

The Richlands Town Council held a regular monthly meeting in the Richlands Council Chambers on April 9, 2019 at 7:30pm with the following present:

Mayor:	Paul Crawford
Town Manager:	Tim Taylor
Town Clerk:	Connie Allen
Council Members:	Richard Brown, Vickie England, Rod Cury, Mary Ann Strong, Doug Ratliff, Rick Wood
Town Attorney :	Shannon Cooke

Mayor Crawford opened the meeting.

Allen Gross gave the invocation and led the Pledge of Allegiance.

Mayor Crawford – Do we have any additions/deletions/corrections to the agenda?

Tim – Please add under Manager’s Report: Miscellaneous: (1) Action for Council to allow me to contract the Health Insurance for the Town Staff, we have deadlines. (2) Just for purpose of Council function we will do an RFP for professional service, will get on list to be out for notice. (3) We had a late finding from the APA. We received finding letter with physical situations from the Commonwealth of Virginia- Auditors of Public Accounts.

Mayor Crawford – Do we have a motion to approve the agenda as amended? Mary Ann made the motion to approve the agenda as amended, Doug seconded the motion.

Mayor Crawford- 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. Motion carries - 6/0.

Mayor Crawford – We have one (1) set of minutes, Are there any corrections, additions or deletions to the minutes?

Doug - On page 11, second paragraph of my comments, on the second line “opposing” should be “proposing”.

Mayor Crawford - Do I have a motion to approve the minutes as corrected?

Rick - I make a motion to approve the minutes as corrected, Vickie seconded the motion.

Mayor Crawford- 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. Motion carries - 6/0.

Mayor Crawford – Consideration of Resolution R-2019-04-01: Recognizing John Willis regarding the Richlands Honey Festival – (Read the Resolution)

Dr. Willis - Thank you and I am grateful for more than just me. There are so many people involved in the Honey Festival which they are often overlooked including my wife Jane. Jane is our Secretary, Barry Alley – Vice-Chair, Reece Strong- Treasurer, Dr. Scott – Facebook Person. We have several sponsors. We purposely did not ask Clinch Valley Health due to the fact they do so many other things. Marco Warner at Trust Point Insurance, Dr. Bays with the Clinch River Bee Club, Pizza Plus, Grants Supermarket, Dr. Brown at Chiropractic First & Brown Chiropractic, Tazewell County Mercantile, Ginger Branton – CART, AASC, Rod and the Section House Program, Police Chief and the Police Department, SVCC, Art Center, Appalachian College Pharmacy, Methodist Church, Curt Breeding, Hunter & Bethany Brown, Emerson Kirby. We need more people’s ideas; we need a face for Winter Honey but not mine. The Festival runs for 10 days. It can be a financial driver. I received a call and I was asked how we learned enough to be the “Bee Center of Virginia”, I said, I told you. February will be Winter Honey Month for the Commonwealth. We have a lot of things we can do but need for people to come up with ideas.

Everyone knows bees don't make honey in the winter, I made the name up of Winter Honey, it sustains us thru the winter. Winter Honey is a dream, not working and enjoying life. I would like to see this dream continue with new faces. I thank you for the recognition.

Mary Ann - Can you and Jane come forward, so we can take a picture?

Mayor Crawford – Presented the Resolution to Dr. John Willis.

Mayor Crawford - Dr. Tommy Wright is not here tonight, we will discuss his issue a little later in the meeting.

Mayor Crawford - Is there any "Unscheduled Public Comments"? Peggy Hurley can you come forward.

Peggy Hurley - I am from the Department of Commerce. I am here to discuss "Complete Count Committees". (Passed out forms). The Department of Commerce is working on your 2020 Census which will soon be coming up. You will start hearing more and more about this project in this area. My job is to meet with the Mayor and Council and discuss "Complete Count Committees". They will encourage, educate and motivate to get your local people to complete the 2020 Census. Our goal is to hire local faces so when we send people from door to door, people will recognize their faces. The committee will be a local voice. We are recruiting and would like to hire between 40 and 50 people. Starting in June we will be doing addressing canvassing. We want to have a master address list, addresses will be corrected. We want to hold job fairs. It would be good to incorporate the message with the activities you are already doing, add to utility bills, websites, etc. The committee will be doing things you are already doing. I am working with Pocahontas, Bluefield, Richlands and Tazewell. Town of Tazewell is interested in partnering with the other Towns in the surrounding areas. I think it is the best idea. We need to get a committee together and prepare for the upcoming census. If you look at the non-respond rate from the last census it was 18.7%. Sometimes children under the age of five (5) are left off census. This is the first time the survey is going to be offered on line. They are pushing for everyone to complete online. We are looking at a population that was good to participate which was 65 and older. We need to start now to offset some of the issues before we get started. Do you have any questions?

