

The Richlands Town Council held a regular monthly meeting in the Richlands Council Chambers on May 14, 2013 at 7:30pm with the following present:

Mayor: Jannis White

Town Manager: Tim Taylor

Town Clerk: Susan Whitt

Town Attorney: Brad Ratliff

Council Members: Joe McCracken, Rod Cury, Larry Johnson, Frances Meadows, Doug Ratliff

Mayor White called the meeting to order.

Tim Taylor gave the invocation and led the Pledge of Allegiance.

Mayor White asks if there were any additions or deletions to the agenda. Minutes for the public hearings and council meeting of April 9, 2013 were reviewed and approved with no additions or changes. Motion to approve minutes, both public hearings and council, made by Rod Cury and seconded by Joe McCracken. 5/0 vote, all in favor. Motion carried.

Scheduled Public Comments:

Rod Cury recognized Todd Brown and the UpWard Bound Students from RHS. They are a Robotics Club and have worked very hard this year and made it to state finals. Mayor White congratulated them on a job well done.

Sue Carr-Farmers Market-was not present.

Unscheduled public comments:

Terri Wrightson of 158 Mountain Road, Richlands. Mayor White inquired of Ms. Wrightson if she had indeed hired an attorney for this matter, she said she had not. She wants the town to come fix the problems at her property. She says her husband has suffered health problems due to the stress of the problems of the property. She says the hillside is falling and the mud is bad in her driveway, her car slid almost over the embankment. Mayor White reminded her that the Town will fulfill its obligation when the weather permits. The Town and the contractors did the best they could with the lay of the land and the steepness of the property cannot be corrected. He said the town will clear out the driveway. He suggested that they (home owners) add fences if they are concerned about the children's safety playing in the yard near the embankment. Ms. Wrightson complained that the wall above the driveway is collapsing. Mr. Taylor said the town will fix it. He said the road itself should not be collapsing. He commented on the recent wet weather and the fact that work cannot be done until the weather breaks. Mr. Taylor said the problems with the house must be turned into Cumberland Plateau as it is warranty work.

Gerald Shelton-spoke again on behalf of the Little League as to the safety concerns with the Carnival taking place so close to the ball fields. Thanked council members for their work and decisions they have to make. Mr. Shelton asked for final consideration of relocation of the carnival. Larry Johnson asked Mr. Shelton if anyone from the Little League had contacted the Chamber of Commerce.

Mayor White added that the Carnival workers would be advised to move their trailers away from the dug-outs to protect the children. She asked Chief Frank Dorton to make sure this would be done. Chief Dorton said it was already in the works.

Rod Cury-Request of Vacation of Alley-John Buskill- It is the recommendation of the Viewers to Richlands Town Council that the specific Vacation of Alley way be honored and that the Richlands Town Council and the Town of Richlands use the most current valuation and value the alley at \$3,000 based on \$1.60 per square foot x 1875 square foot and that this is considered fair compensation to the Town of Richlands. It is further recommended by the Viewers that the attorney for the Town of Richlands handle all legal matters regarding conveyance of land to Mr. Buskill and others. Rod Cury made the motion that council vacate the alley to Mr. Buskill per these recommendations. Joe McCracken seconded.

Mayor White asked for any discussion. Larry Johnson had a few questions. He asked the Town attorney if he knew of any other property in town that was deeded this way, where the Town has no use for, whatsoever. Mr. Ratliff said he was not aware of any. Mr. Johnson also asked if there was any expiration date on the Buskill's use of the property. Again, Mr. Ratliff said he was not aware of any expiration date. Mr. Johnson also wanted to know if this property could ever be used by the Town. Larry Johnson asked if the Town could park town trucks on it. Brad Ratliff said it could be done but there is a refutable license agreement in place that states the property can be used by Mr. Buskill. There was intent to vacate the property in the original agreement but it was never followed through. This license agreement is non-assignable, non-transferrable, and for all intents and purposes, the property belongs to the Town. In his opinion, the license is not valid. The Council at the time intended for the Buskills to have this property for their use for a long time. In the event that the roles were reversed, and the town wanted to acquire this property, the Town would have to pay for the property.

Frances Meadows asked that with all of the alleys or land that have been vacated in the past, have the people paid for these alleys or pieces of land that have been vacated. Most of them have paid. Doug Ratliff said that this was a different circumstance and reminded council that Mr. Taylor had said in a council meeting that the land was of no value to the Town. Mr. Ratliff said he didn't understand how a value of \$3,000.00 could be placed on land that has no value. He then said that every event the Town has, we use the Buskill's property (parking lot next to dentist office) and that people have parked there for decades and have not been charged a penny. He referred to all that the Buskills have done for the Town over the years. Rod Cury spoke that he had hoped this could avoid being personal. The danger of giving property away is that it sets a precedent. It is a bad precedent. There is no question that the Buskills have done many good things for the Town. As a council

member, he does not feel that council is empowered to place a monetary value on good deeds or goodwill. He said that many people have done good deeds for the Town and go unrecognized. He didn't feel the Buskills are asking for any recognition either.

