

The Richlands Town Council held a “Regular Meeting” on May 10th, 2022, in the Richlands Council Chambers at 6:00 pm with the following present:

Mayor: Rod D. Cury

Town Manager: John O’Daniel

Town Clerk: Rebekah Hackworth

Council Members: Jeff Hurst, Doug Ratliff, Kristen Thompson-Whitt, Darrell Addison, Mike Street, and Seth White.

Town Attorney: Michael Thomas and Will Hunter

Mayor Cury opened the meeting.

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

Mayor Cury- Is there any additions/deletions to the agenda? I will entertain a motion to approve the agenda.

Jeff- I make a motion to approve the consent agenda was amended. Darrell seconded the motion.

Mayor Cury- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes. Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- Next, we have the approval of the minutes from the special called meeting on April 19, 2022.

Jeff- I make a motion to approve the minutes as presented. Mike seconded the motion. Mayor Cury- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Abstained. Motion carries -5/1 abstention.

Council approves of Seth’s abstention with a census.

Mayor Cury- Moving on, we have budget public comment period with a limit of 5 minutes.

Ms. Mollo will you be our timekeeper for the evening? We will time you, and you can time everyone else.

Laura Mollo- Yes sir, I will.

Laura Mollo- 262 Linwood Drive, Richlands, Va.

“At the last meeting the council directed the Town Manager to hold another public hearing yet here we are with no public hearing. You can call it what you want but this is not a properly advertised public hearing, meaning citizens were not given adequate notice to participate tonight.

I’m sure you will say it doesn’t matter because you already held a public hearing but only two members of this council were in attendance. Two of you had not been appointed yet, two of you showed up, and the other two were no-shows. The entire point of a public hearing is so that you can hear the public. We have another regularly called meeting on May 24th, the right thing to do here is to call a properly notified public hearing and let the public speak to a full council after being given adequate notice in the newspaper.

In the event that you will do the right thing, I will continue with what I would have said at a properly advertised public hearing.

We, once again, have a sitting council member on the delinquent tax list. Ethically, you should not even be sitting on this council and should not be voting on our budget. I’m asking you to not only pay your delinquent taxes but also to abstain from voting on this budget and any tax, rate, or fee increase.

I spoke to you guys a few weeks ago regarding the collection of delinquent taxes. I was asked about this again recently and I said I would bring it back before council. I spoke about a

company, TACS, that would collect these delinquencies. Abingdon just implemented the use of TACS last month.

TACS is a law firm in Virginia that assists government entities in managing account receivable and revenue cycles.

We have such a large amount of delinquent taxes, some dating back 20 years. We are losing the ability to collect on these taxes because of the statute of limitations.

The cost incurred by using TACS is added to the bill of the delinquent taxes so this will cost the town nothing. It will ensure a fair, unbiased collection of taxes based on length of delinquency as well as the amount.

I hope you will consider using TACS to help collect these delinquent taxes otherwise, it is unfair to expect citizen to continue to pay higher rates when you won't even try to collect on those who don't pay, and that one of you here is not paying yourself.

Please do not raise any taxes and fees right now. It's unnecessary. Put the time into fixing the budget without raising anything. Don't take the easy way out."

Mayor Cury- Thank you, Ms. Mollo. Next, we have scheduled public comments and Ms. Mollo, you are listed to speak on this as well.

Laura Mollo- 22 Linwood Drive.

"First, I need to address the Resolution on the agenda for tonight. Given the threat that a citizen is receiving for speaking out against the state of the town, I'm asking that you remove the requirement of stating your address at the podium. Stating the town where you live should suffice.

Also, taking away the ability to sign up prior to a meeting should be reconsidered. Lately, the doors are locked on citizens entering a meeting until just a short time before the meeting starts. Then you must stand in line to sign up on the sheet if it's even out there. Both things I've discussed are discouraging to citizens who want to speak. The goal of this council should be to not only welcome public participation but to encourage it with easy access. Do not pass this resolution tonight. Make things easier for the citizens to participate.

