

The Richlands Town Council held a regular monthly meeting in the Richlands Council Chambers on November 11, 2014 at 7:30 pm with the following present:

Mayor:	Jannis White
Town Manager:	Tim Taylor
Town Clerk:	Susan Whitt
Council Members:	Joe McCracken, Rod Cury, Larry Johnson, Doug Ratliff, Mary Ann Strong and Frances Meadows
Absent:	Brad Ratliff, Town Attorney

Mayor White called the meeting to order.

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

Mayor White asked if there were any additions or deletions to the Agenda. Ken Smith asked to be added under unscheduled comments. Mayor White suggested adding under Closed Session, Section 2.23711 a (5)-Prospective Business and to delete Section 2.23711 a (7) Pending Litigation.

Rod Cury made the Motion to approve the Agenda as Amended, seconded by Frances Meadows. Vote, all in favor, 6/0. Motion carried.

Mayor White asked for any corrections, additions or deletions from the minutes from October 14th, there are two sets, one for a Public Hearing and one for the regular meeting. The date for the Public Hearing needs to be changed from October 10th to October 14th. Mary Ann Strong made a Motion to approve both sets of Minutes as Amended, seconded by Rod Cury. Vote, all in favor, 6/0. Motion carried.

Scheduled Public Comments:

Jeff Casey, 215 Center Street, Richlands, VA. I have a simple request tonight and had spoken briefly with Tim by phone, through that discussion he advised me that the Town would have to consider an Ordinance. I had prepared a letter basically for Tim at that time and failed to communicate with him since then. I would like for the Town to consider an Ordinance based on the discussion with Tim and myself to decide on the option of requesting an Ordinance that would be based on the Town of Richlands property in question is next door to my home and when our last tenant moved out, we were faced with expenses that we could not afford at that time. We had rented the property for ten years and every time someone moves out, we are faced with clean-up and fix up costs and in most cases, on short notice despite lease terms that were meant to protect us. We decided not to rent this property again. It has been vacant for nearly a year. At the time when the tenant moved out, I was unemployed so it was a difficult time for us. We have been fortunate; we have had some good renters over the years.

We are proposing this Ordinance or variance for what we would like to do is use the property for personal use. The carport has allowed us to park off the street and has been a great convenience for us. We have used the property for storage, and are considering using as a studio or work space if my wife chooses to work from home. The problem is for us to pay minimum fees for water, sewer, electricity, garbage pickup, etc. is too much expense for that. While that may not be a lot of money, it is still a debt expense for us and we are next door. So there is no need for trash pickup or even the additional water expense. These two properties were originally one property owned by the Swim family. The separation came in 1996 when I purchased the property. The meter for the rental property is in the same box as the meter serving my residence. While the electric service is separate, the charge would not be excessive. I could probably use that property with a minimum electric bill that would not be excessive but the combined costs would be since we are not using this property all of the time. My request is that the Town would consider an Ordinance or variance to exempt us from the minimum fees as long as the property is used for personal use and not for commercial dwelling or rental. This would be the same classification as a garage or separate building on the property that is not rented. In the event we should decide to rent the property at a later time, it could be revised, since the tenants would be subject to connection fees. Obviously, I would not pay water, sewer, garbage and electricity for tenants should they move back in. That is my request that the Town consider that exemption for us.

Frances Meadows asked what kind of studio. Mr. Casey replied that he is a free-lance artist. He said that in lobby his drawing of the Mattie Williams is on the wall.

Tim recommended that the water/sewer committee and the electric committee should meet and discuss this. It something that is beyond the business meeting of Council but we do have a committee for that and we are planning on meeting soon. That could be added to the agenda to discuss.

Mr. Casey said he realized that he probably would not get an answer tonight. He just wanted to bring it to Council's attention. He said he was very familiar with the Town Council procedures.

Tim said there had also been a request from other people that have apartments and have the same problem, when people move in and out and you are trying to clean it up, you are faced with a lot of utilities costs because of that. There have been people that have complained about that over the years. Maybe have a landlord fee during an interim period. But Mr. Casey's request is a little different. Mr. Casey said they had considered combining the properties all together but that in itself has some complexity because the power line for my house goes across the rental property. Which is not up to code and not really legal but it's there and it's grandfathered in so you have to live with it. I have explored putting underground lines in but have not reached a conclusion. He said he feels it is something that needs to be addressed and he had discussed it with Mary Ann also about rental properties because of that transition period, it can be difficult if you have rental property and to deal with that. While I am in a position now that we would probably never rent property again, but at the same time, I don't want to say never.