Mary Ann - I am excited about the job opportunities that it will create.

Peggy - The jobs will start out at \$13.50 per hour, must be 18 years old and work 25 hours a week. They can work 40 hrs. a week if they want to. Every six (6) to eight (8) weeks they will check to see if projects are complete. If the projects are not complete they will ask the people if they want to stay or leave. Once the projects are complete, the Census Bureau will move on to other projects that we have. They can continue to work other projects.

Tim - Do you have a contact card you could give us?

Peggy - If you want to schedule a meeting I can come and meet with you. The census is very important to your area. I will leave some of the flyers for jobs. If you have any questions, please call me.

Rick –Tim, can we put on the ACCESS channel?

Peggy - Thru the month of April we would like to do a proclamation. The Town of Richlands is declaring a certain date for a Census Awareness Day.

Rick - We can put on the ACCESS channel and make people aware of how important it is.

Mayor Crawford - Any other "Unscheduled Public Comments"?

Mayor Crawford – At this time I need a motion for the Mayor and Members of Council convene in executive closed session for the purpose of discussion of Subsection (A) (29) of Section 2.2-3711, Contract negotiations with the County of Tazewell for Fire and EMS protection.

Richard - I make the motion to go into executive session, Rick seconded the motion.

Mayor Crawford- 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. Motion carries - 6/0.

Mayor Crawford - I now entertain a motion that the Members of Council reconvene in open session and accept the CERTIFICATE OF EXECUTIVE SESSION certifying that the matters discussed while in executive session were those both lawfully exempted from the open meeting requirements and identified in the motion by which the closed session was convened.

Rod - I make the motion for Council to return from "Closed Session", Rick seconded the motion.

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

Mayor Crawford – Roll Call Vote - Vickie-Yes, Doug-Yes, Rick-Yes, Mary Ann-Yes, Richard-Yes, Rod-Yes - Motion carries - 6/0.

Mayor Crawford – We are back in "Open Session", is there any motion of the result of the executive session.

Richard - I make a motion to approve the Fire & EMS Contract with the County, Rick seconded the motion.

Mayor Crawford- We have a motion and a second to approve the EMS & Fire Contract with the County, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Motion carries - 6/0.

Mayor Crawford - Travis, thank you for coming.

Mayor Crawford – "Downtown Events" – Update presented by Richlands Events Coordinator – Connie Allen

Connie – Spring Fest - April 13 - Kids activities from 12 noon to 4pm at the Community Center. Victor Lawson will playing live music from 4:00pm to 9:00pm, Classy Closet will have a Fashion Show at 5:00pm in the parking lot beside of Richlands Post Office. I have had good response for the Yard Sale, Craft and Vendor Show and the Summer Fest.

Connie - We did receive the grant to get a LOVEwork sign, as you can see it is here in the Town Council Chambers. We would like to dedicate at the Spring Fest at 6:00pm if Council approves. Virginia Tourism said we could dedicate during the Spring Fest.

Vickie - Will you let us know so we can be there?

Connie - Yes, as soon as I find out for sure I will email everyone.

Rick - Tim, can we get it installed?

Tim – Yes

Mayor Crawford - Do we need a motion to have the dedication?

Connie – No

Mayor Crawford - "Council Member Reports" – Rod Cury

Rod – I want to thank Mayor Crawford for coming to our last Planning Commission Meeting. At our last meeting we talked about the walking trail. We talked about the development, the stage of it and where we are now. Tim will be able to give us details on the walking trail. We are at the point where we are getting money to establish the cost of the trail, with the efforts of Tim and others to get the additional \$4000 from RDA. That will give us \$30,000 to develop a plan of how much the building of the trail will cost. We will build in segments as we can.

Rod - There were some concerns brought to me about colors of paint in the Town. Those concerns would be a Council action or concern not the Planning Commission, unless Council asks us to research. We delayed talking about completion of the rezoning of an area in Town until we have more information about that. We were hoping to meet with the lady from Friends of Southwest Virginia, but we could not arrange in time. We had planned to meet last night but not all members were able to attend. The next meeting for the Planning Commission will be first Tuesday in May.

Tim - Some of the things that happened we have a resolution for them. We talked to a representative from Friends of Southwest Virginia and they are available on April 16. We have talked to our consultant engineers that have been assigned to the scope of work and the Planning Commission, they are both available on April 16. It was supposed to be budget work session, but I would recommend that Council assign April 16 to the Planning Commission. Randy Smith is supportive of meeting on April 16. We will make an announcement that the meeting will be on April 16 at 7:30pm. The meeting will be about Clinch River Walking Trail and the scope of work.