Another thing that needs to be addressed is the swearing in of the IDA members. Virginia Code 15.2-4904 requires each member of the IDA to be sworn in by the clerk of the court prior to taking their seats. However, a majority of our IDA member aren't sworn in, making the business conducted by the IDA null for who knows how long. This is a huge problem for the town considering this council has been given quite a bit of federally given money to the IDA which they are about to disburse. Virginia Code 15.2-490 also requires a Fiscal impact statement before money is granted to the IDA which was not presented prior to the money being promised."

Mayor Cury- Thank you Ms. Mollo. We are now on unscheduled public comments, and Ms. Mollo will you please be the timekeeper. We have Morgan Earp.

Morgan Earp- 1618 6th Street, Richlands Virginia.

Before I start reading this paper, I am going to have to agree with Laura. You don't know how many threats have been made towards me. Now I don't care, and they can come at me all they want. It is not going to stop me.

"The People of this town have suffered under poor leadership by council, not only do people suffer from the high taxes that the council burdens them with but also with the willful ignorance to not listen to the people's cry for help. This government ignores its citizens while it lines its own pockets with the money of citizens who can barely afford to survive with little income they are receiving. It is disguising for this government to watch its people suffer.

Let it known on this day. I, Morgan L. Earp as a citizen of the Town of Richlands and citizen of the State of Virginia will use the constitutional right bestowed upon me by the State General Assembly to ask the citizen to invoke Article I, Section III to reform the Town of Richlands for causes of maladministration and should majority of the populace present so choose to invoke, the Town of Richlands will be reformed best suited for the people."

Mr. Mayor, Do you understand what I ask?

Mayor Cury- I do Morgan, thank you. All I can say is that I will defer to the Town Attorney to comment on your invoking on your constitutional amendment.

Michael- As legal counsel, we would need time to review that prior to giving a legal option on that today.

Morgan- May I make this aware if council does not choose to enforce what I have asked... this is a constitutional rights problem and will be brought towards the state. But if you do choose to enforce this then the fate of this town will lie within its people.

Mayor Cury- Thank you, Morgan and I will comment that you are evoking the Consitution and I understand that. Please provide a copy of that for the clerk and for the attorneys. Does council have any comments on this particular issue?

Seth- I assume we are going to be getting a legal opinion.

Mayor Cury- I think we need a legal opinion. How quickly would you be able to provide that?

Michael- I don't know about the length of that, we can get back to the Town Manager and council on that and you as Mayor.

Mayor Cury- Okay. As exponentially as possible. Next, we have Barbara Cook.

Barbara Cook- 264 Planation Drive, Richlands, Virginia.

- I see on our town website that our motto for Richlands is the center of a friendly circle so I wanted to keep looking to try to find the vision for the town or the vision for the town council and I couldn't find anything.
- What is our vision? What is the council's vision? What are you expecting to happen in this town? What goals do you have as council members?
- Everyone needs to have a vision and what steps are being taken to achieve that vision?
- I think we all need to take a step back and look at the whole picture to see what's going on. So that we can all obtain our goals and hopefully they are common goals.

Mayor Cury- Thank you, Barbara. Okay, that is all that is signed up for the public hearing. We do appreciate all the inputs from the citizens and all the comments. Next, we have Executive/Closed Session Pursuant to VA Code Section 2.2-3711(A)(8) FOIA.

Mayor Cury-Council will recess into the side chamber so that the citizens can have a place to sit down.

Jeff- I make a motion that we move to Executive/Closed Session Pursuant to VA Code Section 2.2-3711(A)(8) FOIA. Mike seconded the motion.

Mayor Cury- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- We are back in regular session. I will entertain a motion that we are back in regular session and by so moving you are voting that we only discussed VA Code Section 2.2-3711(A)(8) FOIA.

Mike- I make that motion that we only discussed VA Code Section 2.2-3711(A)(8) FOIA. Seth seconded the motion.

