.51
12282	POINT BROADBAND	POINT BROADBAND-DTF-INTERNET SVC PO 305342	8/1/2022	\$69.95
12283	AMERICAN FIREWORKS	FIREWORKS 6.25.22 CONTRIBUTION	8/1/2022	\$1,500.00
12284	TREASURER TAZEWEILL COUNTY	TREAS, TAZ CO-JUNE '22 CONS UT TAX	8/1/2022	\$98.71
12285	COMMONWEALTH OF VA-ENERGY ASSISTANCE PR	COV-EOP-REFUND	8/2/2022	\$86.16
12286	ALLISON, STEPHANIE NICOLE	Utility Refund for 909615.00 95	8/4/2022	\$184.77
12287	BALL, EMILY LAUREN	Utility Refund for 11012444.00 97	8/4/2022	\$90.77
12288	CHARLEY DUPREE	PD-COVINGTON, VA EXTRADITION-PER DIEM PO 305352	8/4/2022	\$88.50
12289	CRYSTAL STANLEY	PD-COVINGTON, VA EXTRADITION-PER DIEM PO 305351	8/4/2022	\$88.50
12290	GILLESPIE, HART, ALTIZER & WHITESSELL, P.C.	GILLESPIE, HART-JUNE 2022 TOWN ATTORNEY	8/4/2022	\$4,582.23
12291	JOSE PEREZ	J PEREZ-PD-BRISTOL 8.5.22, MORRISTOWN 7-12 AUG 22 -TRAINING	8/4/2022	\$299.00
12292	LEAF	LEAF-PD-COPIER IN RECORDS SECTION PO 305350	8/4/2022	\$111.04
12293	MATNEY JR, GARY RANDALL	Utility Refund for 808630.00 97	8/4/2022	\$110.33
12294	MORRIS, ESTATE OF MARILYN	Utility Refund for 404508.00 98	8/4/2022	\$13.63
12295	NOAH BROWN	N HORN-PD-DRIVER TRAINING, MORRISTOWN TN PO 305225	8/4/2022	\$260.75
12296	RICOH USA INC.	RICOH-DTF-COPIER-CONF ROOM PO 305343	8/4/2022	\$43.89
12297	RICOH USA, INC.	RICOH-FINANCE-COPIER-RENT/IMAGES/TONER PO FIN6059	8/4/2022	\$194.97
12298	SEGRA	SEGRA-PHONE SERVICE	8/4/2022	\$2,301.88
12299	TRAVIS BENDER	T BENDER-PD-7.18, 7.25, 7.26.22 ACADEMY	8/4/2022	\$45.00
12300	UVA-VA INSTITUTE OF GOV'T	UVA-INST OF GOVT-ANN MEMBERSHIP 7.1.22-6.30.23	8/4/2022	\$500.00
12301	CLERK, CIRCUIT COURT OF TAZEWEILL COUNTY	CLERK,CCTC- LIEN	8/4/2022	\$2.00
		Total Checks:		\$59,549.45
		GRAND TOTAL		\$59,549.45

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 then 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!

Rodney D. Cury, Mayor

Rebekah Hackworth, Clerk

The Richlands Town Council held a “Regular Meeting” on July 12th, 2022, in the Richlands Council Chambers at 6:52 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-Members of Council, Town Manager, Attorney, Clerk, Staff, and all the citizens that are here, before we get started on our main agenda, I would like to bring your attention as you probably already know that we have two council members who have left us and that is Mike Street and Darrell Addison. I want to extend a hearty thanks for their service and we wish them well in their life away from council. They are still a part of the town. Thank you, gentlemen.

Okay, we have additions/deletions to the agenda which includes the removal/transfer of Consent Agenda item as needed.

John- There are no changes the only thing I will add on roman numeral VIII (I) it should be Off-Road Recreational Vehicle Usage First Reading.

Mayor Cury- Okay are there any other additions/deletions to the agenda? If there are none, I will go ahead and ask if there are anyone who would like to speak in the unscheduled public comments.

Donnie Wade- I would. I signed the sign-up sheet out there.

Mayor Cury- Okay, thank you. I appreciate that. We will add that to the unscheduled public comments. Is there anyone else present who would like to speak? Okay since no one else would like to speak and there are no other additions/deletions to the agenda, I will ask for a motion to approve the agenda as amended.

Jeff- I make a motion to approve the agenda as amended. Seth 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, Seth- Yes. Motion carries -4/0.

Mayor Cury- Next, we have the consent agenda which includes Authorization to pay bills (June), budget amendment #1- transfer from police department budget to drug taskforce budget, minutes- Regular Meeting on June 14, 2022, Authorize line of credit drawdown #22 from National Bank for water treatment plant upgrades (\$4,272.73). Is there a motion to approve the consent agenda?

Jeff- I make a motion to approve the consent agenda. Kristen seconded the motion.

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

Seth- I have a question. On this authorization line of credit drawdown #22 on water treatment plant upgrades, I thought when Rick was here, we were stopping all billing?

John- This is what had been accrued before we put a freeze on it.

Seth- But this says through June 30th.

John- That is probably just when we received it.

Seth- My only point to this is we are not going to get the water plant because we couldn't get the bids, but Thompson & Litton walked away with \$1,000,000 that we are going to have to pay for. So, we spent \$1 million and got nothing. This is just a small point to a larger point, and he said he wasn't going to bill us anymore and then here we have another bill. They are just maxing out their \$30,500, that's all they are doing. However, to my point, I am not going to be here in the next couple months, I am not running, but you guys will be and my only thing to you is to be cautious. It is not okay to spend \$1 millions on a plant that you didn't build. That is not okay. It is our job to make sure that stuff like this don't happen. I was just amazed that no one thought that was absurd when he was in here. Now other people in the community did, because I got phone calls of people who had been involved in politics and stuff. They were just blown away that we spent \$1 million and we have nothing to show for it. We literally have nothing but a bill. The only reason I am bringing this up is because he said he was not going to bill us anymore, yet we have another bill.

Doug- Seth, I feel the same way. Some of the council are not privy to some of this information. Over the past year I have had very little insight on the budget at all, not many councilmen have. The business is being handled by the Town Manager and one or two council members and that is it.

Seth- I suggest robust discussion and a proper RFP, where you get better bids. There are more companies out there than Thompson & Litton. When you spend \$1 million and have nothing to show for it, be cautious.

Mayor Cury- Anyone else have any discussion on this matter? Okay, there is 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- Yes, Kristen- Yes, Seth- No. Motion carries -3/1.

Mayor Cury- Okay, we are moving on to scheduled public comment by Laura Mollo concerning the special election.

Laura Mollo- "262 Linwood Drive. Very quickly to begin, I just wanted to touch on something said in the last meeting regarding the water rates and losing principal forgiveness. Citizens are concerned about losing the funding. So, I reached out to Karen Dorin, the woman on the DEQ funding letter provided to council. I asked if we were in danger of principal forgiveness being rescinded and what would make that possible. This is her response to me via e-mail: Hi Laura, principal forgiveness authorizations are typically not rescinded unless the town decides not to

proceed with the project. Please, let me know if you have any further questions. Now what I really came to speak about tonight is the seat left vacant by Mike Street. Right now, we have a special election scheduled for November 8th for the seat vacated by Logan Plaster. Both Mike and Logan have the same amount of time remaining in their terms which makes it ideal to add the newly vacated seat to the ballot with the current special election. However, to do this you must direct the Town Attorney tonight to do so to meet the deadline. He has to have time to petition the court for this election and would have to be directed to do so tonight. I'm also asking you keep both Mike and Darrell's seats open until the special election. Right now, there's a meeting scheduled on Election Day. If you guys will move that meeting up a week to the next week, the special election winners will take office in November and will be able to be present at that November meeting. Even if you appointed someone tonight, they wouldn't take office until the August meeting because the special election winners take office in November not January, a newly appointed person would only be here three months. I believe it's in the best interest of the citizens to keep the seats open until the citizens have the right to decide who sits on the council in November. I hope you guys will consider what I presented here tonight, thank you."

Mayor Cury-Thank you, Ms. Mollo. Okay, next we have unscheduled public comments. Donnie, would you please come forward and state your name for the record of the clerk.

Donnie Wade- I spoke to you guys' last time regarding the 4-wheelers stickers. I didn't realize you guys were having that meeting earlier or I would have come then. I think we need stuff around here to draw people to come to our town. All the other areas in state are passing us by and our tax dollars are being used for stuff out East and we don't ever see any of it. But if you think and consider passing that, people will take an interest in this area because we are in the mountains, and they would want to come here more. This area has been shunned for some time now. Like I said, join forces with Cedar Bluff on that permit sticker and both share in the cost of it. If people from Jewel Ridge wanted to come in and ride on it they would be required to purchase the same sticker and carry their own insurance and if they got caught without it they would get a ticket. Just because they are riding a 4-wheeler doesn't mean they should be exempt from the law. I just think if you work and pass that, you might see more people wanting to come to this part. It might bring more industry and help the economy too. Thank you very much.

Mayor Cury- Thank you very much, Donnie. Okay, we are now on agenda items- electric system battery storage update: Battery System Presentation and Update and Electric System Discussion. So, John, I will defer to you and I believe we have people online that are going to speak about this as well.

John- Some of you were not on council when we started discussing the potential of an RFP on battery storage and we can use that battery backup for peak shaving to save on the long run. So, I have Alice Wolfe with Blue Ridge Power and Garrett Cole with GDS. For those of you who were not here, to kind of bring you up to speed on what we are looking at. We hope that by next month we will have to make a decision on if this is something we want to pursue or not.

Alice- Thank you all for having us tonight. Just to share a little about Blue Ridge, the primary purpose is to have better economy expand in buying power and negotiating contracts. The agency does not earn any revenue on your power supply. So, whether the council decides to

move forward with this or not it doesn't affect the agency budget either way. There are a lot of benefits to this project, so I would like to urge the council to really think about it. The number one reason we are here are the AEP transmission rates. AEP's transmission rates have quadrupled in last 10 years. It has become 25% of the town's wholesale. This was going on long before the pandemic hit. We have tried several different ways to try and reduce your transmission rates but ultimately, I think one for sure way to help reduce those rates is the battery storage update.

Garrett- Thank you all again for the opportunity to share with you guys. We have a substation in mind where we would place the battery storage. We can fit two megawatt batteries with a two-hour duration. So, we can potentially have four-megawatt battery storage in one area. Many of our members are considering a four-megawatt battery storage with a two-hour duration and Richlands can physically fit about half of that in that substation location. So, the reason that is important is because you will only be getting half of what the others are getting and usually that would have a marked price increase as a result of that but because you are participating with everyone, Richlands has potentially got almost the same price as everyone else is getting. This proposal is supposed to last 15 years in an energy source service agreement. This is not an ownership agreement where we have to be responsible for any type of maintenance. Those services would be taken care of by the owner of the utilities. This service is supposed to come online in the summer of 2024.

Your battery storage benefit can help reduce your transmission rates like Alice said. One point I would like to get across is for every kilowatt hour we are saving double digits in growing rates. It is important to understand that the market for this resource is constantly moving around and we are doing everything we can to lock in the arrangement to keep it so you all can consider. This is an option with no upfront capital outlet. You are getting a pricing that is almost equivalent to those that are participating on a large scale. You will benefit in a pretty significant way like we have described here. I know we have talked a lot about how to handle cost increases and this is one of those opportunities that we have on the table. It is our opportunity to be proactive. We are very supportive of this project and encourage your consideration of it. As Alice said, it is all for the benefit of the customers to reduce their cost. We have other members that are moving forward to save on their cost and it would be wonderful to have Richlands as a part of that as well.

Doug- What does Danville do? What does that look like in savings for them?

Garrett- So, I have indicated that for Richlands for every million dollars spent you have a \$400,000 in net benefits and that could go up. For your larger projects that number will go up to \$600,000 for every million dollars spent. If we were going at this alone, I don't think we would have much of anything in net benefits. Through Blue Ridge and through this economy we are able to have a significant net benefits per million.

Doug- If we had the room, with Richland's size, would we benefit from a 4?

Garrett- Sure, Richlands would continue to benefit, and we would be interested in reviewing that. The problem is trying to find a substation that would handle that. So, right now this is the size we would suggest.

Doug- Could you continue to study that?

Garrett- From a loading standpoint it is something we can consider, but from a physical standpoint, there are other buildings there, so we can't expand at this time.

Seth- So, there are no upfront costs? What is the payback?

Garrett- You will pay once the project is installed. You will receive a monthly invoice.

Seth- So after installation, Richlands is going to get a bill to start paying this back?

Garrett- Your bill would be \$20,000 a month in invoice for a megawatt project and you will have 40%-50% a month in benefits.

Seth- So, we would need to sign a contract with you all in September to get this project started and we wouldn't get this until summer of 2024?

Garrett- Yes.

Seth- Okay, full disclosure we are talking with AEP and thinking about selling our power system to them. So, if we are needing to make a decision and get back with you by September, I am just trying to line up our timing so we can make a decision which way we are going to go.

Garrett- Understood.

Mayor Cury- So we have some decisions to make and some of our decisions are banking on some information that we do not have yet like with AEP. So, we have our August meeting and our September meeting and then we will need to make a decision on which direction we need to go. I have one question for you, is our participation in this project give any leverage to GDS and those other members of Blue Ridge power? Do we carry some weight in this bargaining?

Garrett- Absolutely. The more participants that we have in place helps us to hold the deal in place and also achieving the best possible rate.

Mayor Cury- Okay, last call for questions?

John- Okay, to wrap this up, I need some directions on what you guys want us to do. We are looking at selling it and we are also looking at investing in it. Do we need to put more pressure on AEP to get back with us on a decision? Because if they are not going to buy it then we need to look at other possibilities. We are also looking at the possibility of going solar. We have some big decisions to make in the next couple of months.

I think Seth or myself need to reach out to AEP and put some urgency behind it so we can move forward quickly.

Doug- I think we need to pursue both of them.

Seth- I agree and I will reach out to Mary tomorrow and let her know that we are looking into other possibilities and figure out what their timeline is going to be on when they could let us know, so we can go through there.