Rod - I don't have many citizens concerns at this time but I am looking forward to Saturday. The Section House will be selling desserts for a fundraiser. It is called "Get Your Just Desserts". Trish Pruett from the school will be making the desserts. You can make a donation, or you can just have the dessert. We will have a donation jar set up if you want to make a donation for the Section House projects. We are still selling bricks.

Mayor Crawford – "Council Member Reports" – Vickie England

Vickie – I had a couple phone calls after Council meeting last week concerning garbage and yards grown up. There are people listening which is a positive thing. I have had two (2) phone calls about buildings been painted in Town. The property still needs attention behind Magic Mart, the abandoned trailer park with abandoned trailers. I don't know who owns the property, but we have been getting calls for two (2) or three (3) years. I got a call about the burned-out house on Kentucky, I think that has already been addressed. We have people who use their front porch to put their garbage on, I think that is in some of the ordinances that Shannon wants to go over.

Mayor Crawford – "Council Member Reports" – Rick Wood

Rick – Update on the Birmingham Road, Tim, have we heard anything on that?

Tim - Kevin can you please come up front and address?

Kevin – I met with AEP a couple months ago and they were finalizing the design, I am waiting to hear back from them to give us a final contract on what the cost will be.

Rick - Does all that have to be AEP?

Tim - We have looked at it, it really does economically. In order to get into those areas with just street lights it would cost way more than AEP. We were able to get grant funding for the 609 projects.

Kevin - Most of the poles are already there.

Tim - They had a tariff change too, they are waiting on, it is better.

Mayor Crawford – Can you follow up with them?

Kevin - I will reach out to them to see where they are at.

Rick – What about the place in the road going toward Pizza Hut, it keeps getting worse.

Tim - We have looked at it and George has talked to a VDOT specialists. We think it is stable. We are going to do what they have recommended, we are going overlay with pavement. We are going to keep watching the bottom of it. The plants are still not open, will need around 300 ft.

Rick – What about the piece of sidewalk that needs fixed at the old Barnette building?

Tim - It is in the cue, that is all I can tell you.

Mayor Crawford – “Council Member Reports” – Doug Ratliff

Doug – I had a complaint on Oriole Street. There is a red car that sits there with no tags. I am not sure if it is on private property or not.

Tim – I have talked to the lady and there is some discrepancy of who owns the property. I know an Enforcement Officer has talked to her too. I have that on my list to do.

Doug - She said people were parking in front of her mail box.

Tim - The best resolution is talking to their neighbors, most of the time it gets resolved. Give us the complaints and we will take care of it.

Mayor Crawford - “Council Member Reports” – Richard Brown

Richard – The sidewalk at Tazewell Co. Mercantile, I was looking at the new sidewalk that was poured, we have a new business beside it, the sidewalk also needs replaced.

Tim - It is in the cue to be replaced. I talked to Dr. Willis about some improvements that he may be considering. It is comprehensive to see the whole area with rehabilitation with lights and things. We are prioritizing what we can get first.

Richard – In reference to the contractor’s data base, has anything been done? I had a couple of contractors to approach me and they wanted to look at the list. They do business in Honaker, Tazewell, Princeton and Bluefield, they are required to purchase a permit. They would like to have something like that done for a minimum amount of money but help with the data base, so people can come in and say this is a legitimate business.

Tim - We will take into consideration. We do have a contractor’s list but is for \$25,000 and above. That is the list to look at.

Mayor Crawford – “Council Member Reports” – Mary Ann Strong

Mary Ann – I would like to thank Shannon; he did a great job on preparing the Resolution for Dr. Willis. I appreciate your professionalism and promptness. Rod, you mentioned that the Planning Commission had brought up about the buildings in Town being painted in colors.

Rod - We talked about it, but no consensus, we will go with Council’s instructions.

Mary Ann - I don’t know how the other Council members feel but I received a lot of citizen complaints. A business goes in and spends a lot of money on their store and then the business beside them paints in undesirable paint color. Is it a consensus we need to ask our attorney to look into for us?

Shannon - I would be happy to do that.

Rod - I think it would be helpful.

Shannon - I will look and see what is in the ordinance now.

Mary Ann - I talked to Tim awhile back and he said we didn't have anything; it is a general consensus that you look into that for us.