Mayor Cury- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Members and citizens here in the council room, we were given this as Chapter 37 of the Virginia Freedom of Information Act. It is public knowledge on what we were given, and we can provide anyone a copy of it upon request.

Michael- Mayor, that is also online for anyone that would like to access it online as well. It is the Virginia Code. The Website is law.lis.virginia.gov and then go to title 2.2 Administration of

Government and subtitle 2 administration of State Government and Chapter 37 Virginia Freedom of Information Act and its that whole chapter 2.2 3700 all the way to 2.2 3715.

Mayor Cury- Thank you very much. Those copies will be forthcoming. We are now on the agenda items- Electric Regulation Discussion presented by Alice Wolfe from Blue Ridge Power and Thomas Dick from Municipal Electric Power Association of Virginia.

John- Before we start, I have a letter from both of these organizations. At our last meeting, the topic of SCC (State Corporation Commission) regulations came up and I wasn't sure where to start so I reached out to these two organizations that represent the other municipal owned electric systems in the state of Virginia. I wanted to get them to give their thoughts on whether they are for it or opposed. They both provided a letter and then Alice and Thomas are here to speak on that and if council has any questions for them, they are open to questions. Hopefully, I can get some direction on whether council wants to pursue this or not.

Alice Wolfe- John recently inquired what the Blue Ridge Power Agency's position would be if Town of Richlands were to pursue regulations of its electric rates by the Virginia State Corporation Commission (SCC). After discussion with the Blue Ridge Board of Directors, the Agency would be strongly against such regulations.

Like the Town of Richlands, each Blue Ridge member is an electric distribution utility. We understand the challenges and benefits of providing reliable electric services to residents, business, and industry. Like Richlands, five members are also municipal electric utilities, governed by city and town councils.

We are deeply opposed to SCC regulation for the following reasons:

- Precedent. We understand that the Town Council would only seek for this regulation to apply to the Town of Richlands. If Richlands were successful, however, it opens the door to other electric municipal utilities being brought under SCC regulations. We are the peers most likely to be effected once SCC regulations of any municipal electric utility begins.
- Loss of local control. This local control gives our customers a real voice in the utility's operations, far more than Appalachian Power's 1 million Virginia, Tennessee, and West Virginia customers have. It means residents can walk to the town or city hall to offer their thoughts, rather than driving to Richmond. Blue Ridge members have far greater public participation than private companies do.

Local control also provides municipalities with true flexibility. For instance, Richlands adjusted its electric department budget for the upcoming fiscal year and held its rates steady. The budget review and council decision were made in a matter of weeks. To pursue a rate change at the SCC usually takes several months.

- Expense. Presenting a rate case to the SCC requires support from specialized rate consultants and legal counsel. In addition to being a slow process, rate cases are expensive, potentially running \$150,000-\$200,000. These charges would be a new cost to Richlands that would be paid by electric customers. Should other Blue Ridge members be brought under SCC regulations, our customers would also have to bear these costs.

SCC oversight does not stop at the electric rates themselves. The SCC can also require utilities to provide data on outage management or devote a certain amount of money to trimming trees in the right-of-way. These requests can take a lot of time to answer.

Writing reports for Richmond pulls local utility staff away from their first job: providing reliable electric services that puts their communities and customers first.

We appreciate the Town Council's desire to control costs and lower rates. These goals are shared by all Blue Ridge members. However, we do not feel that SCC regulation would achieve those goals.

Like Richlands, most BR members take transmission services from American Electric Power (AEP), and we have seen transmission bills rise substantially over the last 10 years. We are deeply concerned about having to raise rates to cover these costs. This is why 6 communities are

exploring the use of utility scale batteries. The number one purpose of these batteries will be to lower transmission bills.

We believe it is worth exploring additional opportunities for rate relief. I would appreciate the chance to work with Richlands on measures such as energy efficiency or peak-shaving programs.

Richlands was a founding member of the BRPA. The Town has a long history of working with other members of the Agency to the benefit of both Richlands and the other members. We are glad to be in this partnership, and we hope to continue the relationship well into the future.

