

The Richlands Town Council held a regular monthly meeting in the Richlands Council Chambers on March 10, 2015 at 7:30 pm with the following present:

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

Mayor White called the meeting to order.

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

Mayor White stated that the Closed Session would be moved to after Section VII due to someone from the Bluefield area that needs to be in the meeting. She stated that will give the visitor an opportunity to get out early, if that was okay with everyone.

Mayor White asked if there were any additions, deletions or corrections to the Agenda. She also asked for a Motion to approve the Agenda as amended. Council Member Frances Meadows made the Motion to Approve the Agenda and Council Member Larry Johnson seconded the Motion. Vote, all in favor, 6/0. Motion carried.

Mayor White asked if everyone had their minutes. Tim Taylor stated unfortunately later this afternoon it was brought to their attention that the minutes were to be copied front and back. The even pages did not get printed. Due to the copy error, Susan reprinted all the pages and they have been distributed to each Council Member. Tim Taylor apologized for the error, stating it has been a very busy start to the week.

Mayor White asked the Council Members if they needed a few minutes to look over the minutes, all said yes. The Council Members took a few minutes to look over the Minutes. She asked if there was any additions, corrections or deletions. Mary Ann Strong made a Motion to Approve the Minutes. Mayor White asked if there was any discussion, the Motion was seconded by Joe McCracken. Vote, all in favor 6/0. Motion carried.

No Unscheduled Public Comments.

Scheduled Public Comments:

Johnny and Betty Honaker-130 Veterans Drive- wanted to know what the Council found out about the water drainage problem. Brad Ratliff stated he did extensive research and his findings at the Tazewell County Courthouse was that the vicinity is not a platted street, it was never a public street or intended as a right of way. It is a division line between the Narcie Hankins subdivision and another subdivision that is adjacent to the south side. He stated that he is sorry to be the bearer of that kind of news and he knew they wanted the town to be able to take action but it is not town property. Betty Honaker asked if it was considered an alley, Brad Ratliff stated that they really didn't know what to call it. It was on a plat and didn't know if it was ever intended to be a public way. No indication that it was a public street or ever owned by the town. Frances Meadows asked if there was anything else that could be done about the water. Joe McCracken said he would like to state that he and Mary Ann Strong are on the street committee, they both viewed the property on March 10, 2015. They see no problem that the town has caused to the Honaker's property. There's nothing that can be done and he asked if Mary Ann Strong would like to add anything. Mary Ann Strong said she

appreciated all their hard work and many hours the Honaker's have put in, this has been going on for three months and they have been very patient. They have had everything in order and had a lot of research. Being new to the street committee, Council Member McCracken took her to the property today. She apologized that they didn't knock on the door and have them come out. But, she got to see firsthand the problem. She also stated that Council Member McCracken also took her to some other places in town and knew the Honaker's are good, honest Christian people but the problems in other areas are so much more severe, especially after all the rain the area has had. Mary Ann Strong also stated as much as she would like to help them if the legal advice to the town states that the town doesn't legally own the property there is nothing the town can do. The town has to set a precedence or they would have people backed out the door asking for help. She stated she hoped that answer made sense to them, and that just like Brad Ratliff stated, she knows that's not the answer they wanted to hear and that she was truly sorry. She also stated she knew they have spent a lot of time and effort and wished there was another solution and she assumed that no one on the Council has one. Brad Ratliff stated he would be happy to send a copy of the plats to Johnny Honaker with the property in question highlighted showing that it is evident that it is just a dividing line. Johnny Honaker stated that the town crew did come over and rake gravels on the property, and wanted to know why they would do that if the town didn't own the property. Joe McCracken told the Honaker's what the Council was trying to say is that the town is not at fault. Therefore, the town cannot do work on privately owned property. Betty Honaker said in the previous meeting she mentioned the town could possibly help by digging a ditch along their fence line. Tim Taylor told the Honaker's that was before he knew that it wasn't the town's alley. He also thinks that is a precedence that a lot of other people wants them to do in a similar situations. There's been property with the similar situation that has been brought before the Council before. He also stated that they have never put gravel on or made improvement to that property that he is aware of. The town does have a power line on the property but other than that, that's all the town has on the property. Mrs. Honaker states the town has to come into their yard in order to do work on the power line. The property is not accessible any other way but coming into their yard. Tim Taylor stated that the crew could climb the poles but they do appreciate the Honaker's letting them come into their yard. Betty Honaker asked could the town put a drain in as long as they put it on their property. Tim Taylor stated it would be faster and cheaper if they would hire a contractor to put the drain in. He stated that there are streets they need to get to before they could start work on private property. The town has had it tough with the flood. If they want to put a pipe in they could connect it with the town's drain. Council Member McCracken stated the Honaker's could run a drain from their property to the town's drain but that would be at their expense. The town could do the work connecting to the town's drain but they would have to put the drain in on their property. The Honaker's stated on the right side of their property is a drainage ditch the town put it. Johnny Honaker said the drain line comes from the Hackworth property that runs underground to a grate. He stated there's no water in it now, which it appears to be stopped up. That would be access to keep the water off their property if they could access that grate. Johnny Honaker also stated he thinks it is on their property. Tim Taylor asked the Honaker's if they built the house. Betty Honaker stated no, that her mother purchased the residence and later they purchased it from her. Tim Taylor also stated that the house was originally built by Kermit Cantrell and that he could have possibly put the drain in. He said he would send maintenance over to look at the drain and run the camera in it. He also stated that the town would call Mr. Hackworth and they all could possibly meet and discuss the Hoanker's accessing the drain. Johnny Honaker thought Mr. Hackworth would be at the town meeting but was not. Tim Taylor stated that Mr. Hackworth did attend the IDA meeting that was held earlier. Mary Ann Strong stated that she knows a contractor that does excellent work and is very reasonable that helped her with the water problems at her rental properties. She said she could call the Honaker's and give them the contact information. The Honaker's thanked everyone for all their help.