Mary Ann - Thank you to the Police Department, I had the pleasure of attending the Humane Society Fund Raiser Bingo last Saturday at the Police Department Community Center. I think the Community Center will be used more often for events like that. Everyone was very accommodating, and it was very successful. The Rec Department has new carpet, lighting and counter, it makes the place look larger, brighter and cleaner. There are plans to look into the shelters upon the hill where the tennis courts are, it has been dilapidated a number of years. The April Bingo Event will be on Saturday April 27 at 6:00pm. Jessica and Fred are working on that. Rec Commission will meet this coming Monday night 7:00pm upstairs at the Rec Park. We have great meetings and attendance. The Young Life Banquet is Thursday, April 25 at the College.

Mayor Crawford - When was the Rec Commission meeting?

Mary Ann - Monday, April 15 at 7:00pm upstairs in the meeting room.

Rod - When is the Bingo?

Mary Ann - Saturday, April 27 6:00pm

Mayor Crawford - "Mayor's Comments"

Mayor Crawford - Tim, I asked last month for a monthly report on what has been done on the pictures I showed Council. There is a couple of things that I can give an update on. Valley Pointe Trash dump, I understand that John Absher has purchased that Trailer Park and he has done a tremendous job on cleaning it up. I called him today and thanked him for his efforts. Hobert and I went and picked up the mattress in his truck and took it to the dump. Do you have an update on the trailers and houses?

Tim - Shannon, you are going to talk about in your report, correct?

Shannon - I emailed everyone a copy of what our current nuisance is now and a few things we can do to clarify and make more specific, so we can start taking care of the problems.

Mayor Crawford - Does that mean it will give them some "teeth", so we can make things happen?

Shannon - Yes, it does.

Mayor Crawford - Dr. Wright was supposed to be here tonight to speak about the vultures at the One Stop. George has put locking bars on the trash receptacles, several things have been done. Every time I have been over there the bars have been in place but then I get a call the bars are not in place.

Tim - We have not had any major problems with the buzzards so far, but it is not season for them. To get ahead of that, I talked to Mr. Davis which controls that area of business, he is more than happy to work with us and move the trash receptacles to another spot, closer to the business. That will eliminate that piece of it. We will inform Dr. Wright we have taken a proactive approach to the issue.

Mayor Crawford - Who will communicate to him?

Tim - I can do that.

Mayor Crawford – The greenway we talked about is the area beside of the Post Office. The LOVEwork sign will be located there on the sidewalk between the two parking lots. Kevin, Connie and I went down and looked over that area, they measured it out. We have some really good ideas on putting a permanent stage there and trying to establish a weekend or Friday evening for people to set up and play music. We are looking at the parking lot beside of the street, quotes on artificial turf, and possibly a splash pad. I am asking for Council's support on going forward with getting information and getting cost back to Council. I am not asking for approval on anything just asking that you support us working on it.

Rick - I make the motion to allow Connie, Kevin and the Mayor to get information on possibly making a greenway at the Richlands Post Office parking lot, Mary Ann seconded the motion.

Mayor Crawford- 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. Motion carries - 6/0.

Mayor Crawford – The Signage to the crane business, have we checked into that yet?

Tim - I have not had a chance to do that yet.

Mayor Crawford - It was brought to my attention and the Council's attention about the ragged awning on the Richlands Free Press Building, I have permission to take it down. The Town can't take it down due to liabilities of working on personal properties; if I can get a volunteer to help I will take it down.

Mayor Crawford - My wife and I celebrated our 50th Anniversary at the Rec Park Saturday afternoon. It was very nice and clean. Everyone was very friendly and helpful, I appreciated it very much, plenty of room for a small event if anyone is interested.

Vickie – I have had a lot of people talk to me about the buzzards and people feeding the wildlife in the area. I don't know the steps that we need to take but we need something in place, so our Policemen can enforce that it is unlawful to feed non-domesticated wildlife in the corporate limits of the Town of Richlands. I think that would help with the buzzard situation.

Richard – It would help with the ducks at Hardee's and Critterville. The walking trail is bad. If there is no food there, there is no reason they would be there.

Rick - It is the same with the cats, we have 40 cats at the Richlands Mall.

Richard – If we had an ordinance in place and you see people putting out cat food, feeding ducks or other animals something could be done. We had someone buy a pizza and set out for bears to come out of the woods and eat pizza.

Rick - What do we need to do to get an ordinance in place?

Richard – We need to get Shannon to look into it.

Shannon - I will be happy to look into it and draft an ordinance. Instead of being a nuisance ordinance make it a criminal offense. The officers can make an arrest on the spot and a small fine. I don't think you would want any jail time.

Vickie - I think that would help.

Mayor Crawford - Can we have a motion to direct the attorney to look into drawing up an ordinance?