Council agreed that it should go to committee. Tim said that the committees would meet and discuss and have an answer by next council meeting.

Further discussion by council as to what other municipalities are doing, such as letting the landlord pay a yearly minimum fee or putting your house on vacation.

Ken Smith-303 S. Center Street, Richlands, VA- At the last council meeting, I came to you with a couple of problems that I needed help with over in my neighborhood where I live. Mr. Johnson and I were talking; the weather has basically taken care of one of them for us. The other problem is with the intersection of S. Center and S. First Street. As I stand here before you tonight, that intersection is still being abused. Just last Tuesday on Election Day, I had a confrontation with a young man that turned a corner near my house. By the time he reached the intersection, I would be willing to bet he was doing 50 miles per hour. I watched where he went and go into my vehicle and my neighbor came across the street and asked me if I saw it, I said yes. He said you are going after him aren't you? I said yes I am. I went to where he went to and I asked him if he did not see my three year old grandson and this man's five year old daughter playing in the edge of the yard. He said yes, I did. So I asked him if he still chose to go through there like that. What is wrong with you? He said all I can do is apologize. I have children of my own and I have got on to people for flying by my house.

They are still abusing it, they speed and they run the stop sign. I don't think my request to make that a four-way stop was unreasonable. I am sure that the Town has the materials to do it with. All they would need is two stop signs and a little paint. If it is a matter of the labor, have someone bring the materials to my house and I will gladly do it myself. Right over on Lee Street, you have the same example. You have a four-way intersection there. I have talked to a long-time veteran of Richlands Police Department, he says as far as he can remember, there has never been an incident in that intersection. We may not be a high class residence but we deserve the same service as everyone else. By your refusal to take care of a problem that has been pointed out to you, that makes you accountable and liable, maybe not lawfully but you are accountable to the people of Richlands. It is not a matter of if; it is a matter of when. I am not blaming it on strangers, the people that live over there are the world's worst. I don't know if they can't read or if they are color blind or if they think they are the only ones on the road. I have had 2-3 confrontations with them, doesn't do any good. He addressed Frances Meadows and said this is not a recent thing and that he had talked to her a couple of years ago about this problem. It has progressed and steadily gotten worse.

Doug Ratliff suggested that the Street Committee meet on this to make a recommendation. Tim said Chief Dorton has assigned some activity over there. Mr. Smith admitted to seeing more of

police presence over there lately. Chief Dorton said they had designated that area as a security check point after the last Council meeting, which means after the officers go into that area, they have to log on their mobiles that they are in that area. Since the last Council meeting, there were 21 different times that they were logged into that area. Chief Dorton said they had not received any calls from that area for the month of October for a violation or requesting assistance.

Joe McCracken suggested just fixing the problem. Tim said if they want to put the four way stop in there; that is fine. Mr. Smith had proposed the additional stops signs and to also paint STOP on the road to deter people from running the stop sign.

Joe suggested the Council go ahead and vote to fix the problem. Rod Cury agreed. Joe McCracken made the Motion to take care of this problem and put up four-way stop signs and write STOP on the road, seconded by Rod Cury. Vote, all in favor, 6/0. Motion carried.

Council Member Reports

Rod Cury-The Planning Commission meeting is December 2, 2014 at 7:30 pm. We didn't meet the last time due to Election Day. He asked Tim if a notice could be sent out to all members for the next meeting on the 2nd.

-He was going to ask Attorney Ratliff tonight but he is absent due to illness, at the last Council meeting I had asked about the property at 314 Fairfax Avenue, which several citizens have contacted me about the weeds that are growing there, especially the backyard. Mayor White said it was mentioned in Brad's report that was emailed to everyone. Chief Dorton said they had attempted to contact the company that manages the property but have not been able to get up with anyone. Brad is going to do a title search to see if he can find the actual owner. We are also trying to contact someone through the number that is posted at the residence, but have not had any luck. Chief Dorton said as soon as they make contact, they will let them know that something has to be done. Hopefully some progress will be made by next Council meeting.

-He commented on the beautiful flowers that had been provided by the Richlands Garden Club this summer and what a wonderful job they did with those and that he appreciated them. He also thanked the Town employees for keeping the flowers watered.