John- If everyone is good with that, I am fine.

Mayor Cury- Okay, is everyone fine with that?

Members of Council- Yes.

John- The next item is John Rife with TACS, and he has to stop at 8:00. So, if we could jump right into that.

Mayor Cury- Okay, let me just say thank you to Alice and Garrett for coming on and speaking with us tonight. Okay, go ahead John.

John Rife- I apologize for the quickness of this. I really appreciate you guys having me tonight.

My name is John Rife, and I am originally from Grundy if the name hasn't given it away. I work with Taxing Authority Consultants Services. We do collections work for government entities and that is all we do. We just handle collections work for local governments throughout Virginia. Right now, we have about 105 governmental clients. We represent all the counties surrounding Tazewell County. I think Tazewell County does their own in-house tax sales with the county attorney. We have been doing this work since 2006. We get paid based on what we collect at a prorated basis. For real estate litigation that fee is commensurate with the add on provision under Virginia code which allows adding on up to 20% of the delinquency. If we have to move on into litigation it's 25%, but those fees are paid by the taxpayer not by the locality. Imagine when you're in real estate litigation, there are certain costs involved with that such as title searches which we hire local title company to do the searches and service of process if they're outside of the county. Those costs are added on to the bill and are collected first from the delinquent taxpayer or through those sales. Those are the only costs that we bill on a monthly basis but then we also pay those back to our clients first before anything else. We have several attorneys that work with us, and I think a little over 100 employees that work with us as well. We try to focus on collections on the front end to try to avoid litigation. I am not sure how familiar the council is with this process, but I am open to any questions that they may have about what we do.

Mayor Cury- I have a question, do you also collect other type of debts that are owed to the town?

John Rife- We do. Personal Property is our other large portfolio that we collect for localities. Business licenses, taxes, utility, those are fair bank collection practices. So, those are a little bit more involved, but we do all of that.

Mayor Cury- Okay, thank you. Does anyone else have any more questions?

Seth- So, are you just proposing services? Did we put an RFP out? But we would have to put one out to hire a firm, correct?

John Rife- For legal services, they are actually exempt from the public procurement act, but I will tell you that it is always a good idea to see what else is out there.

Seth- I appreciate you coming and for the information, and this is definitely something that we need to look into especially with the personal property collections. So you currently represent all the counties around us? Like Tazewell and Bluefield?

John Rife- We do not do Bluefield. I think we have a contract with them, we just haven't had any accounts with them.

Seth- If we move forward with this, do we set the parameters on when we need you to collect?

John Rife- Yes, we generally like to have them make a payment in the first 12 months.

Mayor Cury- Any other questions from members of council?

Doug- Did you say you work with Tazewell?

John Rife- We work with the Town of Tazewell.

Mayor Cury- Okay, thank you John. I am sure we will be getting back to you soon with some kind of questions. Have a good evening, sir.

John- Is this something that council would like us to pursue through an RFP?

Mayor Cury- is there a motion to allow our Town Manager to pursue RFPs for collection agencies?

Doug- I make a motion to allow our Town Manager to pursue RFPs for collection agencies. Seth seconded the motion.

Seth- I just want to make sure that we put that out on Electric Virginia.

John- It will be on there.

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, Seth- Yes. Motion carries -4/0.

Mayor Cury- Next on the agenda is discussion on the vacant council seats. Darrell resigned yesterday and we already have a special election coming up for one seat in August. Bryan Earls is here from registrar with Tazewell County, and he will be able to explain the process of another special election and what our options are.

Bryan- So, tonight if council was to direct legal to pursue a second bid of election for the second open seat, we would simply just add that to the ballot. They both expire at the same time. Both seats that are open will expire 12/31/2024. We will run those two elections concurrently. So, you would have one item on your ballot for the three regularly scheduled council seats that are vacant. We will direct the voter to vote for only three on the regular election or general election. Then you would have a separate item on the ballot with the two special election seats where the voter will be instructed to vote for no more than two. The deadline for qualified candidates for the special election will be August 19th.

Mayor Cury- Thank you, Bryan. What is council's wishes on these vacant seats?

Michael- We have already had the discussion on Logan's seat. His seat is already on the ballot. So, this would be to put Mike's seat on the ballot as well.

Seth- We are only allowed to do this because the terms coincide, or you wouldn't normally be able to do this, correct? You would have a fourth column directing you to vote on a council member?

Michael- Correct.

Mayor Cury- Is there a motion for the attorney to direct the court?

Doug- I make a motion to allow counsel to file a writ for election with the Circuit Court for the special election. Seth seconded the motion.

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

Seth- I would just say, I think it makes sense to do this. I personally think, given our recent turnover of people just up and leaving that we should wait and not appoint anyone to these seats. I don't think you have time to appoint someone and let them get trained and be gone in 3 months.

Mayor Cury- I think that is a good thought. Any other discussion? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes, Seth- Yes. Motion carries -4/0.

Michael- Okay, we have that ready to go, we just need that portion of the minutes to attach with that as well. I just wanted to let you all know that you have 45 days from when Mike and Darrell both resigned to appoint someone if you all change your mind. After the 45 days then it will be out of council's hands, and you would have to wait on the election.

Seth- Thank you, that is good to know that if something came up and we needed someone, we could appoint them at our next meeting.

Jeff- Seth, my only question was about ordinance and if we had to pass them. What is the correct number of voting to be able to pass them?

Michael- Ordinance and resolutions have to be a 4/0 vote, so they would have to be unanimous now to be able to pass. If someone is going to be gone at our upcoming meetings, then you would not have a quorum and not be able to conduct business.

Jeff- I think that is a huge concern.

Mayor Cury- It is a huge concern, so I will ask council their thoughts on this matter.

Doug- It is only three months.

Seth- Another thought, if one of us had to abstain, we wouldn't be able to because then there wouldn't be enough to vote.

Mayor Cury- I also want to add this, by the charter, then someone abstains, their abstention has to be approved by the council.

Seth- Okay, so we have three seats open in the general election and Bryan, how many qualified candidates do you have for those three seats?

Bryan- We have three qualified candidates for those three seats.

Seth- So, those three people are going to get elected in November. So, what you could do is go ahead and appoint two of those three people onto council.

Jeff- Sure, if they are willing to do it.

Mayor Cury- I will share this with you, I had two ladies call me and express that they have never thought about being on the council before, but they are very concerned with two of our councilmen quitting. I am in no way judging them. Every man has to do his own thing and make his own life decisions and that is not for me to judge. People are really concerned for our town and we all just want to see it succeed. I do not want to put those two names out there. I just think we need to think about it and maybe have more discussion in our August meeting. Jeff, do you have anything you would like to say?

Jeff- I think the appointment of a full council would be in order here.

Doug- My thoughts are what Seth said. The town is in trouble. Why couldn't we appoint two people that are for sure going to be elected in November and let them hit the ground running.

Seth- I just think it is a unique situation and you will not be giving anyone an advantage for them to only serve for three months. So, the three candidates are Laura Mollo, Jan White, and Rick Wood. I don't want to speak for my mom, but if I had to guess I would say that she would want to wait until November to serve and us appoint Laura and Rick.

Mayor Cury- If it is appropriate to council may I ask the two candidates their feelings?

Council Members- Yes.

Mayor Cury- Ms. White?

Jan White- I wouldn't want to take the appointment while my son is still on the council. So, I will wait until November and let the other two go ahead and serve.

Mayor Cury- Okay, thank you. Ms. Mollo?

Laura Mollo- My idea was to keep the seats vacant, but if council feels it is best to appoint people to those seats, then I will take the seat.

Mayor Cury- Okay, thank you. Pat can contact Rick?

Pat McClanahan- I will go call him.

Jeff- I make a motion to appoint Laura Mollo to the vacant council seat. 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, Seth- Yes. Motion carries -4/0.

Mayor Cury- Ms. Mollo, congratulations. You will need to take all measures to be sworn in so that you can serve as quickly as possible.

Laura Mollo- Thank you all so much.

Jeff- There is no crying in council, okay? You only cry after the meeting, alone and in a closet. I am just teasing with you, congratulations.

Pat- Rick said yes, he will serve.

Doug- I make a motion to appoint Rick to the vacant council seat. Seth 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, Seth- Yes. Motion carries -4/0.

Mayor Cury- Please tell Rick congratulations and that he should make all haste in getting ready to serve.

Next on the agenda is the Town Council 2022-2023 Meeting Schedule. John, you were talking about moving the November 8th, meeting?

John- So, this is basically the same calendar days that we used last year, and we do have the two extra days in there for possible budgeting purposes. The only thing that I foresee being a problem is the November 8th election. So, I would like to look ahead and change that. I would say the 7th or the 1st.

Mayor Cury- What would council like to do?

Doug- Why are we setting the dates now? Why can't we wait until we have full council present?

Mayor Cury- Doug, I don't disagree with you, and if these dates will not work with the new council members, we can change them then.

Jeff- I make a motion that we approve the Town Council Meeting Schedule with the change of moving the November 8th meeting to November 1st. Seth seconded the motion.

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

Doug- I just disagree with adding the extra days for the budget. I think you should have a lot of thought going into the budget, not add extra days so you pass the budget quicker.

Seth- I don't think that is the intent of what is going on here, Doug. This doesn't mean you are going to have these days; this is just to plan ahead in case we would need them, and you would already know to mark it on your calendar that you are going to have a meeting that day.

Doug- I just disagree. I think they are trying to short circuit the budget to where they can pass it whenever they want to. That is what it is put in for and that is what it has being used for this year.

Mayor Cury- Okay 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, Seth- Yes. Motion carries -3/1.

Mayor Cury- Next item on the agenda is Economic Development Department Discussion. We have in our packet a revised description. Does anyone have anything they would like to say about this?

Doug- With our budget, we are over a half of a million in the hole. I do not think we should be adding more personnel to the drag the budget down, when we can rely on the county to do a lot of these things for us. I think we need to put a freeze on all hiring until we get the budget under control.

Seth- I will say that since our last meeting, we have had some turnover rate and we do have more members coming on. I think we should wait until they come on and get their input on what they think.

Mayor Cury- Does anyone else have anything else they would like to say?

Doug- We just lost \$1 million in the budget, and we have to pay it back with nothing to show for it. We can't keep doing this. I think we need to take a vote to freeze all hiring until we redo the budget.

Mayor Cury- Okay, council we have a suggestion to freeze all hiring and we have a suggestion to wait until other members of council come onboard to add their thoughts on this.

Kristen- I agree to wait so the other members can have a vote on what their thoughts are on this matter.

Mayor Cury- Jeff, what is your thoughts?

Jeff- I have tossed several ideas around. We had a person that did this job and they left and took another job, and some people are wanting that person to come back to do the job they left. However, I don't think that we really need someone to do this job. I think we need to look at alternative ways to get these things accomplished if we are not going to hire someone. Is this something that the staff can handle? Obviously not, if they are looking to hire someone for this job? This is not an easy decision to make. Part of this is the council trusting the Town Manager in knowing what our town needs to move forward smoothly. I am not there every day to know what they need or don't need. We are only here once a month, just sort of listening. If they are needing someone in here to help them out and help things run more efficiently, then yes, I am fine with that. But what cost does that bring to the citizens that we look out for? I am fine with waiting because I think this is a discussion that we need to keep having.

Mayor Cury- So we have three council members who are fine with waiting on the two new members to have a say in this and one council member who wants to freeze the hiring. So, we have a consensus to wait on the two new council members.

Seth- Have you guys made any progress since our last meeting on the grants?

John- We did have a meeting with a consultant to take on the architectural engineering the first portion of it- the planning side.

Mayor Cury- This is for the downtown revitalization?

John-Yes.

Seth- Just please continue to update us on this.

Mayor Cury- Okay, moving right along. Next is the utility rate schedule update, John?

John- At the last meeting, we had the rate schedule up to be approved with the water and sewer rate increases and council voted to hold off on that at this time. You all asked me to pull those documents and do some research and the more I look, I realized it was going to be very hard to find those answers in those documents. Because they are not going to say if you have a pandemic and hold off on this project, then this is what is going to happen. So, I reached out to the three organizations that have a say, and that is DEQ, DEH, and VRA. I just wanted to get their input because they are the one that are going to say, "yes, we will be fine with that" or "no, that is going to be an issue." I have heard back from one of them, so I am just waiting to hear back from the other two. If they are fine with it, then we will hold off another year and closer till time to work on the budget, we will really dig into those documents again. We really don't have to do anything with them for a year if they are fine with us holding off on them. Whichever way they decide I will let you all know.

Mayor Cury- So, you will be able to give an update to that at our August meeting?

John- Yes, if not before.

Mayor Cury- I attended a meeting in Bluefield, and we had a very vibrant discussion. It is a complex thing, and we are not trying to avoid 911. My brief understanding is for us to incorporate 911 more directly into the community. I really think we need to keep our station open because I think it is very important, and it is in a very open and familiar place. People do go there seeking comfort, peace, and protection. So, this is just my opinion and I think we really need to leave our station open. Kristen or Doug, do you all have any thoughts on this?

Doug- I thought it should be left to the new council coming in. I disagree with your statement. They can have someone there in 2 minutes.

Kristen- There is no way to guarantee that.

Doug- Well, I am not going to argue with you. They can have someone there in 2-3 minutes. That would be up saving \$400,000. We are paying \$600,000 to Tazewell County to a service that we can't use fully. We can save \$400,000 to our half million in the hole with the budget. The only dispatch center in the state of Virginia is Richlands. Why is Richlands any different, because we are not smart enough to have gotten rid of it 5 years ago, so we could have saved all that money.

Mayor Cury- Thank you, Doug. Kristen?