Vickie - I make a motion that we direct the Town Attorney to draw up an ordinance that it is against the law to feed non-domesticated wildlife in the Town of Richlands, Doug seconded the motion.

Mayor Crawford- 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. Motion carries - 6/0.

Mayor Crawford – “Attorney Comments” – Shannon Cooke

Shannon – I have passed out two handouts – (1) Draft Food Truck Ordinance and (2) Nuisance Handout. We discussed last month about the Food Truck Ordinance, you agreed to waive any fee that they would have to pay. I have looked at the local ordinance for food trucks, the one I have based the proposed ordinance on is from the Town of Bluefield. We had discussed a \$40.00 permit fee and that is what is charged in the other localities. Health permits are required by the Virginia Department of Health. It does make a distinction of mobile food trucks in private events and public events. They would not need a permit to set up at Spring Fest and that type of events. If someone has food trucks in private events they would be required to make sure everything was done properly. Allows the Town Manager to issue or revoke permit. I have included a penalty for violation. The only thing left that I would like to have Council’s input on was Item 8 –Duration of Operation (Hours) and Item 9 – Maximum number of trucks at any one location, this one would not apply to the events. This is a proposal, I can draft the final ordinance and have ready for the next meeting.

Rick - Hours of operation would probably be from daylight to dark. It would hurt some of the vendors if we don’t allow them to sell at dark.

Shannon – You can set the hours that you want, and to the current restaurants and other vendors.

Tim - These restrictions are outside the events, correct?

Shannon – Yes

Mary Ann - The \$40 would be each time they come.

Shannon – The permit is for \$40 a year. You can make the permit from month to month. Most of the localities I talked to have a yearly permit. Some were \$150, and some were as high as \$200, local were around \$40.00.

Mayor Crawford - One the first page “Permissible Operating Locations” - only be permitted to operate at locations in nonresidential zoning districts and only with the written approval the Town Manager of the Town of Richlands. How does this effect the ice cream trucks?

Shannon - You can amend and allow ice cream trucks to operate in residential areas by the approval of the Town Manager. It would be on a case by case basis.

Richard - What about Schwan’s?

Shannon - I don’t consider Schwan’s a mobile food establishment. The ordinances are for preparing, serving and selling of food. Schwan’s only sells the food.

Richard – What about the people that go door to door and sell steaks, etc.

Tim – Schwan’s pays a fee, they can only sell food. I think they pay \$250 a year. The meat trucks will have to pay for a license, normally they won’t pay they just move on.

Shannon - Ice cream trucks - I would recommend letting the Town Manager make those decisions and give special permits as he sees fit.

Mayor Crawford - In the very first paragraph, you have public event and public activity described but what if Advance Auto invites the barbeque truck down to their parking lot, does that fall under either of these categories?

Shannon – No, that would be someone coming into Town pay their \$40, pay their meals tax and the whole bit. Public and Private are not required to get a permit.

Mary Ann - I think \$40 for snow cones and ice cream trucks for a year is very reasonable but \$40 for an entire year for a food truck that sells and competes with restaurants is too small.

Shannon - Some had a higher fee than \$40, keep in mind that they could set up here one (1) week, next week somewhere else, etc. They are not a permanent fixture. If they are going to be permanent they will have to get a business licenses just like a restaurant.

Tim - To give you a comparison, gross for restaurant sales of \$20,000 for a year.

Rod - I have the same question as Mary Ann, \$40 for a food truck for a year seems unfair to me.

Shannon - We can raise the \$40 to \$50, \$100 or whatever you think is appropriate.

Rod – Is there a way to distinguish food trucks from snow cones and ice cream trucks?

Shannon - I can tweak it and have an exception for ice cream trucks in the ordinance.

Rod - I was just wondering, sometimes simplicity works, but I have the same concerns as Mary Ann.

Richard - My opinion would be the higher the profit margin is based on a \$2 snow cone compared \$10 hamburger. The Town will see an increase in meal tax because of the \$10 hamburger.

Shannon - They are required to pay the meals tax. If you want to scale the permit based on the expected sales tax, that may be a little hard to do.

Richard - I think everyone thinks it is going to hurt the businesses but, in my opinion, it is going to be profitable to the Town because it is based on gross sales.