Mayor White asked for a motion to go into closed session. Section 2.2 3711 (A) (3) Discussion and acquisition of real property for a public purpose or of the disposition of publicly held real property. Larry Johnson made the Motion, Doug Ratliff seconded the Motion. Vote, all in favor, 6/0. Motion carried. Council went into closed session at 7:53 pm.

Council resumed open session at 8:20 pm.

Mary Ann Strong made the Motion to return from Closed Session pursuant to Section 2.2 3711 (A) (3) Discussion and acquisition of real property for a public purpose or of the disposition of publicly held real property, seconded by Doug Ratliff. Vote, all in favor, 6/0. Motion carried.

Mayor White asked if all members affirm that the only business discussed was that in Section 2.2 3711 (A) (3). All members agreed that was what was discussed. Mayor White also stated they need a Motion as a result of closed session. Brad Ratliff stated the motion would be for Council to agree upon the boundary line on the Lewis A. Peak property as identified in the plat prepared by Alpha Land Surveyors showing survey for Tazewell County Treasurers Office and to assist the county in payment for the survey to affect the tax sale. Doug Ratliff made the Motion, Joe McCracken seconded the Motion. Vote, all in favor, 6/0. Motion carried.

Council Members Reports:

Rod Cury – Announced that the next Planning Commission Meeting will be held April 7, 2015 at 7:30. During the previous meeting the Commission met with Sam Tuggle with Community Planning Partners to work on the comprehensive plan. Rod Cury has also had a lot of people to call him about the snow and the weather we have had.

Joe McCracken – Stated that the Street Committee has been out observing the condition of the streets. He stated that the town is working on correcting the problems with the streets from the snow, ice and mud. Joe McCracken, Mary Ann Strong and Tim Taylor went out and viewed the streets today (3/10/2015). Joe McCracken has made his recommendations to Tim Taylor; he feels they will be taken care of.

Tim Taylor interjected about the Street Committee Report. He stated that there are a lot of people getting impatient with cleanup effort. Town employees have worked diligently around the clock in sub zero degree weather and dealt with equipment problems. He also stated that when dealing with the previous weather event that the town worked to prioritize needs. The crews worked to get the health care up first for obvious reasons, then emergency services, police department, fire department and EMS. Next, they worked to clear the food stores, making sure they were open so people could get food, then the gas stations and banks were next. The main business district got a lot of attention during the first part of an event. Then less populated areas were the last area to get worked. The town ran out of salt due to all the snow and ice. They also experienced limited storage area for salt. After the snow, the flood came and then the ice came on top of that. Tim Taylor also wanted everyone to know that the town will get to everyone; they've lost a lot of experienced workers. This was the first event of this caliber that some of the employees had experienced. The town employees did a good job with the experience they have. The flooding was different this year; it deposited a lot of mud which will make ongoing cleanup effort even more difficult

Joe McCracken stated that the Council and the Town are working behind the scenes to correct the problems. He asked everyone to please be patient; they are trying to get to everyone.