Kristen- I have talked to several people about this and there are a lot of differences from the way we do things here and the way they do things in Bluefield. They have never had walk in traffic at their PD. At most they have had 2 a day. On average we have somewhere between 10-12 a day. I think our community and citizens are used to having that available. Another thing that was brought up by Chief Brown (with Cedar Bluff) was they use our station as well since theirs isn't open at night. It took me 5 minutes to drive from here and there is no way you can guarantee that. If someone is chasing me and I am having to be on the phone to call someone to meet me there, my attacker is going to have a lot of time to kill me out on the front steps. I don't know if

any of you all have ever had events like that happen to you, but I have and I was very thankful to have a police station to walk into. I can tell you that Bluefield said their net savings was about \$80,000 a year. They are open 7 days a week, 10 hours a day, with one dispatcher and that was their only savings. We would also have to find somewhere else to do our community events and for our warming shelter. Another concern that Chief Brown had was that they have a lot of communication issues, and they have a lot of delays. Which that can happen anywhere. I am just very partial to 911. When you call, they can slam that right up on the board and map you right out. I think that is the technology of the future. However, in that same regard, I think there are safety issues for the officers involved because of the communication issues. There will also be safety issues for our citizens if we lose that. Cedar Bluff said 60% of their traffic is walk-ins down here to our station. I think that is a pretty significant number of traffic they will lose as well. When you are looking at cost savings in the government, and you close that station, it is not really going to be money that you save. That money is going to be allocated for something else. So, you are not really saving that money, and at what price to your citizens and the safety of our community and officers. So, I think there is a lot of things that need to be thought out. I think we need to try to figure out how to do this in a controlled away and have the best of both worlds. Keep our station open and let them dispatch from 911 so you have all that equipment and then if you wanted to call the police station there will be a number for that, and someone will always be there.

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

Seth- I just have one question. Why do we have to close at night? How many officers do we have at night?

Mayor Cury- It has just been suggested and I can't even remember by who, but that we could save our money by closing down at night.

Doug- I don't think we intended on closing down at night, because we have police officers that work at night, and it can be opened anytime.

Seth- Okay, because that makes no sense to close it. We have police officers on duty, and I know they could be on a call or something. I don't see an issue with it as long as we keep the police station open, and they could have a phone there to call a police officer that is on duty if they needed one.

Kristen- There are two police officers, and they are not allowed to leave the lobby of the police station unlocked because of the evidence and stuff in the back. It would have to be locked at the front door.

Doug- There has to more than two officers there at night. I see all kinds from my parking lot.

Kristen- Chief Gilbert is it not two officers at night?

Chief Gilbert- Yes, especially right now where we are short staffed.

Mayor Cury- Jeff, do you have anything to say? I have a suggestion, myself. Obviously, public safety is our number one priority, and we can't put a price on that. I think we should do some

more research and talk to some people and when we have a full council, discuss it again and get everyone's opinion about it.

Next on the agenda is the zoning request given by Randy Smith. I just want to take a minute and say that Randy has faithfully served on the Planning Commission for quite some time, and we appreciate him very much.

Randy Smith- On Public Hearing #1- the Mobile Home Park, the Planning Commission's recommendation was to issue a Conditional Use Permit unanimously to the owners of this Mobile Home Park. Next on the Subdivision #2, we recommend to allow Mr. Dunford to subdivide this property. That was also a unanimous vote. Now, the recommendation on the Drug Rehab Added Use #3 is to allow the council to conduct the First Reading tonight. However, not to use an emergency order to dispense of the second reading. This would allow the Planning Commission more time to discuss and get more depth on what we have going on. We also want to know how the general population is going to respond with it. Fortunately, on the Off-Road Recreational Vehicle #4, we do not have to respond because that is up to council. At our next meeting, we will discuss #3 and we will get back to you all on what our recommendations are.

Jeff- I make a motion to extend the conditional use permit for the mobile home park. 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, Seth- Yes. Motion carries -4/0.

So, John, you can move forward with that with these people.

Next, we have the subdivision request by Mr. Dunford.

Jeff- I make a motion to allow Mr. Dunford to subdivide his property.

Mayor Cury- Jeff, hold on just a second. Since we are not sure if he is talked about double wides or mobile home, so would you guys like to have what he is actually requesting in writing?

Members of Council- Yes.

Jeff- Okay, I resend my motion to allow Mr. Dunford to subdivide until we have it in writing on what he actually is wanting.

John- I just feel like we are over complicating this a little. All he is asking for is to subdivide the property. If he wants to put the mobile homes up there, he would have to get the zoning permit in place. I feel like we are combining it all into one. All we need to decide is if we care for him to subdivide? Does that have a negative impact? Not really but later if he wants something different out there, he would have to go through the whole zoning department processing.

Mayor Cury- Okay, that makes sense. I'm glad you said it. Okay so does someone want to put that into a motion again?

Jeff- I make a motion to allow Mr. Dunford to subdivide the property on Birmingham Road. 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, Seth- Yes. Motion carries -4/0.

Mayor Cury- Okay, next we have the zoning Added Use First Reading of the Drug Rehab, O-2022-07-01.

Michael- So, this is the same thing we just went through with the subdividing. This is just to add hospital/special care with a conditional use into zoning. So, this does not mean that if you pass this ordinance that somebody is able to move in and put something like this in.

Seth- They haven't even made the application yet.

Kristen- That was one of the concerns though was if we had to change it for the whole area or just that one small area.

Michael- Right. So, I think that's why the Planning Commission wants to add more time to look at that.

Seth- So, we could do the first reading, and they can make amendments or whatever they need to do later.

Mayor Cury- Okay, so should we have a first reading and who would like to do that?

Kristen Thompson-Whitt conducted the First Reading of O-2022-07-01. Zoning Added Use of Drug Rehab.

Mayor Cury- Okay, and Jeff has suggested that we have another public hearing about this and have the Planning Commission be a part of that as well. Does that work for everyone to have a public hearing at our next meeting and start it at 5:30pm?

Members of Council- Yes.

Mayor Cury- Moving on to the Off- Road Recreational Usage First Reading. Who would like to read this?

Jeff Hurst conducted the first reading of Ordinance O-2022-07-02.

Kristen- I have a couple questions. This one part on the back says, "operators should be licensed drivers or accompanied by a licensed driver who is either occupying the same vehicle or occupying another vehicle within a prudent distance." What does a prudent distance mean? That is very vague. So, we are going to have unlicensed drivers on our town roads.

Seth- I don't think that is the intentions. If you are driving on the trails, you do not have to have a driver's license. I am not saying that you won't have people doing this because you will, but like if I am coming from Charlotte and I have three ATVs and I am needing my kids to drive one of the ATVs so we can all go eat in you all's restaurants. Sure, you are probably going to have a few bad apples, but I do not foresee this being a problem, and the licensed driver have to be right behind them just like you do when you have a motorcycle learning permit. I guess the police officers would decide what a prudent distance is.

Mayor Cury- So, I just want to make sure I understand. We can have unlicensed drivers, kids that may not even have a learner's permit driving on our streets with mom and dad in the car behind them?

Kristen- I am just very concerned about this, because I am thinking about how noisy our ATV is and you wouldn't be able to holler at the person next to you to tell them to stop or anything. We are going to have unlicensed drivers that don't even know how to drive in our town, and they wouldn't be able to hear us holler at them to try and help them. We have always changed out and allowed an unlicensed driver to drive on the trails and then changed out and had a licensed driver drive in town. If the police chief is okay with this, then I will stop. I am just concerned about this. Also, who's insurance covers this if those unlicensed drivers hit a car and wreck? Is the Spearhead Trails insurance going to cover that?

Michael- They do have to get a permit from the SRRA. So, that insurance question would be answered through them.

Seth- From what I understand the Spearhead Trails are taking on the responsibility of the insurance.

Mayor Cury- Maybe this is something Rick can clarify as a member of council when he comes on board.

Kristen- I really don't want to hold this up. I was just really concerned about this.

Mayor Cury- I understand it now. I am just concerned.

Kristen- I have a suggestion, we could say that in town it has to be a licensed driver. If that is something that the council wants.

Michael- That is correct. If the town wants to make this stricter then they have the ability to do that. One example would be the maximum speed for the State is 35 mph and Cedar Bluff had theirs maxed out at 25mph.

Seth- I am just looking at this from economic standpoint if I came in and had people with me and we wouldn't be able to go to Richlands and eat because only licensed drivers are allowed to drive on the town roads. I don't have a problem with it since it is at such a low speed, and it is very supervised.

Heather- If you are going through town, you are not going to allow your 15 or 14-year-old to drive one of these things without having a licensed driver anyways. Sure, it is probably going to happen, but people pay a lot of money for these vehicles, like they can cost over \$20,000 and they are very safe vehicles. They are almost impossible to turn over. So, I just don't think people are going to allow their inexperienced kids to drive something that cost so expensive. Most of the ATVs have a safety feature that if you are not wearing your seat belt, it will not let you go over 15 mph anyways.

Mayor Cury- Okay, I appreciate that. Thank you, Heather.

Seth- Can we pass this tonight as an Emergency Ordinance?

Michael- Yes.

Kristen- Can I make one comment, please?

My other thought was can we put something in there about allowing these vehicles to be out after daylight hours for festivals and town sponsored events, like fireworks?

Michael- The State Code only allows daylight hours.

Seth- I make a motion to dispense of the second reading of Ordinance O-2022-07-02. 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, Seth- Yes. Motion carries -4/0.

Michael- Also, before we pass this Ordinance, did you want to keep the speed as 35mph like that is in the draft ordinance or did you want to change that to 25mph?

Members of Council- Change to 25mph.

Seth- I make a motion to pass this Ordinance as an Emergency Ordinance with the one revision of 25mph instead of 35mph. 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, Seth- Yes. Motion carries -4/0.

Mayor Cury- Okay we are now on the IDA appointments. John, did you have someone in mind?

John- Yes, the IDA has recommended Brandon Buskill to serve on the IDA Board.

Jeff- I make a motion to appoint Brandon Buskill to the IDA Board. 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, Seth- Yes. Motion carries -4/0.

Mayor Cury- Now, we are on Town Manager reports. John.

John- Okay, I have a couple things. We put the year end reporting contract out for bids. This is something that our staff was able to do in the past. We no longer have staff here to perform that role for us. So, the auditors started on the audit, but we'll need the year end reporting to be done as well to finish out the audit. We put it out for bids, but the bids didn't come in from the organizations that we felt comfortable with and at a price we thought was reasonable. So, we rejected all bids, and we will be putting it back out for bids. So, it may end up putting our audit being completed a month behind when we would normally have it done by.

Under miscellaneous, we had two events coming up that I wanted to get some direction from council on. I spoke to Jeff on both of these, we have Kids Day coming up. We started this last

year, and the PD and Fire Department were really involved in that, and it has become a town sponsored event. We had it at the Rec Park. We helped with the finances and council approved to close the pool on Saturday and allowing a free kids swim day. So, I wanted to get some direction from council on it. Would council like to do this event again?

Mayor Cury- Is everyone good with having Kids Day? Let's have a motion to allow Kids Day or not.

Jeff- I make a motion to support Kids Day and all the activities that go along with it. 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, Seth- Yes. Motion carries -4/0.

John- The next event is called Rock the Clinch, and this is an event that Jeff is heading up. They have requested that we use some of our downtown event money to pay for the porta johns. This would be our way of supporting the downtown event.

Kristen- I make a motion that we support the Rock the Clinch by providing the requested porta johns. 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, Seth- Yes. Motion carries -4/0.

John- The last thing I want to give an update on is we applied for the grant on the EMS Unit and Matt is here to give an update on that.

Matt Whited- "I want to say thanks to the Town Council, Mayor, Town Manager for allowing me to speak this evening.

July 1st Richlands Fire-Rescue was awarded RS&F Virginia office of EMS Grant 80/20 funding for 2022/2023 Ford F-450 Ambulance. It is 4-wheel drive with power COT, load system, mobile radio. The total grant project is \$351,055.55. RSAF Grant is going to pay \$258,470.04 and the town/county is going to pay \$92,585.51. We are in the process of the Virginia contract/procurement to order this, and it will take 18-24 months for build and delivery. This ambulance will replace an older 2010 Chevy Ambulance #555 with higher miles and issues.

This is great news for Richlands Fire/Rescue. This is 21 Grants in the last 17 years that we have been awarded, totaling \$1.4 million.

I also have a grant turned in "Two-Virginia's Community Foundation Grant." It is a \$10,000 grant. I have applied for 4 vehicles repeater radio packs for the ambulance units.

In September, I plan on applying for another Virginia Office of EMS grant 80/20% for 5 Motorola APX mobile radios, and 10 Motorola APX portable radios for rescue to replace our current 14-year old ones. This will be about a \$55,000 grant project."

Mayor Cury- Thank you, Matt. Congratulations on getting all of this for the town.

John- That is all I had.

Mayor Cury- Okay I have one thing before we move on. Seth suggested that we go into closed session because we have an update that we need to discuss with our attorney. Would you all like to go into closed session now or wait until the end?

Members of Council- I think we should wait until the end.

Mayor Cury- Okay, we have Council Member's reports. Kristen, do you have anything you would like to say?

Kristen- No, I think I already gave mine with the 911.

Mayor Cury- Okay, thank you very much. Seth?

Seth- Two things: my baseball team leaves this week for state tournaments. We were district state champions. They only lost one game this year. I am very proud of them.

My second thing is, I read Darrell's letter and I read Mike's letter. I can't control what anyone else does or what they think or anything, but Mike said something to WVVA and I just want to address that. He said that "Dark times were ahead for Richlands and this council" and I just disagree with that. I've been in politics for a long time. I've served on the Board of Supervisors, and now the Town Council and robust discussion is the most important thing that you can have in a democracy. It's important to have disagreements and they are okay. I think things have changed in the last few months. I'm not saying it's me, but since I've been on this council, I do believe things have gotten better. I just wanted to come and talk to you all because I saw people disagree about things and they were just angry at each other to the point that they left here mad. It went on Facebook, and it just continued, but I've never treated politics that way. When I first went on the Board of Supervisors, it was very much the same atmosphere. We had some members who had been on there for many years and were set in their ways and everything they wanted had to be a fight, but I don't come here with this attitude that if Kristen disagrees with me or Doug does or Jeff does or you Mr. Mayor, that's okay. I can talk to you, and I'm not mad. If we don't agree on everything and this notion that if you don't get your way and you quit and you take your ball and go home that the whole town is going to fall apart? That really bothered me. So, his comments that "Dark times were ahead," the only reason I'm even mentioning that is because I think Mike did a lot of good things from town and I think his heart was in the right place most of the time, but that really bothered me, and I just wanted to take my moment tonight just to let you know that I don't think dark times are here for the town. I think this town is very resilient. I think we do have some budgeting problems. We have issues just like any other town in the State of Virginia. I think it gives us an opportunity to work together to build a better town and to come out on the other end of this in a much better life. I appreciate you guys, but you know I'm very proud of Richlands, and I know you are. I know everybody up here is and I just took offense to the fact that we're just going to crumble but also you can have a disagreement, just don't quit, take your ball and go home. You can always win. It's politics, you don't always get what you want. That is all I have for tonight.