Joe McCracken- the Burnett Street property has been sold; he was given two months to do something. I don't think anything has been done yet. Tim said he wasn't sure if the deed had been executed yet or if the buyer has provided the check yet. Sue Wade confirmed that he had paid on Friday. Joe said he thought it had already been two months. He had to apply for the demo permit. Chief Dorton said that the new owner did not take possession at the last council meeting, it was sometime after that. Tim Taylor said it was when he actually executed the check is when he took ownership officially. He is in the process of tearing it down.

-Trees and brush in the river over and around the Brooklyn Addition. People in that area are prone to flooding, one resident over there was talking about a big tree and some brush around the big tree that is already in there. Can we do something to alleviate some of the back water flow from these obstructions in the water? Tim said they did get a few out, but not all and there are some over at the Rec Park too. We will have to contract someone to do it and will have to wait until the water level goes down enough to do it.

-Junk/equipment on Laramie Road near residences and the street. Several people have complained about this. Tim said there are some issues with the property. He asked Chief Dorton if he could update. Chief Dorton said notice had been given and he is moving the equipment slowly. The same thing on Shenandoah Street, he owns property there and is in the process of cleaning it up also. Frances Meadows asked if he had been given a time limit to get this done. Chief Dorton said he had been given a 30 day notice and customarily what we have done is if they have started cleaning it we work with them. I don't know that he could clean it all in one month. Tim said he probably could clean up Shenandoah in thirty days but not Laramie. Joe said he thought that 60 days would make a dent in the clean up but reminded Council that he (Mr. Keen) is an elderly person with health problems. As long as he is making an effort, I hate to put a time limit on it. Chief Dorton said the Ordinance calls for 30 days but customarily with what we have done in all of them is if they are starting to clean up what we have requested, then we try to work with them.

-Residence on Sayers Street, across the street in front of their house looks like a junkyard. So much old equipment and old vehicles in front the residence. I was asked to bring it before Council to try to get that area cleaned up.

-He thanked Tazewell County Tourism for donation to the Section House Project. They made a donation and we appreciate that very much.

-I was going to discuss with our attorney, Vickey Drive. Any update on Vickey Drive? The Ball house and the Holmes house? Chief Dorton said that he had not heard anything on the Cecil Ball property. Cecil Ball must have heard something because he called and asked Tim if his house was going to be sold. Tim said he thought the County is taking action of some sort so that so the Town and County will both be involved in that. Joe asked how long they thought it would take. It has been six months or so trying to get something done. Tim said he thought the next step would be the tax sale but it would have to be discussed with Brad. Joe asked about the other house on Vickey Drive, the Holmes house. They did start on some of it, it has been rather slow. Time is running out. People want to see something happening, see some results regarding these matters.

Frances Meadows-Two vacant houses on near the old 67 Grocery, do we know who owns those? The grass/brush hasn't been cut. Tim said letters have been sent to the owner. They are trying to sell one of them. The other is poor shape inside. Both of them have been rehabilitated through the Dept. of Housing Board. Chief Dorton said notices have been sent. The same lady, Ms. Nunan, owns both and wants to sell both of them, not just one. That is the problem. Chief Dorton said the Code Enforcement Officer has made contact and they say they are going to clean it up. Tim said it is the same 30 day notice, if they don't do it eventually we can do it and put it on a tax lien. That is the only recourse that we have. He said he was trying to get some pricing from our contractor to see if we could get that done but maybe in the winter time we might get some of those done. We can try our best.

-She noticed that they are starting to do some clean-up at Mozelle's. She thanked the Police Department for their help on that. She asked Chief Dorton what are the other two mobile home parks that you have started on? Chief Dorton said that Crestview is not complete yet; they are working on getting those notifications out. He is not sure which one is next; we will end up visiting all of them. Most likely Tackett's will be next. She said there are concerns at Tackett's regarding a complaint that there is an open sewer in that mobile home park. It's in the back part and running into the creek. Tim said they would check on that and said that they should have called the Town Hall. Frances said they are afraid to because they are afraid that Mr. Tackett will be mad. There is another one down there with an extension cord running from one trailer to another. One does not have electricity. Tim asked if that was in the same park, Frances said that it was. We will give it a good look.