Frances Meadows – Stated she has talked to Fred about the cleanup at Critterville. They are working with George West regarding the cleanup, it will take time but it will be returned to working order.

Frances also had calls regarding the siren that goes off every day at noon. She wanted to know if that is something that has to be done every day or could it be done every other day. Tim Taylor told her that it is activated manually and it is a test to make sure it works and it is also a tradition. He also stated it can be activated whenever the Council wanted it to be; it's an advance warning system. Frank Dorton stated it is manually set off. Larry Johnson said it has to be activated once a day every day at the same time so people would know it was a test and not a true emergency, it's always been that way.

Rod Cury said he knows it is loud but people have become accustomed to it. It is a matter of routine and the Council might want to rethink the system.

Tim Taylor said it is loud but warns of floods and severe weather. Larry Johnson stated that it was something that people became accustomed to.

Frances Meadows also stated that there will be another Rec. Park Commission meeting next month. The previous meeting was canceled last month due to bad weather. She also stated that she had a couple of new names to be approved for the Rec. Park Commission due to resignations. The resignations were due to other commitments and members having busy schedules. She also had a question regarding the homeless people in the area, where do they go during bad weather and cold temperatures? Frank Dorton stated that we have no homeless shelters in town. Joe McCracken asked Frank Dorton if there were any homeless people in the area and he stated that there were three or four homeless people in the area. He also stated that the homeless person that most people see has a home; he just refuses to go home. Tim Taylor stated that the Richlands Police Department has a warming station when there are cold temperatures. Joe McCracken wanted to know where do they stay and where they slept? Frank Dorton stated that the homeless slept in cars, under bridges and that one individual is possibly sleeping in the bathrooms at Critterville. He also stated that they have to do something because that individual has been setting fires in the bathrooms. Most of the homeless people are homeless by choice; they do receive disability and assistance. Joe McCracken wanted to know what the town could do for the people that are truly homeless and do not receive any income. Frank Dorton stated that they do not have any funding to help with that situation. The only shelter close to the area is in Bluefield. Rod Cury wanted to know if it became a problem in the area could the police transport them to Bluefield. Frank Dorton stated to be eligible to stay in a homeless shelter a person could not be under the influence and could not consume alcohol, he also stated that most of them are resilient and take care of themselves. Rod Cury stated that he was glad Frances brought up the homeless problem because it's a human concern that we all have, even though they're making bad choices they are still people. He stated that he's had calls from people on how to handle the situation and he advised them to call RAMA (Richlands Area Ministerial Association). Tim Taylor stated the town would call Moon Mullins (Good Samaritan Food Pantry) to help with food and clothing but social issues needed to be addressed by Tazewell County Department of Social Services. Frank Dorton stated that RAMA has helped with gas money for transportation needs. Joe McCracken stated that the Council is concerned and wanted to help in some capacity.

Frances Meadows also wanted to know when the cleanup day for the town would be held. Mayor White stated that it's usually on a Saturday in April. Doug Ratliff asked about inmates helping in the cleanup effort. Frank Dorton stated that they have actually used inmates in helping with clean up with the flood debris. Mary Ann Strong asked if the Council could set a date now or in April. Mayor White stated that a date could be set at anytime for the cleanup date. Rod Cury stated that the Curvie Movement has a cleanup day for the entire Clinch, it could possibly tie in with that. Larry Johnson asked when the little league opening day was going to be held, Mary Ann Strong said it was usually in March. Frances Meadows said she would find out what day opening day would be held.