Mayor Cury- Thank you, Seth. Okay, Doug?

Doug- I am glad you addressed that because I was going to as well. What I would say that it is a new beginning for Richlands. I think, Seth, that the council has been better since you came on and I think it is going to continue to get better after the new council comes on. It is a new beginning for Richlands.

Mayor Cury- Thank you, Doug. Jeff?

Jeff- I would like to congratulate all the Little League Teams. I think we have three teams this year going to state. I also wanted to give you guys a quick update with the Rec Commission. I would like to thank the Rec Commission for hosting the swim with a Mermaid on June 27th. That was a wonderful event. We also had a great turn out for Summer Fest down here at the police Department. Thank you all for coming and thank you to Ramp-Up Richlands and Andrea Perkins for all their hard work.

Mayor Cury- Thank you, Jeff. Now for Mayor's comments, and mine are brief. We were all speaking about Richlands and its future, but my comments are recorded in the minutes from last time. We all love Richlands and are very proud to be a part of it. I wanted to comment on Ramp-Up Richlands, we had an event at the Section House and were about to dedicate the patio. I want to personally thank everyone who had a part in that and for coming. I also want to thank Clinch Valley Medical Center, Peter Mulcy for providing the food. I also want to thank Kim Santolos and her flower shop and greenhouse for providing the flowers for us. I also want to thank everyone here for being a participant in this government process.

Mayor Cury- I will now entertain a motion a go into closed session so we can speak with our Attorney.

Jeff- I make a motion that we go into Executive session pursuant to section 2.2-3711(A)(8) consultation with legal counsel concerning maladministration of local government. 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, Seth- Yes. Motion carries -4/0.

Mayor Cury- Council is now back in session. We need a motion to come back in session and in so certifying that we did not discuss anything except section 2.2-3711(A)(8).

Jeff- I make a motion that we return to regular session and they we did not discuss anything except section 2.2-3711(A)(8). Seth 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, Seth- Yes. Motion carries -4/0.

Michael- I just need some direction on what we discussed.

Mayor Cury- We have received word from the Attorney General regarding the request from Morgan Earp. We have asked our Attorney to send a copy of the Attorney General's response to Morgan Earp in a letter and copy all the council and our Town Manager.

Michael, would you briefly like to tell everyone what the Attorney General suggested?

Michael- I will be sending Morgan a letter but he basically said that it is his suggestion to vote ever how they feel fit in the upcoming election.

Mayor Cury- Okay, anything else council? I will entertain a motion to adjourn.

Seth- I make a motion to adjourn. 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, Seth- Yes. Motion carries -4/0.

Adjourned!!

Rodney D. Cury, Mayor

Rebekah Hackworth, Clerk

Memo

To: Mayor and Town Council
From: John O'Daniel, Town Manager
Date: 8/4/2022
Re: Utility Rate Increase

At the council meeting in June Council voted to delay the WTP and WWTP improvements for a year due to the current construction market. Council also voted not to increase water and sewer rates since the projects were to be put on hold for an additional year.

I was asked to provide the data and documents that supported the reasoning behind the proposed increases and determine how or if the delay in increases would impact our funding and grants for the two projects.

After reviewing the documents, they could not answer these questions, so I reached out to DEQ (WWTP funding) and VDH (WTP funding). DEQ did not have an opinion on the decision to delay and differed to VRA for direction on how to move forward (email attached). I reached out to VDH and they did have an issue with delaying the rate increases and I have attached their email as well.

I have held off reaching out to VRA till I heard back from DEQ and VDH and I was able to discuss this with you all. Since the project cost is expected to increase above the original approved amount VRA will need to review the new figures before the projects can move forward.

John O'Daniel

From: Doran, Karen <karen.doran@deq.virginia.gov>
Sent: Monday, July 11, 2022 4:50 PM
To: John O'Daniel
Cc: Cornett, James; RICK CHITWOOD (rchitwood@t-l.com); Heather Perry; Shawn B. Crumlish; Joseph Bergeron
Subject: Re: Richlands WWTP Upgrade Project

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Hi John -

We have no opinion on the rate increases and we would defer to any direction or suggestions provided by Virginia Resources Authority on this.

Let me know if you have any other questions.
Thanks!

Karen M. Doran

Clean Water Financing and Assistance Program Manager
Virginia DEQ | karen.doran@deq.virginia.gov | 804.836.5912 - new
www.deq.virginia.gov/water/clean-water-financing

On Mon, Jul 11, 2022 at 3:07 PM John O'Daniel <jodaniel@richlands-va.gov> wrote:

Karen and James,

I am not sure who could answer this question, but thought I would send it to both of you.

Since the WWTP project has been put on hold for a year Council choose to hold off on the planned rate increase. Does DEQ have an issue if we plan to resume the necessary rate increases when we re-start the project?

If possible I would like a answer so I can have a simple discussion with council on how to move forward.

Thank you,

John O'Daniel

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John O'Daniel

From: Ward, Kelly <kelly.ward@vdh.virginia.gov>
Sent: Wednesday, August 3, 2022 11:33 AM
To: John O'Daniel
Cc: Rick Chitwood; Keith Kornegay; Shawn B. Crumlish; Joseph Bergeron
Subject: Rate Increase

Follow Up Flag: Follow up
Flag Status: Flagged

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Hello Mr. O'Daniel,

Thank you for your recent inquiry regarding approval to delay raising rates, based on the Council's decision to delay the construction project. As previously stated, the initial rate increase was only part of the funding package. There were to be three (3) rate increases, executed over three (3) years in order to meet the recommendations of the rate study, offered by Carl E. Brown. The Town committed to these rate increases and they were scheduled to take place on July 1 in 2021, 2022 and 2023.

In the letter from Mr. T. Taylor dated 19 Nov 2020, the new rate for 3,528 gallons would be \$50.58 (water \$21.63 & sewer \$28.95) but if we allowed a 50/50 split, it worked out to be \$25.29 each. DWSRF standard practice is to require the water rate to meet or exceed \$25.17, which was 1% of the MHI at that time. It is important to note that this first rate increase **ONLY** provided principal forgiveness to the project. Separate from the principal forgiveness calculation, Virginia Resources Authority (VRA) is responsible for underwriting the loan portion of the funding package to evaluate the Town's ability to repay the new loan and existing debt. As part of the underwriting process, the Town will need to demonstrate to VRA that existing and approved rates are sufficient to repay debt service before loan closing.

It is disappointing to learn that this current Council is unwilling to adhere to the commitments made by the prior Council. Considerable concessions were made by the DWSRF with the understanding that the Town understood the importance of building a strong financial capacity. In light of these changes and the extreme demand on the Fund, it may be in the best interest of the DWSRF to reconsider the concessions extended to the Town. Please note that due to the delay of the project, VRA will still need to evaluate the credit before loan closing. This evaluation will require the submission of the Town's FY 2022 audit if loan closing is not expected by the end of the calendar year 2022. Please let me know if you would like to discuss anything contained in this email. Sincerely, Kelly Ward

--

Kelly Ward | DWSRF Director
Department of Health | Office of Drinking Water
109 Governor Street, Room 630, Richmond, VA 23219
804 864-7201 | kelly.ward@vdh.virginia.gov
<https://www.vdh.virginia.gov/drinking-water/fcap/drinking-water-funding-program>

ORDINANCE NO.: O-2022-07-01
Amendment to Existing Ordinance

TITLE XV: LAND USAGE
CHAPTER 154: ZONING
BUSINESS, GENERAL, DISTRICT B-2
§154.071 USE REGULATIONS

BE IT ORDAINED by the Council of the Town of Richlands, Virginia, pursuant to §§2.4(16), 3.4(7) and 5.7(A)(1) of the Town of Richlands, Town Charter that it hereby enacts the following amendment to Sec. 154.071 “Use Regulations” of Chapter 154 of Title XV of the Town of Richlands, Virginia Code of Ordinances, in order to list an additional permitted use in the Town’s existing Business, General, District B-2 zone:

§ 154.071 USE REGULATIONS. (amended)

In Business District B-2, structures to be erected or land to be used, shall be for one or more of the following uses:

(HH) Hospital, Special Care (with conditional use permit)

(all other uses identified in this section remain unchanged)

(Ord. of 07-12-2022)

First Reading: 7/12/2022

Second Reading:

VOTE:	Hurst	_____
	Mollo	_____
	Ratliff	_____
	Thompson-Whitt	_____
	White	_____
	Wood	_____

Mayor

Clerk

Effective Date *(30 days from passage, unless passed as emergency)*:



TOWN OF RICHLANDS

Job Title: Community Development Coordinator

WORK OBJECTIVES:

The Community Development Coordinator will coordinate activities as a continuing part of the Town of Richlands Revitalization Program, assist with any program or planning needs in the development or promotion of business and community within the Town of Richlands.

FOCUS POINTS:

- Assist administration with aspects regarding community activities, including budget development, record keeping, and report preparation. The Community Development Coordinator will directly report to the Town Manager or designee however he/she must be available to attend Town Council meetings.

- Advise downtown organizations and the local Chamber of Commerce on downtown revitalization activities and assist in promotional events, such as seasonal festivals, as well as cooperative retail promotional activities in order to improve the quality and success of events to attract people to downtown events.

- Represent the Town of Richlands through effective education and communication on the program's directions and findings.

- Assist in the development of community activities related to downtown revitalization issues and in the development of a successful Main Street Program.

- Must have excellent communication skills and be able to establish reports as requested to Town Manager, Finance Director, and / or Council as requested.

REQUIREMENTS:

The Community Development Coordinator will report directly to the Town Manager or Director of Finance. He/she will maintain all records and reports, establish resource files, and prepare regular reports on the programs and or grants that are specific with the development or activities of the Town of Richlands. Effective communication, organization, and Microsoft business knowledge will be required. Be active in the community, work with businesses and/or potential business, as well as work key individuals in other surrounding areas. Other duties as assigned.

****Salary- Based on Qualifications****



Council Letter

To: Mayor Rodney Cury and Members of Town Council

From: John O'Daniel, Town Manager
Heather Perry, Director of Finance

Date: August 4, 2022

Subject: Amendment to Employee Personnel Policies Handbook

Council Meeting Date: August 9, 2022

ITEMS FOR CONSIDERED UPDATES:

#1 – Holiday's (Leave)

Request for an update to holidays, as current policy allows Holidays to be carried over if employee works on said holiday. Employees are currently allowed to carry over (8 hours holiday time) up to 60 days and if not taken employee would lose the (8 hours) holiday pay. We would like to adjust and remove carry over. Additionally, we would like to remove the consideration that holiday hours are considered as hours worked. Going forward any holiday hours shall be paid at regular rate of pay, at the time of said holiday. We feel this change will help employees eliminate possible loss of holiday time and help management with scheduling and overtime.

Please see Attachment #1 for your consideration on Holidays.

#2 – FMLA (Leave)

Request to update language in FMLA Benefit. Currently our policy states that an employee is entitled to twelve weeks of unpaid leave during a 12-month period. And specifically addresses the twelve months to be from January 1 and terminates on December 31, which is calendar year. We would like to request a change to this and remove the stated calendar year with a rolling 12 months, at the direction of VRSA (Virginia Risk Sharing Association).

Please see Attachment #2 for your consideration on FMLA, twelve – month period.

AMENDMENT #1
EMPLOYEE PERSONNEL POLICY
HOLIDAY (LEAVE / COMPENSATION)

Section V. EMPLOYEE COMPENSATION, Subsection B. Hours of Work #1.

- Current Policy: Holiday pay will be recorded as hours worked.
- Request to remove this language from policy.

Continued reference to Holidays and Leave Policies are found in Section V1

Section VI. HOLIDAYS AND LEAVE - Section A. Holidays

Current Policy: When an employee is required to work on one of these holidays, compensatory time off will be given on an hour for hour basis for the hours worked on the holiday. Holidays falling on Saturday or Sunday shall be taken on the Friday or the Monday respectively as announced by the Town. In addition to these holidays, Council may designate other days as Town holidays. Holidays should be scheduled and taken within 60 days of each holiday

Recommendation: To allow the following language as outlined below:

When an employee is required to work on one of these holidays, time off may be granted by Supervisor within that same pay period, otherwise paid at employees regular wage. Holidays falling on a Saturday or Sunday shall be taken on the Friday or Monday respectively as announced by the Town. Council may designate other Town Holidays.

AMENDMENT #2
EMPLOYEE PERSONNEL POLICY
FMLA BENEFIT (LEAVE)

Section VI. HOLIDAYS AND LEAVE - Section D / Subsection #4A

Section D. Leave without Pay Subsection #4 FMLA Benefits -A. Leave

- Current Policy: FMLA Period begins on January 1 and terminates on December 31 of each year.
- Request to Modify this language.

Section VI. HOLIDAYS AND LEAVE - Section D. /Subsection #4A

Current Policy: An eligible employee is entitled to twelve weeks of unpaid leave during a twelve-month period. The twelve-month period begins on January 1 and terminates on December 31 of each year.

Recommendation: To modify the language as outlined below:

An eligible employee is entitled to twelve weeks of unpaid leave during a twelve-month period. The twelve-month period measured as a Rolling 12- month period that will be measured and backward from the date an employee uses any FMLA leave.