Mayor Crawford - One of the reasons we got into the discussion to start with we were charging food trucks, snow cone trucks anywhere from \$250 to \$500 to come in set up, if it was one time or twenty times. The reason I wanted to address to start with, people in Town enjoys having the food trucks. I didn't mean for us to make a money thing out of it or penalize people who come in. If we get the food tax from them that is what we would get from any restaurant that is working here. If we start adding to the cost, we are penalizing them not to come. We want them to come. "ITSTHE PITS" food truck came, and we waive their license, they came by and paid their food tax that day. We have restaurants in Town that have went months before they pay their food tax, which is a whole other issue. If we compare a food truck to Hardee's or McDonalds, we are not looking at apples to apples. We need to look at it because our citizens like it and we do get the food tax from it, that my opinion.

Mary Ann - I think we need to be friendly. I don't want to make it where they won't come because we make it too expensive and difficult. The ice cream and snow cones the \$40 for a year is reasonable. For example, what if the other trucks could pay \$40 for five times a year, for an X number of times?

Rick – You are saying they are going make \$20,000 for \$40 fee, they can come but we will charge them more than a restaurant is paying. If you multiply out they are paying more at Hardees and McDonalds, \$40 is \$60,000 worth of sales. That is putting us back to where we started, we are unfriendly.

Mary Ann – They don't employ any people they don't pay utilities or property taxes. I want them to come and we will be welcoming and friendly. I am not going to be upset if you vote 5 to 1 but I am not

going to vote \$40 one (1) time per year for a real food truck. I don't know what the fair amount would be.

Rick – They are still paying food taxes.

Mary Ann - But they are not employing one single person, they are not paying utilities, and not providing jobs.

Rod - I would like to have the time to read over the proposed ordinance and think about the ordinance.

Mayor Crawford - We have a 90-day fee waived now.

Shannon –You can call me and give me suggested changes and we can read & dispense with the second reading next month.

Mayor Crawford - Does everyone agree with that? Make it a personal goal that we are going to get this done by next meeting.

Council – Yes

Shannon - The second handout is on "Nuisances" – The first page is what the Town currently considers nuisances under the ordinances. As an attorney, whatever the Town wishes to remedy needs to fit in at least one of the above definitions of "nuisance". Since the ordinances were drafted by the State Code it has been amended and allows more crystalized concrete wording. On page 3, I suggest a possible change to current ordinances. 1. Change the Town's definition of "Public Nuisance"- change the current ordinance to include the definition of the Code of Virginia, this will give clarity what the Town wants to address and will make it easier for the Town to proceed against such structures.

Shannon - The second page is the current procedure for addressing nuisances which is a bit cumbersome. A complaint must be made under oath to the Town Clerk by a Town official or any citizen residing in the Town. If a Town official files the complaint, the Town Clerk immediately issues a notice to be served on the person maintaining or harboring the nuisance. If a citizen files the complaint, the Town Clerk takes it before the Town Council at their next meeting; if the Council directs, the Clerk will issue a notice to be served on the person maintaining or harboring the nuisance. They have to come before the Council and state why this is not a nuisance. If the Council disagrees, the Council shall call for its abatement by a resolution. If the person does not comply, they can be charged with a Class 1 Misdemeanor for each day the nuisance is not abated. The penalty for a Class 1 Misdemeanor is a jail sentence up to 12 months and/or a fine of up to \$2,500.00.

Rod - I am glad you explained, if you have someone who is concerned about a dog that is barking that person has called the police station multiple times and the police have talked cordially to the owner and the complaint and nothing resolved, that person has to go to the police station and file what?

Shannon - File a complaint with the Clerk. I don't think the dog barking with qualify as a nuisance. If you see an abandoned house or trailer and a Town Official don't file a complaint on their own the citizens can come to the Clerk and file a complaint. They have to come to the next council meeting or assigned meeting and tell why it is not a nuisance.

Rod - It is cumbersome for the Town Council and everyone, how can we fix it?

Shannon - I do have suggestions, on page 3, No. 2 – Adopt an ordinance specifically addressing structure repair/removal, No. 3 – Adopt an ordinance to require clean-up of property. No. 4 – Adopt an incentive program for property owners. You would have the ability with the Code Officer or Police Officer to go out and say clean this up and give them an opportunity first, if not, you can have civil and criminal penalties. The Town can clean up and send bill to the owner or occupant. If they don't pay place liens on

their properties and if they don't pay you can sell and recoup the cost. The easiest thing to do is to make it an ordinance and if violated citable by the Town and oppose a fine. That would be simple.

Richard - Can the Code Officer be considered a Town Official?

Shannon - I would say under the code, probably. The ordinance says a Town Official, Chief of Police or any officer, fire chief or fire department member, the health officer or any health department member.

Mayor Crawford - You are wanting to change correct?

Shannon - Yes

Richard - Can you make it where the Code Officer can issue?

Shannon - It is already in the ordinance.