Doug Ratliff - Asked Tim Taylor about the briefing on AEP, he also wanted to know if the Council needed to go into Closed Session and if he's ready to make a presentation. Tim Taylor stated that he thought he would be ready but with all the snow he has had to spend a tremendous time out of the office to help. He will probably do the presentation in Work Session when the budget is complete. Doug Ratliff wanted to know when that would be, Tim Taylor stated that those have not been scheduled yet but he will get it to the Council by the end of April. He would also like to have something by the first week of April, maybe before next Council Meeting but he does not have a date right now. He also stated the Council could have a Committee Meeting to look at the electrical but they need to get the budget finished. Doug Ratliff stated that they would like to have a Committee Meeting the first week of April. Mary Ann Strong stated that would be fine. Tim Taylor stated they needed to get the budget finished.

Mayor White stated that they needed to talk about the Farmer's Market. They have had people call about it, she stated that she and Sue Wade had talked about it the other day; they need to review and revisit it. Tim Taylor stated they would get a preliminary out with most of the recommendations. He also stated that they could be thinking about what they wanted to bring to the plate and they could get the Work Sessions going and get moving.

Doug Ratliff stated before Council can do anything with the electrical they had to decide about the gas. Tim Taylor stated he will have something as soon as he can.

Larry Johnson asked if there will be another electrical spike. Tim Taylor stated that there will not be another spike. Gas supplies are up and that there is no price validity as last year. It was colder this year and the demand was historically greater than the town had previously seen. But everyone was prepared throughout the country. The town has not received the bill yet but purchased a lot of kilowatt hours. The kilowatts were maxed out at 25,000, which is probably the most that's ever been purchased and that was a substantial amount for the town. It was double the average of what is normally purchased. Unfortunately, the amount will most likely be reflected in everyone's electric bill and he wanted to make everyone aware of that. It wasn't just one cold day, it was quite a few.

Doug Ratliff wanted to know if something was billed into the system that if something like this happened it wouldn't be as severe the next time. Tim Taylor stated that they have to buy off the market. The town doesn't normally see 25 megawatts, normally they see 15 to 20 megawatts. The other megawatts they get off the market are on and produce energy.

Rod Cury stated that the preparedness was on a different level this time and that the town was more prepared. The suppliers were ready to supply the town at a more economical price than what it was during the last electrical spike. Tim Taylor also stated the power lines didn't fail as they did last time because of all the repairs to the lines. Also, there is more gas availability and supply was met.

Tim Taylor also stated that the water plant was in use for 24 hours for numerous days which slowed down the street cleaning due to the water plant being in use continuously.

Tim Taylor stated Richlands was very fortunate, there were only a couple of places with power outages and that was unusual. The remainder of the problems was the load of electricity that was being used which caused some wires to burn, weakness showed but they were few. The problem now is water; the water plant has run continuously. Street washing is not the cause of that; it was a lot of leaks, a lot of usage and a lot of problems.

Larry Johnson also wants to thank the employees for all the hard work and extended hours. They did an awesome job.

Mary Ann Strong echoed Larry Johnson on the great job the employees had done. She also had someone to call her in February, they were very upset. They left a message stating they could

not get in touch with anyone for help with a problem they were having. The caller did not leave their name, phone number or street address. She asked if this person was watching to please give her a call and leave their information, nobody can help them if they don't identify themselves. She also mentioned the important Enterprise Zone meeting, Tuesday, March 17, 2015 at 6:30 to be held at the Town Hall. Also, on March 19, 2015 is the Chamber of Commerce annual membership meeting and all Council Members are invited. Lastly due to the weather and a scheduling conflict the Street Committee meeting has been postponed. She wanted to know if Tim Taylor wanted to reschedule a date for the meeting. Tim said it would be more beneficial to have more information available; Sue Wade would call to reschedule a date. Mary Ann Strong stated she understood and had nothing else to add.

Mayor White asked if anyone had any questions or comments for the department heads. No one had any questions. Mayor White also wanted to thank all the town employees for their hard work, dedication and being out in the weather.

Mayor White also had a question for Brad Ratliff regarding the codification. Brad stated he followed up with Alicia Manson. She is on maternity leave at this time; he should have more progress after he hears back from her next month.

Mayor White stated the Festival Committee in the planning stages of the festival. They have a meeting scheduled for Thursday night, March 12, 2015 at 7:00 pm. Anybody that would like to help is appreciated.