RESCUE DIVISION

Richlands Fire-Rescue

1800 Third St. / 200 Washington Sq.

Richlands Va. 24641

Rescue Division Station #2

Station #2 Ph. # 276-329-6065

Fax# 276-963-3569

From The Desk Of:

EMS Director - Rescue Captain Matt Whited

Information for the replacement of the Rescue Captain's Vehicle:

It's a 2006 Ford Explorer PPV 4wd. Bought in 2006 at Sheehy Ford Richmond Va. thru a Virginia Office of EMS RSAF Grant funding 80/20 % which was Total- \$ 25,735.33 State Paid 80% \$ 20,588.27, Town Paid 20% \$ 5,147.06 this vehicle was bought and received thru the grant for a rapid response command vehicle licensed thru the VAOEMS as non-transport BLS vehicle and equipped as such. These grants are far in between received now due to the inappropriate use of these vehicles as in staffing level of training, along with response to Ems calls regularly.

This current vehicle is 16 years old, lot of rust on the frame, and door panels, tire walls the transmission is completely out in reverse you cannot back up this vehicle it has 69,204 miles on it as of July 24, 2022 these are hard miles due to it been an emergency vehicle also the maintenance over the years not performed regular.

We have taken this vehicle to two different shops for estimate on the transmission Jerrys Service Center he's cost would be about \$2,800.00 if he could even find one to fit it and it would take few weeks to complete , we also went to AAMCO Transmission Cedar Bluff he said the cost would be \$ 3,077.00 to drop that transmission and install rebuilt one with 1 yr. warranty that would take a week or so to do. This vehicle having higher mileage, 16 years old, lot of rust, AC issues cooling I think it would be wasted money of the towns to fix this vehicle.

The importance of having this EMS Command / Rapid Response vehicle is to allow the Rescue Captain to respond to Fire & Rescue Calls and provide medical care till the ambulance unit arrives on scene this vehicle is equipped with all BLS medical equipment an ambulance has except stretcher-cot, backboards. Also, multi band radios, vehicle repeater for portable radios to be able to communicate with other departments in the county, MCI-Mass Casualty Kit for incident command.

Replacement cost today for this vehicle: \$ 39,781.00 plus roughly \$ 10,000-12,000 for the emergency equipment upfit, decals, lettering Total: \$ 49,781.00 -51,781.00

Matt Whited 7-24-22
Matt Whited, EMS Director-Rescue Captain

Current # 550
Vehicle
Purchase: 7/2006

SHEEHY FORD of Richmond
Municipal Sales & Service Center
641 Johnston-Willis Drive
Richmond, Virginia 23236

MUNICIPAL SALES ORDER

CUSTOMER #	DATE DELIVERED	<u>7-2006</u>
STOCK #	<u>NT66823</u>	PURCHASER:	<u>Town of Richlands Rescue Squad</u>
YEAR:	<u>2006</u>	PURCHASE ORDER #
MAKE:	<u>Ford</u>	ADDRESS:	<u>1800 Third Street</u>
MODEL:	<u>Explorer XLS 4x4</u>	CITY, STATE, ZIP:	<u>Richlands, Virginia 24641</u>
COLOR:	<u>Oxford White</u>	BASE SELLING PRICE	<u>\$ 22,468.20</u>
TRIM:	<u>Med. Light Stone</u>	Service Manual	<u>\$ -</u>
VIN:	<u>1FMEU72E06UB73025</u>	Installation Fee	<u>\$ 3,265.13</u>
PRIMARY FLEET ID #	<u>QS 035</u>	Easy Care	<u>\$ -</u>
END USER FLEET ID #	Delivery Fee	<u>\$ -</u>
SALE TYPE	<u>3</u>	Temp. Tags	<u>\$ 2.00</u>
SALESMAN:	<u>Bobby Moses # 37418</u>	TOTAL DUE	<u>\$ 25,735.33</u>



RESOLUTION

R-2022-01-01

WHEREAS, the Town of Richlands desires to amend the current Town Charter; and,

WHEREAS, Council has discussed setting term limits on numerous occasions; and

WHEREAS, a public hearing was held on September 14th, 2021, to allow public comment of the proposed Charter Changes; and

WHEREAS, the current Town Charter does not include term limits; and

WHEREAS, Article § 3.2. **Nominations and Elections** of the Richlands Town Charter shall read:

The Mayor and Members of Council in office on the effective date of this act shall serve until their successors have been elected and qualified. Municipal elections within the Town of Richlands shall take place on the first Tuesday after the first Monday in November of each even numbered year and shall coincide with the November general elections. At each such regular municipal election, three (3) Council Members shall be elected for terms of four (4) years each and a Mayor shall be elected for a term of two (2) years. The terms of office for the Council Members and Mayor so elected shall commence on January 1, immediately following such election, and shall continue until their successors have been elected and qualified. The Council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of expiration of the term or removal of any of its members. (2013, c. 519)

1. Each member of Council shall be limited to two (2) consecutive elected terms in office.
2. Time served as an appointed Member of Council shall not count toward the term limit described above.

NOW, THEREFORE, BE IT RESOLVED THAT: The Town Council of Richlands hereby supports this application for a Charter Change be submitted to the Virginia General Assembly.

The Town of Richlands Town Council,

Rodney D. Cury,
Mayor

Attest:

Connie Allen,
Town Clerk

Ayes:	
Nays:	
Absent:	



RESOLUTION

R-2022-01-02

WHEREAS, the Town of Richlands desires to amend the current Town Charter; and,

WHEREAS, council has discussed duties of the Mayor and Vice-Mayor on numerous occasions; and

WHEREAS, a public hearing was held on September 14th, 2021, to allow public comment of the proposed charter changes; and

WHEREAS, the current charter does not clearly explain the roll of Mayor and Vice-Mayor; and

WHEREAS, Article § 3.5. Mayor of the Richlands Town Charter shall read:

The mayor shall preside over the meetings of the council and have the same right to speak therein as a member, and vote only in case of a tie on any matter before council including ordinances and resolutions, but shall have no veto. The mayor shall be recognized as the head of the town government for all ceremonial purposes, the purpose of military law, and the service of civil process.

At the regular meeting of the council held in the month of January following a municipal election, the council shall choose, by a majority vote of all the members thereof, one of their number to be vice-mayor for the ensuing two years. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor, but shall not lose their duties as a member of council including, but not limited to voting. If a vacancy shall occur in the office of mayor, the Vice-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 and the selected member shall not lose their duties as a member of council including, but not limited to voting. (2013, c. 519)

NOW, THEREFORE, BE IT RESOLVED THAT: The Town Council of Richlands hereby supports this application for a charter change be submitted to the Virginia General Assembly.

The Town of Richlands Town Council,

Attest:

Rod Cury, Mayor

Connie Allen,
Town Clerk

Ayes:	
Nays:	
Absent:	



RESOLUTION
R-2022-01-03

WHEREAS, the Town of Richlands desires to amend the current Town Charter; and,

WHEREAS, Council has how ordinances and resolutions are passed on numerous occasions; and

WHEREAS, a public hearing was held on September 14th, 2021, to allow public comment on proposed Charter Changes; and

WHEREAS, the current charter limits Council's ability to act quickly when needed; and

WHEREAS, Article § 3.8. **Ordinances** of the Richlands Town Charter shall read:

A. Except in dealing with questions of parliamentary procedure, the Council shall act only by ordinance or resolution, and all ordinances, except ordinances making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject. Ordinances making appropriations or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively.

B. The enacting clause of all ordinances passed by the Council shall be: "Be it ordained by the Council of the Town of Richlands." No ordinance shall be passed until it has been read at any two (2) meetings (Regular, Special, or Emergency) unless the requirement of a second reading has been dispensed with by the affirmative vote of four (4) of the Members of the Council. No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance, or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the Council, and every ordinance or resolution shall require, on final passage, the affirmative vote of at least four (4) of the members.

C. All ordinances and resolutions passed by the Council shall be in effect at the time set by Council at the time of their passage. No measure increasing a tax or license, or providing for any new form of tax, shall be adopted until notice has been published in accordance with Virginia General Statutes in a paper of general circulation in the town.

D. Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer and the town clerk.

E. Every member, when present when a question is put, shall vote unless excused by the Council. But no member who has any personal or financial interest in the result of any ordinance or resolution before the Council shall vote thereon. (2013, c. 519)

NOW, THEREFORE, BE IT RESOLVED THAT: The Town Council of Richlands hereby supports this application for a Charter Change be submitted to the Virginia General Assembly.

The Town of Richlands Town Council,

Attest:

Rodney D. Cury, *Mayor*

Connie Allen, *Town Clerk*

Ayes:	
Nays:	
Absent:	

Virginia Charters
Richlands, Town of
County of Tazewell

History of incorporation

Charter, 1934, c. 289; repealed 1954, c. 276.

Charter, 1954, c. 276; repealed 1992, c. 271, except § 1.3 (boundaries).

Charter, 1992, c. 271; repealed 2013, c. 519.

Current charter

Charter, 2013, c. 519.

Article I. Incorporation.

§ 1.1. Body politic and corporate; corporate powers.

The inhabitants of the territory embraced within the present limits of the Town of Richlands, as hereinafter defined, or as the same hereafter may be altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Richlands, and as such shall have perpetual succession, may sue and be sued, plea and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure, and shall have and exercise all the powers conferred by and be subject to all the laws of the Commonwealth of Virginia for the government of towns within the Commonwealth of Virginia. (2013, c. 519)

§ 1.2. Form and vesting of government; powers and duties of council generally.

The municipal government provided by this Charter shall be known as the "town manager plan." Pursuant to its provisions and subject to the Constitution and general laws of the Commonwealth, all powers of the town shall be vested in an elective council, hereinafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies, and appoint the town manager, who shall execute the laws and administer the government of the town. (2013, c. 519)

§ 1.3. Boundaries of the town.

The boundaries of the town shall be as set out in § 1.3 of Chapter 276 of the Acts of Assembly of 1954 and amended by order of the Circuit Court of Tazewell County, Virginia, entered on October 31, 1975, found of record in Deed Book 421, page 288, Plat Book 5, page 25, and Plat Card No. 2767. (2013, c. 519)

Article II. Powers of the Town.

§ 2.1. General grant.

The powers set forth in §§ 15.2-1100 through 15.2-1126, inclusive, of Article 1 of Chapter 11 of Title 15.2 of the Code of Virginia as now existing and hereafter amended are hereby conferred on and vested in the Town of Richlands, Virginia, together with all other powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and the laws of the Commonwealth, as fully and completely as though such powers were specifically enumerated herein, and all other powers pertinent to the conduct of a town government the exercise of which is not in conflict with the Constitution and laws of the Commonwealth of Virginia and which, in the opinion of the council, are necessary or desirable to secure and promote the general welfare of the town and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of its inhabitants, as fully and completely as though such powers were

specifically enumerated in this Charter, and no enumeration of particular powers in this Charter shall be held to be exclusive or as a limitation upon any general grant of power but shall be held to be in addition to this general grant of powers. (2013, c. 519)

§ 2.2. Financial powers.

In addition to the powers granted by other sections of this Charter, the town is empowered:

1. To require the owner of every motor vehicle kept or habitually used in town, on a date to be designated by the council, to annually register such motor vehicle and to obtain a license to operate the same by making application to the town treasurer, or such other person as may be designated by the council to issue such license, and to require the vehicle owner to pay an annual fee therefor to be fixed by the council provided that the license fee shall not exceed the amount charged by the Commonwealth on the vehicle;
2. To establish, levy, and collect, except when prohibited by general law, a tax or license on any person, firm, or corporation pursuing or conducting any trade, business, profession, occupation, employment, or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the Commonwealth or not, provided that such license fee therefor shall not exceed the amount charged by the Commonwealth for such license if the Commonwealth requires a license for such trade, business, profession, occupation, employment, or calling, and may provide penalties for the nonpayment thereof, which penalties may include, among other things, the right to prohibit such person, firm, or corporation from pursuing or conducting such trade, business, profession, occupation, employment, or calling within the boundaries of the town unless and until such license shall have been paid;
3. To establish, levy, and collect taxes upon the amount paid for the use of water, sewage facilities, electricity, gas, telephone, or other public utility service used within the town, which taxes may be added to and collected with the bills rendered the purchasers of such service;
4. To establish, levy, and collect a tax on all subjects of taxation not prohibited to it by, nor exempted in, the Constitution and general laws of Virginia;
5. To establish, levy, and enforce the collection of water and sewage rates and charges, and rates and charges for public utilities, products, or conveniences operated, rented, or furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners of the buildings or against the proper tenant or tenants. In the event such rates and charges are assessed against the owner or owners, such rates and charges together with such penalties and interest not to exceed ten percent, as the council may by ordinance prescribe, shall constitute and be a lien against the real estate and buildings in or on which such service is rendered and may be filed in the Treasurer's Office of Tazewell County and collected in the same manner as delinquent taxes are filed and collected; in the event such rates and charges shall be assessed against a tenant, the council may, by ordinance, require of such tenant a deposit of such reasonable amount as it may by such ordinance prescribe before furnishing such service to such tenant. The town shall have the right and power to charge a different rate for water or sewage service rendered or furnished to citizens outside the corporate limits from the rates charged for similar services furnished to citizens within the corporate limits;

6. To charge and to collect fees for permits to use public facilities and for public services and privileges. The town shall have the power and right to charge a different rate for any service, facility, or privilege rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar services to citizens within the corporate limits; and

7. To borrow money, contract debts, and make and issue or cause to be made and issued, as evidence thereof, bonds, notes, or other obligations, within the limitations prescribed by the Constitution, and in accordance with the provisions of the law concerning bond issues by towns, upon the credit of the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of income derived from property, facilities, or services used in connection with any public utility owned or operated by the town. (2013, c. 519)

§ 2.3. Powers relating to public works, utilities, and properties.