Doug Ratliff-asked about an update on the Urban Planning? Tim said that they had a time conflict and couldn't get here; they wanted to come this week actually and couldn't get the dates together. We are waiting to hear from them. He asked Sue Wade if she had heard anything. She had told them that this evening wouldn't work due to Council meeting and he was going to check their calendar and see what they could come up with, a couple of different dates so that we can check with everyone, but we have not heard back. Tim said they would get those dates out as soon as we hear from them. They are ready to talk to you. Doug asked if he had a date for the electrical committee meeting. Tim said we got some final things in today; we are waiting on one more draft report. I think we will be ready next week. Do you have any days next week available? Doug said any day but Tuesday. Mary Ann said any day would fine. Tim said once they get that final report then they will schedule the committee workshop for next week. Doug suggested an 8:00 am meeting if possible. Mary Ann said that was fine.

Larry Johnson-Public Safety Meeting- this Thursday night at 7:45 pm.

-Veterans' Parade-had a really good turnout. There was a fairly lengthy parade, lasted about 10 minutes, which is good for the Veterans' Day Parade. We had good participation. There were about 200 people that attended, close to 100 Vets and their families that stayed for lunch. The luncheon was provided by Doug Ratliff, myself, Food City donated some sandwiches and it was catered from Bearded Moose. The Mayor provided some items and all the rest of the decorations came from the Festival Committee, the set up and decorating with the help of the Police Department.

-November 29th at 5:00 pm will be the Christmas Parade. There will be a float provided for the Council Members and their families. He invited Tim and Brad to participate as well.

-Congratulated everyone on the Election. Mary Ann got the most votes.

-Mobile home on South Center Street at the corner of the Big Lots back parking lot and South Center. He said he thought the Magee's used to live there. It is really only the floor of a mobile home and some debris.

Mary Ann Strong-also congratulated everyone on the Veterans' Day Parade and program. I know Karen Deel is here tonight and Michelle Rogich Yates, and Larry and Angie Johnson helped a lot. I enjoy attending those functions and thought it was very well done and thanks to the Police Department for their help.

-She appreciated the invitation from Cedar Bluff Elementary to the Council members to attend their salute to Veterans yesterday, and she had the pleasure of attending. It was very touching and moving and we appreciate the 5th grade teachers there at Cedar Bluff, the administration but mostly the fifth grade students there. They did a phenomenal job and I enjoyed my time there.

-Holidays with the Town Employees-The Governor gives state and local employees one-half day on Christmas Eve, all day Christmas Day (our Town employees currently get Christmas Day) and then depending on the day, the day after Christmas falls on, many times the Governor allows that day to be off as well. So I would like to make a Motion that we give our employees one-half day off on Christmas Eve, Christmas Day (and that would be permanent) and this year, because the day after Christmas falls on a Friday, that this year we also give them the day after Christmas off. Seconded by Larry Johnson. Vote, all in favor, 6/0. Motion carried.

-She was pleased to see in the Street and Sanitation Report, repairs to the wall on the Lee Street Extension, as those people are very concerned.

Mayor White mentioned that there are several loose bricks through-out the Town. She noticed some around the Farmer's Market. Tim said they could use epoxy on those. There is not much of a time window before winter, but we will look that those.

Mayor's Comments:

-She thanked Larry and Angie, Michelle, Becky and Karen and all of those who worked on the Veterans' Parade. It really does take a lot of time and they did a fantastic job, so I wanted to add my appreciation to that.

-Christmas Parade is coming up and as Larry mentioned, he has a float for all of us to ride on, so hopefully you can make it and bring your family. It is the Saturday after Thanksgiving.

Manager's Comments:

1-Authorization to pay bills. Mr. Taylor went over the check register which included bills for the month totaling \$719,177.76, including AMP Power Bill \$353,532.51, Anthem \$75,835.00 and VRS \$54,306.38. Larry Johnson made a motion to authorize the Town Manager to pay the bills, seconded by Joe McCracken. All in favor; vote 6/0. Motion carried.

2-Credit Card Vendors- We have narrowed it down to two as I mentioned in the budget work session. We have had conversations with the final one. All we need to do is get the Agreement signed and make sure we understand some of the terms of the finalization contract. We have worked out all of the equipment, fees and so forth. We haven't notified anyone else yet, but Wells Fargo had what we considered to be the best firm to provide those services based on fees for debit cards vs. credit cards vs. reward cards, all kinds of different cards have lots of different fees. The best solution we think is going to be Wells Fargo. Once we analyze and get the final agreement signed, we would like a three year term is what we are trying to push for with an exit clause. Three years at this rate would be tremendous for us. It is not a flat rate; they are not tied to the interchange rates, based on a standard fee that all Master Card and Visas provide for everybody with a small basis points average. All of these other submittals were confidential. Really this is the best deal. It is time to move. We may lease the machines based on annual maintenance vs. warranties, etc. for three years. The next step is to get the RFP out for the software, and with software changes, we would like to be able to do on-line payments. We can put closure on this unless something happens with the legal side and Brad will help us on that.