Brad Ratliff – Stated that River Street and Veteran's Drive issues have already been discussed. He also wanted to discuss the proposed Grass Ordinance Revision; he wanted to get a jump on it since it becomes a problem in July and August. The Council always deals with complaints regarding residents who are not maintaining their property accordingly. One issue that Council has had is that the Ordinance specifies vacant property; it doesn't identify all properties being subject to the Ordinance. The proposed Ordinance in the packet re-titles the original Ordinance and removes the element of vacant property. It also adds additional language to improve the identification of what is allowed by adding height requirement in the actual text of the Ordinance. He presented a draft Ordinance for Council's consideration, they must decide on what is a reasonable height for the grass. There are two different directions the Ordinance can go; he will discuss this with Chief Dorton. It could be a civil penalty or a criminal penalty.

Tim Taylor stated that another thing to consider is forest land and grazing land versus land down town. It would be impossible for people to be in compliance with the Ordinance. He would like them to take that in consideration in the proposal.

Rod Cury stated that the Comprehensive Plan does not cover Ordinances. It is broad but it might help with examples with things like this.

Doug Ratliff wanted to know what penalty Bluefield uses for not being in compliance with the Grass Ordinance. Brad Ratliff stated that in Bluefield it is a Civil Penalty. He also stated that the proposed Grass Ordinance was modeled after the Grass Ordinance that Bluefield has in place. Mary Ann Strong stated she was in favor of a strict Grass Ordinance. Frank Dorton asked Brad Ratliff if that could be considered Property and Curtilage. Brad Ratliff stated that it could be considered that and the definition of curtilage is considered the area immediately adjacent to the dwelling.

He also wanted to bring the Council's attention to Tazewell County's preparation to the taking over of Time Warner Cable by Comcast Cable. The county is renegotiating their franchise agreement and in that they need to know what public buildings need free access to cable.

Tim Taylor stated Council might want to consider canceling and doing their own Franchise Ordinance. He also stated the town might capture a few fees otherwise would be imposed on the town.

Brad Ratliff stated that was absolutely something that could be done and that was another element he wanted to discuss with Tim Taylor.

Larry Johnson asked if it was possible to redo the pole usage at that time. Tim stated that it was something that could be done and there were federal rules that applied and he would get information regarding those rules to Brad Ratliff.

Joe McCracken asked about improving the service, there would be no benefit if the service was not better.

Tim Taylor stated that price could not be controlled it was a deregulated industry. He also stated that BVU (Bristol Virginia Utilities) could not provide service to some areas. A franchise agreement would be the best place to talk those things out.

Doug Ratliff asked about the rate of tax.

Tim Taylor stated the town would get a franchise fee, the pole tax and fees would go to the electrical department. There are some fees that the town would get due to the business being in town. Communication and Sales Tax would go to the state.

Doug Ratliff wanted to know who would be doing the negotiating for the franchise.

Tim Taylor stated that the Council could pick a committee.

Doug Ratliff stated he knows that price cannot be controlled but he would like to keep the same package pricing.

Tim Taylor stated that package price could be negotiated. Time Warner had been good to work with, he knows nothing about Comcast. He also stated that talking with the town of Tazewell and Bluefield might be a good idea since they are Comcast customers.

Mayor White asked Tim Taylor if he could give an update on the town sticker collections. He stated that it hasn't progressed as well as they thought it would. He also stated Sue Wade could provide more information on the situation.

Sue Wade stated they have downloaded spreadsheets from Tazewell but the town doesn't have the correct software to do a lot of the status checking that needs to be done. They normally do \$36,000 but as of right now the total is \$33,000. Some of the problems they have encountered are the wrong address, people who have moved and people not listed as Richlands residents but as Tazewell residents. They are doing the best they can with the software the town has.

Doug Ratliff asked how the software problem can be corrected. Tim Taylor stated that they do have bids out, it is in his report. They have a bid that is due on March 24, 2015. They have an extensive RFP out, not only on that but other community packages as well. They have an expected completion date of sometime in June or July. With that will come online billing.

Doug Ratliff wanted to know that once it's implemented could the town go back and rebill. Tim Taylor stated that it would be a tool for Brad Ratliff to go back and do what he needed to do. A bill would have to be sent, if they refused to pay it then they would have better information to give to Brad Ratliff.