In addition to the powers granted by other sections of this Charter, the town is empowered:

1. To acquire by purchase, gift, devise, condemnation, or otherwise, property real or personal, or any estate therein within or without the town for any of the purposes necessary in carrying out any of the functions of the town; and to hold, improve, sell, lease, mortgage, pledge, or otherwise dispose of the same or any part thereof, including any property now owned by the town;

2. To own, operate, and maintain waterworks; to acquire in any lawful manner in any county of the Commonwealth, such water, lands, property rights, and riparian rights as the council may deem necessary for the purpose of providing an adequate water supply to the town and of piping and conducting the same; to lay, erect, and maintain all necessary mains and service lines, either within or without the corporate limits of the town for the distribution of water to its customers and consumers, both within or without the corporate limits of the town and to charge and collect water rates therefor; to erect and maintain all necessary dams, pumping stations, and other works and connections therewith; to make reasonable rules and regulations for promoting the purity of its water supply and for protecting the same from pollution; for this purpose, to exercise full police powers and sanitary control over all land owned or leased by the town within the limits of the watershed tributary to any such water supply wherever such lands may be located in this Commonwealth; to impose and enforce adequate penalties for the violation of any such rules and regulations; to prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the town may exercise within the Commonwealth all powers of eminent domain provided by the laws of the Commonwealth;

3. To survey, establish, enter, open, widen, extend, grade, construct, pave, maintain, light, sprinkle, and clean public streets, highways, alleys, sidewalks, parkways, or parks and to relocate, alter, or close the same; and in relocating, altering, or closing any public street or alley to have power to agree to a substitution of a new location, in whole or in part, in the place of the street or alley, or portions thereof, relocated, altered, or closed, and to execute such agreements, releases or deeds in connection therewith as may be deemed expedient and proper in carrying the same into effect, and also to have power to ratify and approve the substitution of new locations, in whole or in part, in the place of a public street or alley, or

portions thereof, previously relocated, altered, or closed, in whole or in part, and of approving and ratifying agreements, releases, or deeds previously executed by the town in connection therewith and in carrying the same into effect at the time thereof, if deemed expedient and proper; to regulate the weight of loads to be hauled or carried over and upon the streets, alleys, sidewalks, and parkways insofar as such regulations of weights of loads do not conflict with general state laws relating to load limits to be carried or transported over state highways; to regulate the use of all such highways, parks, streets, alleys, parkways, and public places; to prevent the obstruction, destruction, or injury of any such streets, alleys, or highways; in conformity with and subject to the provisions of Articles 3 and 6 of Chapter 13 of Title 56 of the Code of Virginia, to require any railroad company operating a railroad at the place where any highway or street is crossed within the limits of the town to construct and maintain adequate crossings and to erect and maintain at such crossing any style of gate or warning signal deemed proper by the council; to regulate the operation and speed of all cars, motorcycles, bicycles, or vehicles of any nature whatsoever upon the streets or highways as well as the speed of all engines, cars, or railroad trains within the town; to permit or prohibit towers, poles, conduits, cables, or wires for electric, telephone, telegraph, radio, or television purposes to be erected or wired or constructed; to change the location or remove the same; to construct, maintain, and operate bridges, viaducts, subways, tunnels, sewers, and drains or to permit the construction, maintenance, repair, and operation thereof; to plant, maintain, or remove shade trees along the streets and upon public grounds; and to do all other things whatsoever to make the streets and highways safe, convenient and attractive;

4. To establish, maintain, and regulate the use of parks, golf courses, playgrounds, stadia, recreation areas, and public grounds, and to keep them lighted and in good order; to construct in such parks, playgrounds, and public grounds, as the town may maintain, or upon any town property, stadia, swimming pools, gymnasias, and recreation or amusement buildings, structures or enclosures of every character, refreshment stands, restaurants, and the like; to charge admission for use of the same, and to rent out or lease the privileges of constructing or using such stadia, swimming pools, recreation or amusement buildings, structures or enclosures of every character, refreshment stands or restaurants, and the like;

5. To establish, construct, and maintain sanitary sewers, sewer lines, and systems, and to require all property owners within the town to connect therewith; to establish, construct, maintain, and operate sewage disposal plants; to acquire by condemnation or otherwise, within or without the town, all lands, rights of way, riparian and other rights, and easements necessary for the purposes aforesaid; and to charge, assess, and collect reasonable fees, tap fees, rentals, assessments, or costs of service for connection with and using the same;

6. To grant franchises for public utilities subject to the provisions of the Constitution and general laws of Virginia and this Charter; however, the town shall at any time have the power to contract for, own, operate, manage, sell, lease, encumber, or otherwise dispose of, either within or without the town, any and all public utilities for the town and to sell the services thereof, subject to existing franchises, but no utility shall be sold except by an expressed consent of the citizens by referendum;

7. To own, operate, and maintain electric light and gas works, either within or without the corporate limits of the town and to supply electricity and gas whether the same be generated, produced, or purchased by the town, to its customers and consumers both within or without the corporate limits of the town, at such price and upon such terms as it may prescribe, and to

that end it may contract and purchase electricity and gas from the owners thereof upon such terms as it may deem expedient. The town shall have the right and power to charge a different rate for any service rendered for electricity or gas furnished to citizens outside of the corporate limits from the rates charged for similar services, electricity, and gas to citizens within the corporate limits;

8. To establish, maintain, and operate landing fields or airports without the town and for such purposes to acquire real estate by gift, lease, purchase, or condemnation; to lease such landing fields or airports to others to be used for any lawful purposes; to erect and maintain buildings and appurtenances necessary for the use of such landing fields or airports and prescribe and enforce rules and regulations not in conflict with the laws, rules, and regulations prescribed by the Commonwealth of Virginia and the federal government, for the use and protection of the citizens and for such landing fields or airports;

9. To give names to or alter the names of streets and to change and alter the names of streets and alleys;

10. To acquire, construct, own, maintain, and operate, within and without the town, places for parking or storage of vehicles by the public which shall include but shall not be limited to parking lots, garages, buildings and other lands, structures, equipment, and facilities, when in the opinion of the council they are necessary to relieve congestion in the use of streets and to reduce hazards incident to such use; to provide for their management and control by a department of the town government or by a board, commission or agency specially established by ordinance or resolution for the purpose; to authorize or permit others to use, operate, or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the council may determine by ordinance; and to charge or authorize the charging of compensation for the parking or storage of vehicles or other services at or in such places;

11. To accept or to refuse, by ordinance or resolution, the dedication of streets, roads, parks, parkways and alleys, easements, or lands for other public use or purpose unless the title to the same be acquired in fee simple in accordance with any subdivision regulations adopted under the provisions of Article V of this Charter; and

12. To exercise the power of eminent domain within the town for any lawful purpose of the town, and without the town limits for any property required for any of the public services or utilities of the town, including the power to issue certificates pursuant to §§ 33.1-119 through 33.1-132 of general law. (2013, c. 519)

§ 2.4. Power to make regulations for the preservation of the safety, health, peace, good order, comfort, convenience, morals, and welfare of the town and its inhabitants.

In addition to the powers granted by other sections of this Charter, the town shall have power to pass and enforce bylaws, rules, regulations, and ordinances, not in conflict with this Charter or prohibited by the general laws of the Commonwealth for the preservation of the safety, health, peace, good order, comfort, convenience, morals, and welfare of the town and of its inhabitants and among such powers, but not in limitation thereof, the town is empowered:

1. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows, or fairs, or prohibit the holding of the same, or any of

them, within the town;

2. To compel the abatement and removal of all nuisances within the town or upon property owned by the town beyond its limits at the expense of the person or persons causing the same, or of the owner or occupant of the ground or premises whereon the same may be, and to collect the expense by suit or motion or by distress and sale; to require all lands, lots, and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, junk, and unsightly deposits, or to make them so at the expense of the owners or occupants thereof; to control and regulate junk yards and automobile parts yards or require that automobile parts yards be so fenced or screened that the same will be hidden from public view; and in the event it is necessary for the town, to do any work in connection with keeping the property or lands sanitary and free from stagnant water, weeds, filth, junk, or other unsightly deposits or controlling such junk yards or automobile parts yards as above set forth, the town shall have the right to collect money expended by it from the owner or operator by suit or motion or by distress and sale; to pass and enforce any ordinance that may be necessary for the public safety for the control of dogs, cats, and other pets; to regulate or prevent slaughter or other noisome or offensive business within the town, the keeping of hogs or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade, or employment therein; to regulate the transportation of all articles through and upon the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the location, construction, operation, and maintenance of billboards, signs, and advertising; and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetic sensibilities, safety, convenience, and welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary and free from all weeds, filth, junk, unsightly deposits, ice, and snow;

3. To extinguish and prevent fires, and to establish, regulate, and control a fire department or division; to regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and convenience may require; to remove or require to be removed or reconstructed any building, structure, or addition thereto which by reason of dilapidation, defect of structure or other causes may have become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged, or repaired and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, steel, or other fireproof materials; and to enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements;

4. To provide for regular and safe construction of houses in the town for the future; and to provide a building code for the town and setback lines on the streets;

5. To provide for the preservation of the general health of the inhabitants of the town, make regulation to secure the same, inspect all foodstuffs, and prevent the introduction and sale in the town of any article or thing intended for human consumption, which is adulterated, impure, or otherwise dangerous to health, and to condemn, seize, and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the

introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally, to provide and regulate hospitals within or without the town limits, and if necessary to the suppression of disease, to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; and to construct and maintain or to aid in the construction and maintenance of a hospital or hospitals for the use of the people of the town;

6. To prevent fowls and animals being kept in or running at large in the town, or any thickly populated portion thereof, and the owners of which are subject to such taxes, regulations, and penalties as the council may think proper;

7. To control, regulate, limit, and restrict insofar as not prohibited by general law, the operation of motor vehicles carrying passengers for hire upon the streets and alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through the town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally, to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare;

8. To exercise full police powers and establish and maintain a department or division of police;

9. To offer and pay rewards for the apprehension and conviction of criminals; to compel persons sentenced to confinement in the county jail for any misdemeanor or other violation of the laws or ordinances of said town to work on the public streets, parks, or other public works of the town; and on the requisition of the judges of the General District and Circuit Courts, it shall be the duty of the police of the town to deliver such person to the duly authorized agent of the town for such purposes from day to day as he may be required. For the purpose of carrying into effect the police regulations of the town, the town may, subject to the provisions of general law, be allowed the use of the facilities of the Southwest Virginia Regional Jail Authority, or the jails of other counties or municipalities, or the use of the facilities of Bland Correctional Farm, for the safekeeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of the town;

10. To prohibit begging, and to prohibit or regulate the soliciting by any person, group of persons, firm, corporation, charitable organization, and the like and the peddling or hawking of any article for sale within the town, provided that such prohibition or regulation shall not be applied with respect to persons duly licensed and regulated exclusively by the Commonwealth of Virginia; the town, however, shall have the right to require the purchase of a local license by any person, firm, or corporation hawking or peddling any article for sale within the town;

11. To provide for the protection of the town's property, real and personal, the prevention of the pollution of the town's water supply, and the regulation of the use of parks, playgrounds, playfields, recreational facilities, cemeteries, airports, and other public property, whether located within or without the town. For the purpose of enforcing such regulations, all town property wherever located shall be under the police jurisdiction of the town. Any member of the police force of the town or employee thereof appointed as a special policeman shall have power to make arrests for violation of any ordinance, rule, or regulation adopted pursuant to

this section; and the General District Court of the county wherein the offense occurs shall have the jurisdiction of all cases arising thereunder without the town;

12. To prevent any obstruction of or encroachment on, over, under, or in any street, alley, sidewalk, or other public place; to provide penalties for maintaining any such obstruction or encroachment; to remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroaching, and to collect the sum charged in any manner provided by law for the collection of taxes; to require the owner or owners or the occupant or occupants of the property so obstructing or encroaching to remove the same; to authorize encroachments upon streets, alleys, sidewalks, or other public places, subject to such terms and conditions as the council may prescribe; and to recover possession of any street, alley, sidewalk, or other public place or any other property of the town by suit of action;

13. To regulate, in the interest of public health, the production, preparation, distribution, and sale of milk, other beverages and foods for human consumption, and the places within the town in which they are produced, prepared, distributed, sold, served, or stored; to regulate the construction, installation, maintenance, and condition of all water and sewer pipes, connections, toilets, water closets, and plumbing fixtures of all kinds; to regulate the construction and use of septic tanks and dry closets, and the sanitation of swimming pools; to compel the use of sewers, the connection of abutting premises therewith, and the installation in such premises of suitable sanitary facilities; to regulate or prohibit connections to and use of sewers; to prevent the connecting of roof drains and storm sewers to the sanitary sewer system; to regulate or prohibit the use of garbage disposal units connected to the sanitary sewer system; and to make and enforce all regulations necessary to preserve and promote public health and sanitation to protect the inhabitants of the town from contagious, infectious, or other diseases;

14. To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided for conviction of such violation;

15. To prescribe penalties for the violation of any town ordinance, rule, or resolution, not exceeding the penalty provided by general law for the violation of a Class 1 misdemeanor;

16. To make and adopt a comprehensive plan for the town, and to that end all plats and replats hereafter made subdividing any land within the town into streets, alleys, roads, and lots or tracts shall be submitted to and approved by the council or such official or board, including the Richlands planning commission, as the council designates in any regulations controlling the orderly subdivision of land it may adopt before such plats or replats are filed for record or recorded in the office of the Clerk of Tazewell County, Virginia;

17. To declare the practice of going in and upon private residences in the Town of Richlands by solicitors, peddlers, hawkers, itinerant merchants, or transient vendors of merchandise not having been requested or invited so to do by the owner or owners, occupant or occupants of such private residences, for the purpose of (i) soliciting orders for the sale of goods, wares, and merchandise; (ii) disposing of similar items; (iii) peddling; or (iv) hawking to be a nuisance and punishable as such as a misdemeanor, provided that the power referred to in this section shall not apply with respect to persons duly licensed and regulated by the Commonwealth of Virginia; and

18. To create a sinking fund commission to have full power and control over and administration of a sinking fund or funds for the redemption of bonds, issued heretofore or issued hereafter, in conformity with general law. (2013, c. 519)

Article III. The Council.