Doug- Why should all other citizens other than Richlands have the protection of SCC in the whims of raising rates or lowering them. Why should they have the protection, and we don't? Our rates are much higher than AEP which is a mile away. Why are they special and we are not, and we can't have protection?

Alice- I would say that you all operate under a different business model than APCO's customers do. So APCO is a for-profit company. They are there to make money on their system. They are there to earn a return on their investment and provide a return to their shareholders. That is not why Richlands was formed as a public utility. That is not why the electric cooperatives were formed as utilities. Instead, historically speaking municipalities formed where the investors on the utilities didn't see it profitable to install lines. So instead, the towns came together on their own and built their own systems. Because you are owned by the town, you are regulated by the town and the town council has position to say this is what works best for our community. You really don't have an incentive to collect more money than you need. That is very different from the APCO business model.

Doug- But we do. We take off the top \$700,000, and Richlands is in for the profit because they use that to run the finance office and all the other departments. So, Richlands makes more money than AEP. So, it is in the same boat as AEP. It is ran for a profit so they can take the money and use it elsewhere. So that puts us in the same boat as AEP, running it for a profit. So, we are divided into two groups of people: Hidden Valley and Old Town Richlands. Hidden Valley enjoys protection of SCC and they have much lower rates. Richlands is much higher and pays much higher rates than AEP and that profit that it takes off the top is used in the budget to finance the whole town which in my opinion would be illegal if taken to court. Do you have an answer for that?

Alice- Sure, I think what you are referring to is the shared salaries and the money that is collected in the electric rates and is used to pay for a part of the Town Managers salary and a part of the finance office salaries that is a standard accounting practice for municipal utilities and the reason that is done is to prevent subsidization. So that the electric system customers are paying their fair share of the Town Manager's salary and the finance office salaries. It is actually preventing the town as a whole from subsidizing the electrical system or vis versa. So, it is making sure that all the customers are paying a fair share of that cost.

Doug- If you look at it, \$700,000 is a rather large amount of shared expenses. If you look back at one of the videos from one of the meetings, the Town Manager says that if our budget runs short then we will just take it out of the electric fund. That's how it is used. If the budget runs short the electric system is used as a piggy bank and when you use it as a piggy bank for half the town and the other part doesn't have to pay it, I don't think that's very fair for the whole town.

Alice- Well Sir, I am going to have to say I would defer to John. I don't deal with the matters on how the town deals with its cost. Really the area I look at with Blue Ridge is on the wholesale side of things so your energy bills, your capacity, your transmission bills, it is a pretty significant portion of your overall bills. It's different from the town's cost.

Doug- If it is run properly, we could have cheaper rates than AEP. But in my opinion, Richlands is mismanaged and the only way that we can cure that is to have SCC look into that and protect the citizens from the higher rates than AEP. I agree with your scenario, but it doesn't work for Richlands, because we are so mismanaged.

Mayor Cury- Thank you, Doug.

Seth- I have a question. Alice, you represent this Blue Rudge Power Agency, correct?

Alice- Yes.

Seth- Out of this group of towns and localities does all of these have power generation abilities or are some just transmission only like Richlands.

Alice- Across the US there are about 2,000 public power utilities and the majority of them are very similar to Richlands. Similar in size, the number of customers that they serve, and similar in having a large amount of residential customers and comparable in that they do not have generation. That is across the entire country. The vast majority of public power communities do not have generation setting on their lines. In terms of Blue Ridge, we actually do have several members that do own generation. I would say that it is almost unique within public power as a whole because there are so many members that do not have generation.

Seth- I am just curious in Virginia because I'm under the impression that most of the folks in this group do have power generation.

Alice- So for the BR members, most communities do have some type of generation. What's important to understand about that is this generation that they have does not supply all their generational needs. The vast majority of their power supply is coming from outside of the town and coming over the wires.

Seth- So out of this group, does anyone other than Richlands have zero generation?

Alice- Yes, most do not have any generation.