Doug Ratliff brought up the Section House and the goodwill work the Town will be doing. He compared the Buskill situation to the Section House.

Mayor White asks for any further comments. Vote on Motion to accept the recommendation of the Viewers.

Frances Meadows said that she wasn't aware until now that the Town had previously given any land away. Tim Taylor said he only knew of one in the 1970s. Rod Cury said that the thought the vast majority had been sold. Frances Meadows said she was afraid of what would happen in the future if they give this property away. Rod Cury said that the Council at that time gave the Buskills permission to use the alley, not to own it. Larry Johnson said they need to handle this one appropriately and then have a set rate. Joe McCracken said they went by Tazewell County assessment that the last two vacations were based on.

Mayor White called for Vote again. 3/2. (Rod Cury, Joe McCracken, Frances Meadows, Yes- Larry Johnson, Doug Ratliff-No) Motion carried.

Council Member reports:

Rod Cury-Next Planning Commission meeting will be on Tuesday, June 4th at 7:30 pm at the Town Hall.

Joe McCracken-has discussed a few issues with Mr. Taylor including trash at 67 Grocery, mowing and helping the Town look better.

Frances Meadows

- 1)-Thanked Police Chief Frank Dorton for working toward a resolution with the Carnival and the parking, etc.
- 2) She then referred to Fred Phillip's report from the Rec Park since he wasn't able to attend.
- 3) She also thanked Fire & Rescue, the Street Dept, and all of the departments for a job well done keeping the town as clean as possible.

Doug Ratliff-Asked about the Power cost adjustment. It will be -0- for June.

Larry Johnson-Burn Building had its first run since the last council meeting. Keith Reynolds said it went smoothly. Public Safety Meeting scheduled for May 28th.

Frances Meadows provided Council with Fred Phillip's monthly report.

- 1) They are getting the pool ready for the season.
- 2) They are looking at cutting back on expenses over at the Rec Park.
- 3) Mayor White had a suggestion to offer free swimming to kids the day of the Freedom

Festival if they bring an item of food for the Backpack Program. Frances said she would check on it. The Backpack program helps to provide food to school children who don't have food at home and only eat meals at school.

Chief Frank Dorton's report consisted of:

From January 1st to May 13, 2013 answered 1,990 calls at the PD, up 500 from last year. The month of April 2013 took 990 calls, up 250 from last year. Doug Ratliff asked how to account for the increase in calls when the population has not increased. Chief Dorton said more things are going on. Just had a grand jury last week, our investigators served 13 indictments just for the Town of Richlands. The drugs of choice are changing. Big majority of larceny calls, forgery, uttering are related to drug use. Tim Taylor said that society in general is more demanding than they used to be. Technology enables us to provide more services to business people. They come to us because we have the video magistrate, take out warrants, to save them a trip to Tazewell. It also helps our officers when they make an arrest; if they are released, then it saves a trip to Tazewell.

- 1) Doug Ratliff asked about a disabled car and Chief Dorton said it had been towed yesterday.
- 2) This week is Police Memorial Week and there is a ceremony Saturday at the Sheriff's Office that everyone is invited to. Remember Officer Fox's son was killed in an auto accident; he was a State Police Officer. He was honored by putting his photo on the Memorial Wall. The Sheriff's Office sponsors this event every year. The ceremony is at 6:00 pm on Saturday.
- 3) Mayor White thanked Chief Dorton and Gordon Russ for their help on the recent town yard sale.

Gordon Russ provided Council with a copy of his monthly report:

- 1) He addressed the drug situation as discussed with Chief Dorton, said that they go into a lot of houses and they see a lot. Said that drug use has increased. Referred to his print out.
- 2) Has an employee going to Blacksburg next month to Infectious Disease Control Officer training. Must have one certified by July 1, 2013.
- 3) Burn Building class, lots of people from different towns, everyone bragged on how nice it was and how well it went. Our Public Safety is one of the best in the area. Thanked everyone for a job well done.
- 4) Would like to see a sign on 460 "Richlands Public Safety Training Center".
- 5) He is going to re-chassis two of the vehicles instead of buying new ones. Grant for a new ambulance, we would have to pay 50% because it's only been two years. So he is getting estimates for re-chassis. Going to put one ambulance on the market that came off the Grant in February. Will list it on Ambulancetrader.com. By listing it on the site, you can get more out of them and it usually sells pretty quickly. Cost is \$1.00 per day. Would like to get \$75,000.00 out of truck. He said we should not have a problem getting that with the truck having low mileage, 4 wheel drive. The box is too big for our area that is the reason for selling. Then in September, he would like to go back and fill out a grant for an ambulance. On the re-chassis, undecided on Ford or Chevrolet but is definitely going with

gasoline this time, it is cheaper to work on. Should be getting quotes on old chassis as trade-ins for new ones. Discussed the process of listing vehicles on ambulancetrader.com, it is a selling process, open nationwide. Plan to use money from sale of truck to re-chassis the other two.