§ 3.1. Composition; qualifications of members.

The governing body of the Town of Richlands shall consist of a mayor and six council persons elected at large. All of them shall be residents and qualified voters of the town. (2013, c. 519)

§ 3.2. Nominations and elections.

The mayor and members of council in office on the effective date of this act shall serve until their successors have been elected and qualified. Municipal elections within the Town of Richlands shall take place on the first Tuesday after the first Monday in November of each even numbered year and shall coincide with the November general elections. At each such regular municipal election, three council members shall be elected for terms of four years each and a mayor shall be elected for a term of two years. The terms of office for the council members and mayor so elected shall commence on January 1, immediately following such election, and shall continue until their successors have been elected and qualified. The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of expiration of the term or removal of any of its members. (2013, c. 519)

§ 3.3. Vacancies.

Vacancies in the council shall be filled as provided by general law. (2013, c. 519)

§ 3.4. Powers.

All powers of the town and the determination of all matters of policy shall be vested in the council. Except as otherwise provided in this Charter, the council is empowered to:

1. Appoint and remove the town manager, the town clerk, and the town attorney; and authorize the execution of written contractual employment agreements between the town and certain key personnel thereof, including, but not limited to, the foregoing, in lieu of their appointment, notwithstanding the provisions of item 1 g of § 3.9;
2. Adopt the budget of the town;
3. Inquire into the conduct of any office, department, or agency of the town and make investigations as to municipal affairs;
4. Appoint members of the planning commission, the board of zoning appeals, the recreation commission, and the members of any and all other boards, agencies, and commissions authorized by this Charter or by general law, and fill any vacancies thereon; approve and confirm appointments recommended by the town manager for police chief, sergeant of police, and animal control officer; and determine the desirability and necessity for committees comprised of any of its own members, the feasibility of citizen membership thereon, and approve and confirm appointments thereto recommended by the mayor;
5. Create a housing authority;

6. Adopt and modify the official map of the town;
7. Pass all laws and ordinances relating to its municipal affairs subject to the Constitution and general laws of the Commonwealth and this Charter and may from time to time amend, re-amend, or repeal any or all of its ordinances for the proper regulation, management, and government of the town and impose fines and penalties for the violation or nonobservance thereof;
8. Compel the attendance of its members and punish its members for disorderly behavior by an affirmative vote of five members of the council, and expel a member;
9. Require and secure such bonds for any of the town employees as it may deem necessary;
10. Keep a journal of its proceedings, which journal shall be open to public inspection; and
11. Fix the salaries and wages of all officers and employees of the town as herein otherwise specifically provided. (2013, c. 519)

§ 3.5. Mayor.

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 shall be recognized as the head of the town government for all ceremonial purposes, the purpose of military law, and the service of civil process. At the regular meeting of the council held in the month of January following a municipal election, the council shall choose, by a majority vote of all the members thereof, one of their number to be vice-mayor for the ensuing two years. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor and, 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. (2013, c. 519)

§ 3.6. Fixing compensation of mayor, council, and clerk.

The council may from time to time fix and adjust the compensation for the services of the mayor, council, and clerk. (2013, c. 519)

§ 3.7. Rules of procedure.

The council is empowered, subject to the provisions of this Charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall not be less frequently than once each month. They shall also provide for the calling of special meetings by the mayor or any three members of the council and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meeting except by the unanimous consent of all the members of the council. The meetings of the council shall be open to the public, and executive or closed meetings shall only be held for those express purposes set out in the Virginia Freedom of Information Act. A majority of the council shall constitute a quorum for the transaction of business. (2013, c. 519)

§ 3.8. Ordinances.

A. Except in dealing with questions of parliamentary procedure, the council shall act only by ordinance or resolution, and all ordinances, except ordinances making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject. Ordinances making appropriations or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively.

B. The enacting clause of all ordinances passed by the council shall be: "Be it ordained by the council of the Town of Richlands." No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings not less than seven days apart, unless the requirement of such reading has been dispensed with by the affirmative vote of four of the members of the council. No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance, or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council, and every ordinance or resolution shall require, on final passage, the affirmative vote of at least four of the members.

C. All ordinances and resolutions passed by the council shall be in effect from and after 30 days from the date of their passage, 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. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of town property, or making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be so passed. 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 previous to its passage in a paper of general circulation in the town.

D. Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer and the town clerk.

E. Every member, when present when a question is put, shall vote unless excused by the council. But no member who has any personal or financial interest in the result of any ordinance or resolution before the council shall vote thereon. (2013, c. 519)

§ 3.9. Appointees.

At the first meeting in January following each council election, or as soon thereafter as practicable, the council shall:

1. Appoint a town manager who shall be the administrative and executive head of the municipal government. The town manager shall be chosen by the council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. At the time of his appointment, the town manager need not be a resident of the town or the Commonwealth but during the tenure of office shall reside within the town. The town manager shall be appointed for an indefinite period and shall hold office during the pleasure of the council. Compensation shall be provided by the council by ordinance or resolution. The town manager may be bonded as the council may deem necessary. During the absence or disability of the town manager or in case of a vacancy, the council may designate some properly qualified person to perform the duties of the office during such absence, disability, or vacancy. No council person shall receive such appointment during the term for which he or she shall have been elected, nor within one year after the expiration of his or her term.

Neither the council nor any of the members shall direct or request the appointment, as hereinafter provided, of any person to office by the town manager or by any of the town manager's subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the town manager, and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately. The town manager shall have the authority duties as follows:

- a. To ensure that all laws, ordinances, resolutions, and by-laws of the council are faithfully enforced;
- b. To appoint such officers and employees, as the council shall determine and authorize as are necessary for the proper administration of the affairs of the town with the power to discipline and remove any such officer or employee, but the town manager shall report each appointment of any officer having supervisory or administrative authority to the council for confirmation at the next meeting thereof following any such appointment. The chief of police so appointed by the town manager and confirmed by the council shall have the power to discipline subordinates for just cause;
- c. To attend all meetings of the council, with the right to take part in the discussion, but having no vote;
- d. To recommend to the council for adoption of such measures as the town manager may deem necessary or expedient;
- e. To make reports to the council from time to time upon the affairs of the town and to keep the council fully advised of the town's financial condition and its future financial needs;
- f. To prepare and submit to the council a tentative budget for the next fiscal year as provided by general law and by this Charter;
- g. To make all contracts on behalf of the town pursuant to a resolution or an ordinance of the council and to act as town purchasing agent;
- h. To supervise and control all encumbrances, expenditures, and disbursements; to insure that budget appropriations are not exceeded and to appoint, or upon resolution of the council to act as, the town treasurer with the following duties:
 - (1) To be the collector and custodian of all funds belonging to the town and to deposit such funds in such depositories as may be designated by the council;
 - (2) To have custody of all investments and invested funds of the town in a fiduciary capacity;
 - (3) To disburse by check all money payable by the town. If the treasurer is a person other than the town manager, all checks shall be countersigned by the town manager;
 - (4) To protect the interest of the town by withholding the payment of any claim or demand by any person, firm, or corporation against the town until any indebtedness or other liability due from such person, firm, or corporation shall first have been settled and

adjusted; and

(5) To perform such other duties as may be prescribed or requested by council.

2. Appoint a town clerk, who also may be the town manager, for an indefinite term. The town clerk shall receive such compensation as shall be provided by the council by ordinance or resolution and shall have the following duties:

- a. To be custodian of the corporate seal;
- b. To give notice of council meetings;
- c. To keep a journal of council proceedings;
- d. To authenticate by the town clerk's signature and record in full in a book kept for the purpose of all ordinances and resolutions; and
- e. To perform such other duties as may be prescribed or requested by council.

3. Appoint a town attorney, for an indefinite term who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth. The town attorney shall receive such compensation and fees as shall be provided by the council by ordinance or resolution. The town attorney shall have the following powers and duties:

- a. To be legal advisor of the council, the town manager, and all departments, boards, commissions, and agencies of the town, in all matters affecting the interest of the town and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties;
- b. To prepare, at the request of the town manager or any member of the council, ordinances for introduction and, at the request of the council or any member thereof, shall examine any ordinance after introduction and render his or her opinion as to the form and legality thereof;
- c. To draw or approve all bonds, deeds, leases, contracts, or other instruments to which the town is a party or in which it has an interest; and
- d. To represent the town as counsel in any civil case in which it is interested and in criminal cases when so required by the town council. (2013, c. 519)

Article IV. Financial Administration.

§ 4.1. Budgets and appropriations.

A. The fiscal year of the town shall begin on July 1 and end on June 30 of the succeeding year.

B. The time for preparation and approval of the budget and the contents thereof, along with publication, notice, public hearing, amendments, and report-filing requirements with the Auditor of Public Accounts, etc., shall be accomplished in accordance with the provisions of Chapter 25 of Title 15.2 of the Code of Virginia, mutatis mutandis.

C. Any portion of an annual appropriation, except for capital expenditures, remaining

unexpended and unencumbered at the close of the fiscal year, shall lapse.

D. The town council may originate or initiate capital improvements and obtain input as to projects from the town planning commission and town manager as to feasibility and means of financing for the ensuing fiscal year. The council shall have the power to accept, reject, or amend any proposed program and means of financing, but except in the case of emergency as provided in item B of § 3.8 of this Charter, the council shall not authorize any capital improvement project or make any appropriation therefor unless the appropriation be included in the budget adopted by it. No appropriation for a capital improvement project shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned. Any such lapsed appropriation shall be applied to the payment of any indebtedness incurred in financing the project concerned and then retained for use on other capital improvement projects or returned to the general fund, as council may deem appropriate. (2013, c. 519)

§ 4.2. Bids and purchases.

The council may fix the requirements under which purchases of equipment, materials, and supplies are to be made in accordance with the provisions of the Virginia Public Procurement Act (Title 2.2, Chapter 43 of the Code of Virginia). (2013, c. 519)

§ 4.3. Independent audit.

Prior to the end of each fiscal year, the council, in accordance with § 15.2-2511 of the Code of Virginia, shall designate one or more qualified certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the town government and shall mail a copy of their report to each member of the town council and to the town manager. The auditors shall post-audit the books and documents kept by the treasurer and any separate or subordinated accounts kept by any other office, department, or agency of the town government. (2013, c. 519)

§ 4.4. Liens.

A lien shall exist on all real estate within the corporate limits for taxes, levies, and assessments in favor of the town, together with all penalties and interest at the rate established by ordinance adopted pursuant to § 58.1-3916 of the Code of Virginia. The procedure for collecting taxes, for selling real estate for town taxes, and for the redemption of real estate sold for town taxes shall be the same as provided in the general law for the Commonwealth to the same extent as if the provisions of general law were herein set out at length. The town and its treasurer shall have the benefit of all other additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under general law. All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon, and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes and licenses assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession. (2013, c. 519)

Article V. Planning, Zoning, and Subdivision Control.

§ 5.1. Power to adopt a comprehensive plan.

In addition to the powers granted elsewhere in this Charter, the council shall have the power to adopt by ordinance a comprehensive plan for the physical development of the town to promote health, safety, morals, comfort, prosperity, and the general welfare. The comprehensive plan may include but shall not be limited to the following:

1. The general location, character, and extent of all streets, highways, avenues, boulevards, roads, lanes, alleys, walks, parks, squares, playfields, playgrounds, recreational facilities, stadia, swimming pools, airports, and other public places or ways, change of use, or extension thereof;
2. The general location, character, and extent of all public buildings, schools, and other public property and of utilities, whether publicly or privately owned, off-street parking facilities, and the removal, relocation, vacating, abandonment, change of use, alteration, or extension thereof; and
3. A comprehensive zoning plan for the control of the height, area, bulk, location, and use of buildings and premises. (2013, c. 519)

§ 5.2. Town planning commission generally.

There shall be a town planning commission consisting of seven members, appointed by the council. One member shall be a member of the council appointed for a term concurrent with that person's term of office. One member shall be the town manager appointed for a term concurrent with that person's term in such capacity. There shall be five citizen members, who shall be qualified voters of the town, appointed for a term of four years, one of whom may be a member of the board of zoning appeals. Citizen members appointed previous to the effective date of this Charter shall continue to serve as members of the commission until the expiration of the terms for which they were appointed. A vacancy on the commission shall be filled by the council by appointment for the unexpired term only. Members may be removed for malfeasance in office. Members of the planning commission may be reimbursed for actual expenses they may incur but shall otherwise serve without compensation. (2013, c. 519)

§ 5.3. Organization and expenditures of planning commission.

The commission shall elect a chairman and vice-chairman from among the citizen members appointed by the council, for a term of one year, who shall be eligible for reelection, and shall appoint a secretary. The commission shall hold at least one regular meeting once a year, so long as the town's population does not exceed 7,500. Other regular meetings may be held when desired by the commission. Special meetings of the commission may be (i) called by the chairman or by two members upon written request to the secretary and (ii) held upon referral of a matter pursuant to the town's zoning ordinance, by either the council or the zoning administrator. The commission shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. Four members shall constitute a quorum. The commission shall appoint such employees as it may deem necessary for its work and may contract with city planners, engineers, architects, and other consultants for services it may require. All expenditures shall not exceed the sums appropriated by the council therefor. (2013, c. 519)

§ 5.4. Powers and duties of the planning commission.

The town planning commission when requested by the council, shall make and approve a comprehensive plan which, with accompanying maps, plats, charts, and descriptive matter, shall show the commission's recommendations for the development of the territory covered by the plan. In the preparation of such plan the commission shall make careful and comprehensive surveys and studies of existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious

development of the town and its environs which will in accordance with existing and future needs and best promote health, safety, morals, comfort, prosperity, and general welfare, as well as efficiency and economy in the process of development. The comprehensive plan shall recommend methods of implementation, which may include but need not be limited to an official map, a capital improvements program, a subdivision ordinance, a zoning ordinance, and zoning district maps. (2013, c. 519)

§ 5.5. Approval of comprehensive plan by the planning commission.