Vickie - I think this is what the Town needs to clean up some of these abandoned and neglected properties.

Rod - Bring to court or to Council.

Shannon - Must be court action if you want to impose a fine. Council would not have to do anything.

Rod - It would remove any personal feelings that you might have, someone whom you would feel sorry for.

Shannon - Correct

Mary Ann - It would expedite the process.

Shannon - I will go ahead and change the nuisance ordinance. You can adopt an incentive program for the property owners. The Town can adopt some form of a "real estate tax abatement" program. This would allow the Town to give real estate tax breaks to property owners who clean up or repair existing structures. The Town would be able to reduce the real property tax on those properties by the amount of the cost of the clean-up or the increase in assessed value of the property after the clean-up.

Shannon - Page 4 is other options currently available but not recommend.

Richard - Drafting the ordinance will take out the cumbersome piece.

Shannon - Yes, with Council's direction I can start working on that. I would like to know if you want the ordinance to cover repair and removal of structures and clean-up of property in one ordinance or two separate ordinances. I would suggest fines.

Tim - I would like to get it where the Council supports the activity of the Police Department.

Richard - Do we have anything that addresses condemnation?

Shannon - No, that is something separate. Condemnation and sales tax are different. Tax sales for liens, you have to wait after the first or second year the taxes/liens are due but unpaid. Process is not that bad.

Richard - Some of the properties are delinquent in taxes.

Shannon - Those taxes and any charges the Town incurs to clean these things up that are unpaid can be put on as a lien, effects the property owners.

Richard – Do we need a motion to draft the ordinance?

Shannon - If you want me to work on it.

Richard - I make the motion to make changes in the Nuisance Ordinance, Rod seconded the motion.

Mayor Crawford- 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. Motion carries - 6/0.

Mayor Crawford – “Manager’s Report” – Tim Taylor

Tim – Authorization to Pay Bills, please take a moment to look at the monthly check register.

Rick - Check 59838 – Keene Carpet - \$5,000

Tim - We contracted Keene Carpet for carpet at the Rec Park.

Rick - Check 59796 – American Carpet Care - \$27,199.99

Tim - We use them for a lot of other things that are not in their contract.

Rick - I thought we used them for mowing and that type of work.

Richard - Check 59874 – VDH – Waterworks Tech Asst. Fund

Tim – Fee to the State, installments on the operation of water plants, 4th Installment.

Mayor Crawford - Do I hear a motion to allow Mr. Taylor to pay the bills?

Rick - I make the motion to allow Mr. Taylor to pay the bills, Mary Ann seconded the motion.

Mayor Crawford- 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. Motion carries - 6/0.

Tim - Monthly Power Cost Report for February 2019- Consumption down due to mild weather in February. Actuals came in 18% lower than forecast. We didn’t sell as much as we wanted to. You should have received by email breakdown of cash reserves for Electrical Department.

Tim - Update on Fiscal Year 2019-2020 Budget Prep, schedule for work sessions - I would like to start our series of budget work sessions. We mentioned to meet this Thursday on the 11th to cover Police, Fire and Rescue. We need to change to Wednesday 17th at 6:30pm. Utilities will be scheduled for May 23 at 6:30 pm and another work session on May 30 at 6:30pm. If we need more sessions, we can schedule later

Tim - Quote for Health Insurance for staff, exact same coverage with zero increase. If the Council would entertain voting to contract with Health Insurance carrier, everything is exactly the same as the year before.

Mayor Crawford - Do I hear a motion to allow Mr. Taylor to contract with Health Insurance Carrier for staff employees?

Rod - I make the motion, Doug seconded the motion.

Mayor Crawford- 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. Motion carries - 6/0.

Tim - Audit services for the Town of Richlands, the contract is up with Corbin and Stone, we need to get them on board as soon as possible. Will issue an RFP for professional services and hope to have a recommendation for you to look at by next Council meeting.

Doug - Do you know what they charged?

Adrienne - \$32,000

Tim - They discounted one year for us.

Tim - Letter from Commonwealth of VA – Auditor of Public Accounts - I mentioned in January that we had been identified that they thought we may be in a situation of fiscal distress. They wanted to follow up and review, which was on voluntary bases. They have followed up and have contacted the Town. We had a two (2) hour conference call with them and discussed our financial issues and books. According to the letter received “We have concluded that the Town of Richlands does not appear to be in a situation of fiscal distress that would warrant assistance or intervention from the commonwealth. Accordingly, we have determined that no further notification or recommendation from the Auditor of Public Accounts to the locality, Governor, and the chairman of the money committees is necessary”.