- 6) Commented on yard sale, said it was a great success and appreciated everyone who turned out.
- 7) Doug Ratliff inquired about the cost of getting a sign on 460 for the Public Safety Training Center. Tim Taylor said that there are only certain signs that VDOT will allow, the Town will have pay the cost for the sign. Waiting until the road is paved, don't need a lot of traffic until the road is paved. Doug asked about a sign at the Fire Dept in Claypool Hill. VDOT had said no to our sign, however we could look into the cost of getting our own sign for that as well.

Keith Reynolds provided Council with a copy of his report-

- 1) Fire Dept. had 44 calls, 5 were training, 39 actual calls. 30 in the county, 9 in Town. 77% for county.
- 2) Burn Building session was very successful. Rehab shelter is finished. A Dedication will be held at a later date so that those who donated and helped can come by for the ceremony.

Jim Taylor informed Council:

- 1) Deer Trail Road-road to Burn Building has been cut, graded and made 20 ft. wide and it is ready for paving. Hope to have it added to our State Maintenance Schedule. Finished grade and stone around the Burn Building. Worked on cool down shed, almost complete.
- 2) Poured foundation for the fuel pumps at the PD and the shop. They are installing the plumbing now.
- 3) Put down some rumble strips at the dangerous intersection on Kents Ridge Road.
- 4) Repaired damaged bricks at post office.
- 5) Made 188 stops for brush/big junk. Total of 444 for the year, which is down about 200 from last year.
- 6) Tim Taylor asked about the finalization of the sweeper truck. Received 5 quotes from 5 different vendors, wasn't the cheapest bid but was \$47,985.00. Paperwork should be finalized tomorrow. The truck has a 90 day warranty.

Mayor White's comments:

- 1) She has coordinated most of the downtown activities for the last year and a half. She has had help but is looking for a way to share some of the responsibility with the other council members. She has prepared a Suggested Council Coordination for Town sponsored activities. If anyone doesn't want to do it or has suggestions, please let her know. Rod Cury commended Mayor White on a fantastic job but said she does need help. Mayor White offered to share all of her information, and will gladly serve on any or all of these committees; she would just like for someone to take responsibility of being the coordinator. Thursday, May 16th at 7:00 pm at Town Hall is the next

meeting for volunteers for downtown activities.

Brad Ratliff presented two proposed Ordinances for the Council's consideration:

- 1) Compression Engine Brake Ordinance as suggested by Councilman Cury.
- 2) Other Proposed Ordinance for your viewing and consideration for next meeting.
- 3) He is presently working on legal memorandum for BPOL tax with Councilman Johnson. Should be ready before next council meeting. Mr. Taylor asked if it would be possible to have this by next Tuesday for the Budget Work Session if it would be part of the budgetary process. Attorney Ratliff said it should be ready.
- 4) Working with Gordon Russ on implementing collections for unpaid EMS bills. No collection plan currently in place. Other items listed on memorandum given to council.

Mayor White spoke on the Ordinances that had Public Hearings earlier tonight. Discussion on two-hour parking ordinance, it is basically amending the original ordinance to give "teeth" to writing violations.

First Ordinance-Mobile Home Decals- Motion to dispense with the second reading, made by Frances Meadows, seconded by Rod Cury. No discussion. Vote, 5/0 all in favor. Motion carried. Mayor White calls for Motion to adopt this Ordinance. Rod Cury made the motion, seconded by Frances Meadows. Tim Taylor asked about the effective date. Effective date June 15, 2013 to give the public time to comply. Vote, 5/0 all in favor. Motion carried.

Second Ordinance-Two Hour Parking-Larry Johnson made Motion to dispense with second reading, seconded by Doug Ratliff. Rod Cury asked about dispensing with the Second Reading, what does that entail. Mayor White said then we move on to vote. If this Motion fails, then we will have a second reading. Larry Johnson again made the Motion to dispense with Second Reading, seconded by Doug Ratliff. Vote 3/2. Called for Motion to adopt this Ordinance, Larry Johnson made the Motion, seconded by Doug Ratliff. No discussion. Vote 3/2 with Larry Johnson, Doug Ratliff and Frances Meadows voting Yes-Joe McCracken and Rod Cury voting No. Ordinance is adopted. Motion carries.