Mayor White said she had a gentleman recently ask her about the town stickers. She asked him did he receive any information in the mail, he said he hadn't received anything. She told him he needed to go by Town Hall.

Tim Taylor stated he feels that the town sticker situation will get better.

Joe McCracken said that he didn't think anyone would volunteer to pay taxes if they didn't receive a bill. Tim Taylor stated that they probably would not, he also stated they can't send a bill if they don't know about it. He also said if the town could get their own software and does not have to depend on a third party in the long run the town will be better off. They can do it if they have the correct software.

Joe McCracken stated that this is the first year it was tried and they should stay on the track and get all the bugs worked out and see what the progress is next year before any decisions are made.

Manager's Report/Authorization to pay bills

Tim Taylor stated that everyone should have a check register report totaling, \$185,621.19; AMP \$466,395.10; Anthem \$82,817.00 and VRS \$56,533.24.

Mary Ann Strong made the motion to give the Town Manager authorization to pay the bills. Doug Ratliff seconded the motion. Vote, all in favor, 6/0. Motion carried.

Tim Taylor stated they just received the health insurance quotes. Sue Wade and Adrienne Cordle just returned from a conference to help understand all the different things in the health care proposal. They have no suggestions or recommendations at this point. The quote is a 2.6 percent increase which is great compared to other towns. The Affordable Care Act has changed the way some of the paperwork has to be completed, they haven't had time to really set down and talk about it. He will give the Council a briefing on the health insurance as soon as they get something prepared.

He also stated he wanted to give an update on the areas of town that are serviced by AEP. He started by talking to the distribution engineer at AEP, he was very helpful and cooperative to deal with. The AEP representative for the Town of Richlands contacted him; they told him what they wanted to look at. No official request has been made at this time but the areas of concern are all the areas around the Town of Richlands that are being served by AEP. This includes Hidden Valley, Hunter's Ridge, Purcell, Birmingham, and Daw Road. They didn't include the area where the school is located. Tim Taylor stated the town probably would not want to deal with that, partly due to it is out to itself. He said to serve that area would be very difficult plus governmental customers expect a lot of low rates that they already receive from AEP. He also stated it wouldn't be an advantage for anybody to take that on. They are directly on a large feeder line and have good reliability there. He doesn't think the town could provide anything that would benefit them. He did have a meeting with the AEP representative and talked about the physics of it, the engineering piece of it so they would know what that would entail. He also stated that they haven't discussed price at this time, how to do it or if AEP is even interested in discussing it. He asked about a time frame for discussion of the project, he was told it usually takes 60 days for someone from corporate to interact with the town but the request has been processed. The town is currently working with Mr. Braymer with AEP and he has been very cooperative and helpful. There are approximately 600 customers which is a sizable load electrically. He stated the town is pursuing that and he will give briefings on the situation when they become available. That was all he had to add on the subject at this time.

Tim Taylor also stated that the software bid was due March 24, 2015. The mowing bids are due March 26, 2015. He said he has been extremely busy at the waste water plant and out in the

field. That is his report unless Council has any questions. The biggest obligation right now is to get the budget to Council in its first form and given to Council on April 1, 2015.

Mayor White asked if anyone else had anything.

Joe McCracken stated that the Enterprise Meeting will be held March 17, 2015 at 6:30 at the Town Hall. He stated it was on the access channel to be held at the Business Incubator. Sue Wade stated she would get that corrected to read that the meeting will be held at the Town Hall.

Mary Ann Strong had one last question. She asked Sue Wade how the town was doing on the credit card payments. She wanted to know if a lot of people were utilizing the service. Sue Wade stated that approximately 40 people have used it but they do not like the \$3.00 convenience fee. A lot of people will leave when they find out the fee and go withdraw money from the bank and come back to Town Hall and make a payment.

Mayor White apologized and said she had failed to mention that the town had a new Town Clerk, Kelly Goodman. Mayor White welcomed her and thanked her for taking the position.

Mayor White asked if anyone had anything else to say. She stated if not, that they would entertain a motion to adjourn if there was no discussion. Larry Johnson made the Motion to adjourn; it was seconded by Joe McCracken. Vote, all in favor, 6/0. Motion carried.

Meeting Adjourned

Jan White, Mayor

Attest:

Kelly Goodman, Clerk