The planning commission may approve the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, the parts corresponding to major geographical sections or geographical or topographical divisions of the town or with functional subdivisions of the subject matter of the plan, and may approve any amendment or extension thereof or addition thereto. Before the approval of the plan or any such part, amendment, extension, or addition, the commission shall hold at least one public hearing thereon, which may be a joint meeting with council, as provided for by general law following giving of notice in the manner required by general law. The approval of the plan or of any such part, amendment, extension, or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan approved, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was approved thereby, and each amendment, alteration, extension, or addition thereto approved thereby shall be certified to the council. (2013, c. 519)

§ 5.6. Legal status of comprehensive plan.

Whenever the planning commission shall have approved a comprehensive plan for the town or one or more parts thereof, geographical, topographical, or functional, and the comprehensive plan or such part or parts thereof shall have been approved by the council, it shall be certified and filed in the office of the clerk of the Circuit Court of Tazewell County, then and thereafter no street, square, park or other public way, ground, open space, public building, or structure shall be constructed or authorized in the town or in the planned section or division thereof until and unless the general location, character, and extent thereof has been submitted to and approved by the commission. No public utility, whether publicly or privately owned, shall be constructed or authorized in the town or in the planned section or division thereof until and unless its general location, but not its character and extent, has been submitted to and approved by the commission. Such submission and approval shall not be necessary in the case of pipes or conduits in any existing street or proposed street, square, park or other public way, ground, or open space, the location of which has been approved by the commission. No ordinance giving effect to or amending the comprehensive zoning plan as provided in § 5.7 shall be adopted until it has been submitted to and approved by the commission. In case of disapproval in any of the instances enumerated above, the commission shall communicate its reason to the council which shall have the power to overrule such action by a recorded vote of not less than two-thirds of its entire membership. The failure of the commission to act within 60 days from the date of the official submission to it shall be deemed approval. (2013, c. 519)

§ 5.7. Zoning.

A. Powers of council. In addition to the powers granted elsewhere in this Charter, the council

shall have the power to adopt by ordinance a comprehensive zoning plan designed to lessen congestion in streets; secure safety from fire, panic, and other danger; promote health, sanitation, and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate public and private transportation and the supplying of public utility services and sewage disposal; and facilitate provision for schools, parks, playgrounds, and other public improvements and requirements. The comprehensive zoning plan shall include the division of the town into districts with such boundaries as the council deems necessary to carry out the purposes of this Charter and shall provide for the regulation and restriction of the use of the land, buildings, and structures in the respective districts and may include but shall not be limited to the following:

1. It may permit specified uses of land, buildings, and structures in the districts and prohibit other uses;
 2. It may restrict the height, area, and bulk of buildings and structures in the districts;
 3. It may establish setback building lines and prescribe the area of land that may be used as front, rear, and side yards and courts and open spaces;
 4. It may restrict the portion of the area of lots that may be occupied by buildings and structures;
 5. It may prescribe the area of lots and the space in buildings that may be occupied by families;
 6. It may require that space and facilities deemed adequate by the council shall be provided on lots for parking of vehicles in conjunction with permitted uses of land and that spaces and facilities deemed adequate by the council shall be provided on lots for off-street loading or unloading of vehicles; and
 7. It may provide that land, buildings, and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the district in which they are situated may be continued so long as the then existing or more restricted use continues and so long as the buildings or structures are maintained in their then structural condition; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated whenever they are enlarged, extended, reconstructed, or structurally altered; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated, in any event within a reasonable period of time to be specified in the ordinance.
- B. The regulations and restrictions shall be uniform and shall apply equally to all land, buildings, and structures and to the use and to each class or kind thereof throughout such district, but the regulations and restrictions applicable in one district may differ from those provided for other districts.
- C. The council shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. However, no such regulation, restriction, or boundary shall become effective until after full compliance with the provisions of §§ 15.2-2204 and 15.2-

2286 of the Code of Virginia.

D. The town planning commission acting as the zoning commission shall recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report or reports and hold a public hearing thereon before submitting its final report, and the council of the Town of Richlands shall take such action on the preliminary report or reports, and also on the final report of the commission, as its shall deem necessary.

E. The council may appoint a board of zoning appeals and in the regulations and restrictions adopted pursuant to the authority of this Charter may provide that the board of zoning appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary in the application of the terms of the ordinance in harmony with its general purpose and intent and in accordance with general purpose and intent and in accordance with general or specific rules therein contained.

The board of zoning appeals shall consist of five members, each to be appointed for a term of five years and removable for cause by the appointing authority, upon written charges and after public hearing. Vacancies shall be filled by the council for the unexpired term of any member whose term becomes vacant after the effective date of this Charter. Members of the board of zoning appeals in office on the effective date of this Charter shall continue to hold office until expiration of their present terms. Members may be reappointed to succeed themselves. Members shall hold no other public office in the town except that one member may be a member of the planning commission. The board shall select a chairman, a vice-chairman, and a secretary and shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this Charter.

Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the town affected by any decision of the zoning administrator in accordance with the provisions of the zoning ordinance.

F. The board of zoning appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Charter or any ordinance adopted pursuant thereto;
2. To hear and decide uses permissible on appeals and other special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance; and
3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the ordinance will result in exceptional and peculiar hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

G. In exercising the powers conferred upon it the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as should be made and to that end shall have all the powers of the administrative officer charged by the ordinance with enforcement. The concurring affirmative vote of three members of the Board shall be necessary to reverse any

order, requirement, decision, or determination of the administrative officer or to decide in favor of the applicant in any matter over which it has jurisdiction. The board shall act by formal resolution which shall set forth the reason for its decision and the vote of each member participating therein which shall be spread upon its records and shall be open to public inspection. The board may, upon the affirmative vote of three members, reconsider any decision made and, upon such reconsideration, render a decision by formal resolution. Every decision of the board shall be based upon a finding of fact which may be based on sworn testimony, which finding of fact shall be reduced to writing and preserved among its records.

H. Any person or persons, jointly or severally, aggrieved by a decision of the board of zoning appeals, or any taxpayer, or any officer, department, board, or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal in whole or in part, specifying grounds of the illegality. The procedure for such judicial review shall be in accordance with the provisions of the zoning ordinance.

I. Whenever any building or structure is erected, constructed, reconstructed, altered, repaired, or converted, or whenever any land, building, or structure is used in violation of any ordinance adopted in accordance with subsection B of § 5.7, the town may institute and prosecute appropriate action or proceedings to prevent such unlawful act and to restrain, correct, or abate such violation or to prevent any unlawful act, conduct, or use of such property.

J. The enforcement of the zoning ordinance provisions, and penalties for violations thereof, shall be as set forth herein. (2013, c. 519)

§ 5.8. Subdivision control.

A. In order to provide for the orderly subdivision of land within the town, there is hereby conferred upon the town the power to adopt regulations and restrictions relative to the subdivision of land in the manner hereinafter provided. Such regulations and restrictions may prescribe standards and requirements for the subdivision of land which may include but shall not be limited to the following: the location, size, and layout of lots so as to prevent congestion of population and to provide for light and air; the width, grade, location, alignment, and arrangement of streets and sidewalks with relation to other existing streets, planned streets, and the comprehensive plan; access for fire-fighting apparatus; adequate open spaces; adequate and convenient facilities for vehicular parking; easements for public utilities; suitable sites for schools, parks, and playgrounds, and planting of shade trees and shrubs; naming and designation of streets and other public places; laying out and constructing sidewalks; procedure for making variations in such regulations and restrictions; requirements for plats of subdivisions and their size, scale, contents, and other matters; the erection of monuments of a specified type for making and establishing property and street, alley, sidewalk, and other lines; the extent to which and the manner in which new streets shall be graded, graveled, or otherwise improved; and water, sewer, and other utility mains, piping, connections, or other facilities installed as a condition precedent to the approval of the plat. Such regulations may provide that, in lieu of the completion of such work previous to the final approval of a plat, the council or its designated agents may accept a bond in an amount and with surety or conditions satisfactory to the council or its designated agents, providing for such securing to the council for the actual construction and installation on such improvements and utilities within a period specified by the council or its designated agents.

B. The council shall not adopt or amend any ordinance establishing such regulations and

restrictions until notice of intention so to do has been published in accordance with general law. The notice shall specify the time, and the place at which persons affected may appear before the council and present their views.

C. After the hearing as provided in subsection A of § 5.8 the council may adopt by ordinance any such regulations and restrictions applicable within the limits of the town and may adopt such regulations and restrictions applicable in an area outside such limits, provided that such regulations and restrictions shall not be adopted or become effective or applicable except in the manner and to the extent provided by the general laws of the Commonwealth.

D. When such regulations have been adopted, a certified copy thereof and all amendments thereto shall be filed in the office of the building and zoning inspector and in the office of the clerk of the Circuit Court of Tazewell County.

E. Any owner or any proprietor of any tract of land situated within the corporate limits of the Town of Richlands, who subdivides the same, shall cause a plat of such subdivision with reference to known or permanent monuments to be made and recorded in the office of the clerk of the Circuit Court of Tazewell County. No such plat of the subdivision shall be recorded unless and until it shall have been submitted and approved by the town council or its designated agent in accordance with regulations adopted under this Charter and so certified by the person authorized to make such certificate.

F. From and after the date on which such regulations and restrictions become effective in the town or in any area outside the town but within two miles thereof, no plat of any subdivision to which such regulations and restrictions are applicable shall be received or recorded by the clerk of any court unless the plat has been approved as provided in subsection D of § 5.8. No owner of land in the town or outside area in which such regulations and restrictions are applicable, who has subdivided the same into two or more lots, shall sell or offer for sale any such lot by reference to or exhibition of or by the use of a plat of such subdivision or otherwise before the plat of such subdivision has been approved as provided in the office of the clerk of the Circuit Court of Tazewell County.

G. The recordation of the plat shall operate to transfer in fee simple to the town or the county in which the land lies, such portion thereof as is on the plat set apart for streets, alleys, easements, or other public use or purpose and to create a public right of passage over or use of the same. The owner or owners of the land subdivided may construct, reconstruct, operate, and maintain with the consent of the town or the county where the land lies, sewers, gas and water pipes, or electric lines along or under the streets, alleys, easements, or other land devoted to public use, provided that it shall not obstruct or hinder the passage over the streets, alleys, or other property devoted to public use further than is reasonably necessary to construct, reconstruct, repair, operate, and maintain such works.

H. Any plat or part thereof recorded may be vacated, with the consent of the council or of the governing body of the county wherein the land lies, or both where the plat has been approved by both, by the owners thereof at any time before the sale of any lot therein, by a written instrument declaring the plat to be vacated which shall be duly executed, acknowledged, and recorded in the clerk's office wherein the plat to be vacated is recorded. The execution and recordation of the instrument shall operate to destroy the force and effect of the recording of the plat and to divest all public rights in and to reinvest the owners with the title to the streets, alleys, easements, and

other land devoted to public use laid out or described in the plat. In cases where lots have been sold, the plat or part thereof may be vacated upon the application of the owners of the lots in the plat and with the approval of the council or governing body of the county, or both where the plat has been approved by both, and shall not be vacated otherwise. The clerk in whose office any plat so vacated has been recorded shall write in plain, legible letters across the plat or part thereof vacated the word "vacated" and also make a reference on the plat to the volume and page thereof in which the instrument of vacation is recorded.

I. In case of any violation or attempted violation of the provisions of this Charter, or of any of the provisions of the regulations adopted as authorized in this Charter, the council, in addition to other remedies, may institute any appropriate action or proceedings to prevent such violation or attempted violation, to restrain, correct, or abate such violation or attempted violation, or to prevent any act which would constitute such violation. Any owner or proprietor of any tract of land who subdivides such tract of land and who violates any of the provisions of the regulations adopted under the authority of this Charter shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars and not more than \$200, and each day after the first, during which the violation continues, shall constitute a separate violation. (2013, c. 519)

§ 5.9. Present comprehensive plan; comprehensive zoning plan; subdivision regulations.

Portions of the comprehensive plan, and the comprehensive zoning plan as heretofore adopted, approved, and filed, with all amendments thereto, and the subdivision control regulations as heretofore adopted, approved, and filed, with all amendments thereto, are hereby validated and confirmed as if the same had been prepared, adopted, approved, and filed in accordance with the provisions of this article. Every amendment or addition thereto or extension thereof and every other comprehensive plan or portion thereof, comprehensive zoning ordinance, or subdivision control ordinance henceforth adopted shall be in accordance with the provisions of this article. Where existing ordinances are at variance with the provisions of this article, they shall be deemed to be amended in accordance with the provisions of this article. (2013, c. 519)

Article VI. General Provisions.

§ 6.1. Officers to hold over until their successors are appointed and qualified.

Whenever under the provisions of this Charter any officer of the town or member of the board or commission is elected or appointed for a fixed term except the mayor and vice-mayor, such officer, or member shall continue to hold office until his successor is appointed and qualified. (2013, c. 519)

§ 6.2. Present ordinances and rules and regulations continued in effect.

All ordinances of the town and all rules, regulations, and orders legally made by any department, board, commission, or officer of the town in force at the effective date of this Charter, insofar as they or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed in accordance with the provisions of this Charter. (2013, c. 519)

§ 6.3. General powers.

The Town of Richlands and all the officers thereof elected or appointed in accordance with the provisions of this Charter shall be clothed with all the powers and subject to all the provisions of general law not in express conflict with the provisions of this Charter. (2013, c. 519)

§ 6.4. Severability.

If any clause, sentence, paragraph, section, or part of this Charter shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the judgment shall not affect, impair, or invalidate the remainder of this Charter, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which judgment shall have been rendered. (2013, c. 519)

§ 6.5. Validation of contracts, etc.

All contracts and obligations heretofore or hereafter made by the council of the Town of Richlands, while in office, not inconsistent with this Charter or the Constitution or the general laws of this Commonwealth shall be and are hereby declared to be valid and legal. (2013, c. 519)

§ 6.6. Citation of act.

This act may for all purposes be referred to or cited as the Town of Richlands Charter of 2013. (2013, c. 519)