Third Ordinance-Inoperable Vehicle Ordinance-. Rod Cury made Motion to dispense with Second Reading, seconded by Larry Johnson. No discussion. Vote 5/0. Motion carried. Motion to adopt the Ordinance made by Rod Cury, seconded by Larry Johnson. No discussion. Effective date May 15, 2013. Vote 5/0. Motion carried.

Tim Taylor discusses the bills for the month, refers to check register. Invoices totaling \$774,996.93. The AMP invoice totaled \$537,710.98, VRS \$51,485.51 and Anthem \$73,583.00. Frances Meadows makes Motion to authorize Mr. Taylor to pay the invoices, seconded by Joe McCracken. Vote 5/0. Motion carried.

Medicare Plans-copies were given to council. Three plans offered by Medicare for

retirees, Costs of each plan are outlined in memo. Advantage 65 with expanded benefits, dental/vision coverage, has \$140 out of pocket expense. Each plan is paid by employee/retiree. \$190 for the best coverage that has dental and vision. Motion made by Joe McCracken to replace the Medicare Complimentary Plan with the Advantage 65 with Expanded Benefits. Larry Johnson seconded. No further discussion. Vote 5/0 all in favor. Motion carried.

Resolution-State Law requires the Town to participate in a hazard mitigation plan. It is financially better for the Town to be a part of a regional plan that Cumberland Plateau planning District has done for municipalities. Recognition of the Committee. We are a part of this regional hazardous mitigation committee and we participate in this plan. Mayor White called for Motion to adopt this Resolution, made by Rod Cury and seconded by Frances Meadows. No further discussion. Vote 5/0 all in favor. Motion carried.

Mr. Taylor spoke about the completion of the Burn Building. Requested authorization to pay the final request for Application #7 and authorization to pay this payment to Inland Construction for \$39,360.00 which includes a \$10,000 change order. Larry Johnson made Motion to authorize final payment, seconded by Frances Meadows. No further discussion. Vote 5/0. All in favor, motion carried.

-scheduled a Budget Work Session to continue the discussion of the General Fund area, Tuesday, May 21st at 7:00 pm.

-Public Safety Meeting scheduled at 6:00 pm on Tuesday, May 21st

Tim Taylor has spoken with a contractor concerning the Vern White issues- damage to his house-and requested an estimate on the cost to look at the property. They had quoted a price in the \$400-\$600 range to look at it, however, there are concerns that if this was to end up in court, they really don't want to do that. If Council wants to entertain the possibility, he suggests that the contractor and the engineer meet with Brad and himself in order to understand the contractor's concerns. Statute of limitation is 5 years. Mr. Taylor will schedule the meeting between the parties.

Mr. Taylor has been talking with the National Weather Service for a number of days. NWS personnel are going to be able to get some transmitters to transmit this broadcast signal for this site. In order to do this, we must sign a Joint Project Agreement between the National Oceanic Atmospheric Adm. (NOAA), NWS and US Dept of Commerce and the Town of Richlands. They have produced this document and he has forwarded it onto the attorney. Brad Ratliff said it was fine legally. There are certain responsibilities. Town already has the tower, trying to locate a generator, thought we had financing for that, not mandated that we have a generator, but is highly recommended. Cost is minimum. Would be additional 300 watt transmitter that will provide a signal that comes across weather alert radios that are relatively inexpensive. Might even be a good product for us to produce at the next Safety Day if we could find someone to sponsor that. These radios could alert people to severe weather faster than TV or radio. We have a place to locate it but if we can work with the county to make it for more than one function.

Looking for authorization to sign the document, very little risk to the Town, very beneficial to the citizens. Larry Johnson made a Motion to Authorize Mr. Taylor to sign the Agreement, seconded by Rod Cury. Any discussion. Doug Ratliff asked if we work with the County, would it still be considered Richlands project. Mr. Taylor said it would be. Vote 5/0 all in favor. Motion carried.

-Brad Ratliff stated there is no need to have public hearings on ordinances if they done according to Town Charter. Public Hearing is scheduled for 7 pm on June 11th on Jake Brake Ordinance.

-Website-update? Will address after budget.

Mayor White asked if Town could use the Four County Transit for the Festival on June 29th. Mr. Taylor will check to see if there are any additional costs.

Brad Ratliff-reviewed and advised that the vote on the Two-Hour Parking was invalid due the requirement of 4 votes to pass an Ordinance pursuant to Section 3.1.8 of the Town Charter. Motion will be tabled until June council meeting.

Further discussion about the Two Hour Parking was heard by council.

Mayor White asked for any further discussions. Asked to entertain Motion to Adjourn. Motion made by Larry Johnson, seconded by Rod Cury. Vote 5/0 all in favor. Motion carried.

Meeting adjourned.

Jannis White, Mayor

Susan Whitt, Town Clerk