Tim - Remember the issues with HAAS which is chlorine byproducts, the Health Department gave us a letter with this particular concern. All the people that get wholesale water from us had the same issues. The HAAS was generated in the production stage which is our responsibility because we use chlorine as a disinfectant. If other utilities have to re-chlorinate the water, then it can get worse along the line because of the nature of what chlorine does in the disinfection process. We have come to the conclusion, the process of reviewing this issue involves details of the distribution lines. We need to look at the effects of the disinfection process and its activity on pipes that are in place. It is a good idea while we are in the process of looking at HAAS to look at THHM’s also which is another byproduct. We have secured a grant thru Virginia Department of Health for \$35,000 to review and analyze the work we are doing with PER at the Water Plant. We have on staff Thompson and Litton, they have the ability to evaluate the issues above. I have already started talking to them. I would like for Council to authorize me to issue “Memorandum of Understanding” between the Town of Richlands and Thompson and Litton to review the distribution system and disinfection by-products evaluation, fully funded thru the Health Department.

Rick - I make the motion, Doug seconded the motion.

Mayor Crawford- 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. Motion carries - 6/0.

Tim - Fluoride - We have funded the engineering piece and maybe some of the construction. We are putting in application to fund the entire project. The Health Department is very favorable. We have to have a PEC on this particular design. We will use Thompson and Litton on this too. I need authorization to sign “Memorandum of Understanding” Installation Fluoride in Water Plant a fee of \$15,000.

Rod - I make the motion, Mary Ann seconded the motion

Mayor Crawford- 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. Motion carries - 5/1 (Doug abstained).

Tim - The 3rd “Memorandum of Understanding” - Funding thru Friends of Southwest Virginia for \$26,000 and \$4000 from RDA to work on Clinch River Walking Trail. Engineers met with us to start the scope of work. I need authorization to sign “Memorandum of Understanding” between the Town of Richlands and Thompson and Litton.

Rod - How far along on the walking trail does the study go?

Tim - This study is primarily to look at the entire piece but not the swinging bridge. Their recommendation is to do in phases, will have discussion with Planning Commission. I'm including not only the cost of construction but to identify permits, environment issues, land issues and what might involve VDOT and the railroad. They will need to tell us that and any other type of issues. Probably won't carry this entire project, it depends if the trail stays here or moves to another place.

Richard – Do we have a piece of the swinging bridge?

Tim - They give to us in the boundary adjustments, we own it.

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

Mayor Crawford- 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. Motion carries - 6/0.

Tim - That is all that I have.

Mayor Crawford - I have been checking for the last several weeks on two (2) establishments in Town that were three (3) to five (5) months behind on food tax and three (3) to four (4) months behind on utilities. Who authorizes past due?

Tim – Utilities – There is a policy for utilities, but it is rigid. It is my responsibilities. One of the establishments is in litigation. I try to be fair.

Mayor Crawford - We need to involve Council when it gets to this point.

Tim - If you want to get involved with the cut off list, it is tough.

Tim – According to the State Corp we can't cut off when temp is within a certain window of 32 degrees and people have special needs. The system is rigid.

Mayor Crawford – When I started asking questions, I check and now they are paid up.

Tim - It has nothing to do with you but with the guys wearing the badge.

Mayor Crawford – At this time I need a motion for the Mayor and Members of Council convene in executive closed session for the purpose of discussion of Subsection (A) (7) of Section 2.2-3711, Potential Litigation.

Rick - I make the motion to go into executive session, Rod seconded the motion.

Mayor Crawford- 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. Motion carries - 6/0.

Mayor Crawford - I now entertain a motion that the Members of Council reconvene in open session and accept the CERTIFICATE OF EXECUTIVE SESSION certifying that the matters discussed while in executive session were those both lawfully exempted from the open meeting requirements and identified in the motion by which the closed session was convened.

Rick - I make the motion for Council to return from "Closed Session", Vickie seconded the motion.

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

Mayor Crawford – Roll Call Vote - Vickie-Yes, Rick-Yes, Mary Ann-Yes, Richard-Yes, Rod-Yes - Motion carries - 5/0. – (Doug had to leave early, was not in 2nd Closed Session)

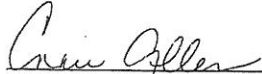
Mayor Crawford - "No" action in result of "Closed Session".

Mayor Crawford- Do I have a motion to adjourn?


Rod - I make the motion to adjourn, Vickie seconded the motion.

Mayor Crawford- 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. Motion carries - 5/0. - (Doug had to leave early)

Mayor Crawford - Adjourned



Connie Allen, Town Clerk



Paul Crawford, Mayor