3-Power Supply- We have some of this. I got the latest forecast for the calendar year 2015 and have some forecasts for 2016, 2017 and 2018, which differs from the last time you saw it because of the fact that PJM made some the changes that we talked about in the budget work session. We will have a revelation of what those will be as well as the costs of service study soon, as soon as we can get that to council. That will have to be the first part of our budgetary process. A lot changes, it has been very up and down. Unfortunately, it is tough on everybody. We are borrowing a little from the Polar Vortex problem we had last January in the fact that we have a load following product from First Century that becomes effective January 1. So as long as we don't have any issues in December we should be covered for some of those costs, not all of them. I wanted to brief you that we are moving with that.

4-Lee Street Extension-George has given a report about the work, but we have went all over it, we have attached all loose material, all loose rock, we have checked everything we can check. We have established new control points and we check them once or twice a week. We have not seen anything move. Obviously, the winter time is not any time to do any work on it anyway. So it is stabilized, there is nothing else happening, it is not moving so we are going to recommend leaving it until after the winter. We will watch it and guard it and will move on to a more comprehensive look in the spring. I know the numbers to call to notify if we need any help on that but I am not going to start anything yet because they will charge us money. Doug asked if the people who live there had been contacted. Tim said they usually come out and talk to us pretty regularly when we are up there. George has talked to them recently and told them what we have found. Joe had talked to them also and they seemed to be satisfied with the action that has been taken and that we are monitoring the situation on a regular basis. Tim Taylor said there may be cheaper alternatives to tearing it down but right now we feel that we have taken care of the Public Safety issue.

4-Iron Street-The group that represents the former Ingersoll-Rand property, Arcadis-is into their next monitoring phase and is drilling wells for monitoring and analysis this week and all of next week. This is Phase II. Doug asked if the Health Department had finished their study. Tim said he thought they recommended further analysis, which is part of it. Doug asked as far as the study of higher cancer rates for the residents, what was found. Joe said the study found that it was such a low amount of infected ground that they didn't seem to be concerned with it. Tim said he had not received anything else since the report they gave to Council a few months back.

Doug asked if we could contact the Health Department and see if they could brief us again. Tim said he could see if anything had changed since the last report or see what the status is. Doug said he would feel better if we heard from them again.

Mr. Taylor said he had one matter he needed to speak to Council on in closed session, which is the personnel issue.

Rod Cury asked about the status of the Codification. Brad has had quite a bit of activity with them, I have noticed in his report and we have too. We are conversing with them, providing them with Ordinances, etc. They are not ready though. No dates have been established, I wouldn't know until I spoke with Brad. Rod said hopefully he will feel better and can bring us up to date on that next Council. It was voted on two or three years ago. Mr. Taylor said it had a deadline of August but we got it extended due to the complexity of the interaction.

Doug asked if closed session would be combined with the other matter.

Mayor White asked for a Motion to go into Closed Session pursuant to Section 2. 23711 a (1) Personnel and Section 2.23711 a (5) Prospective business. Doug Ratliff made the Motion, seconded by Joe McCracken. Vote, all in favor, 6/0.

Council went into closed session at 8:40 pm and returned at 9:45 pm.

Frances Meadows made a Motion to come back into open session, seconded by Mary Ann Strong. Vote, all in favor, 6/0. Motion carried.

All members affirmed that the only business discussed in closed session was pursuant to Section 2. 23711 a (1) Personnel Issues and Section 2.23711 a (5) Prospective business.

Mayor White announced Council would have a Closed Session Meeting on Wednesday, November 19th at 5:30 pm pursuant to Section 2.23711 a (5) Prospective business. Tim said it would be a work session with no voting allowed.

Festival Committee meeting Thursday at 7:00 pm.

Susan Whitt asked if Council had found a replacement for the Town Clerk.

Council discussed. Tim said it was up to Council to choose someone. He asked if they wanted to advertise the position. Council agreed that it should be advertised.

With no further business to discuss, Joe McCracken made the Motion to adjourn, seconded by Rod Cury. All in favor, vote 6/0. Motion carried.

Meeting adjourned at 9:55 pm.

Jan White, Mayor

Susan Whitt, Clerk