Seth- We have a broader issue in that we are trying to offer a commodity of power at a comparable price to AEP. Our goal is to not make a profit, but the issue is we are offering a commodity at a greater price than AEP. Our issue is not an SCC issue, our issue is we need to look at what can we do to get our rates to match AEP? My vision certainly isn't for us to do something that cost our citizens more. We are in a situation where we are paying more for power because we live in the town of Richlands. We need to look at fixing this whether it is generating our own power or through divesting our power to AEP. This is their territory, they would be the people we would do that with.

Doug- Richlands is even more complex than any other community in Virginia, in that most systems give the whole town power. Here, we are split in two groups, half the town is on the system which pays a higher price, while Hidden Valley is on AEP and it pays a lower price so it's even more complex than any other community.

Seth- No, I understand what Doug is saying. We have half the town that is under the town's system and paying higher rates and the other half that is under AEP and paying lower rates, and the entire town is subsidizing services for the entire town which includes people who are not paying to subsidize that service. I think is what Doug is trying to say.

Doug- By the way, I live in Hidden Valley, so I am one of those people who is getting subsidized.

Mayor Cury- Alice, do you have any comments?

Alice- You are on the right track in terms of looking at what things you can do overall and try to get competitive as you can in comparison to AEP. That definitely is a challenge that you have a split town where the rates are different. That is part of how BR can help, we would focus on those wholesale cost and opportunity to reduce them. That's why the town council got into the utility scale of battery storage last fall. We are looking into what that cost would be if you were to install a large battery in town and you could use that as peak-shaving. That would also help lower the transmission bill. We will be looking for other opportunities out there. I think the council can also be looking for ways to help their citizens in how they might could manage their own power bills.

Seth- It is mainly a residential issue, but it does also effect businesses as well. There is no comparison on the cost that I can get from AEP and the cost that I am offered to from the town. That puts us at a disadvantage in the town. If you have someone who is a heavy power user, they can make a contract with AEP, a long-term power agreement. I understand that the town can't go into a long-term agreement for 5 years. But that puts the town at a disadvantage. Do you see

that? You become a complete disadvantage inside the town in an area and with the county when they are with AEP.

Alice- It is a challenge and I think it is something that utility managers and council members need to watch very closely to see if we are going to be competitive or what are the local rates going to be. I don't have an easy solution for you. It's good that you have your eye on the ball and want to look for those solutions as a council member.

Mayor Cury- Thank you, Alice.

John- We actually have Thomas Dick on as well. He represents the same issue but with a separate organization that we are a part of.

Thomas- I am with Municipal Electric Power Association of Virginia and we have 16 members, 7 towns, 7 cities, 1 attorney, and 1 state agency that operates their own electric utility. Several of them buy their power from Dominion and have very little generation of their own. I would say 95% is purchased power by Dominion. Those contracts are at a federal level. So those contracts are not subjected to SCC.

Please know that MEPAV has consistently opposed state regulation of the electric rates of municipally owned utilities. We believe that responsibility appropriately lies with locally elected officials.

It should also be noted that the Virginia Municipal League adopted in their 2022 Legislation Program in support of localities' right to manage the operation of utilities without state interference. VML's General Laws Policy Statement for 2022 states that "Municipal utility systems must continue to have the authority to set their own rates. Any attempts by the State Corporation Commission to regulate rates for utility services furnished by local governments would violate the Virginia Constitution." MEPAV concurs with VML's opinion that SCC regulation of municipal utilities are unconstitutional.

In addition to the constitutional issue, there are a number of reasons why SCC regulation of any municipal utility is a bad idea.

- Even if the scope of the SCC's regulation was limited to the Town of Richlands, this would set a precedent that would open the door to the regulation of other municipalities.
- SCC regulation of municipalities would come at a cost. A rate case filed at the SCC could easily cost a municipality \$150,000 or more in legal and consulting fees. Such costs would need to be recovered in rates. Additionally, it is unclear what the total extent of SCC regulation would be and how such regulations would impact utility operations.
- To increase or lower rates, a municipality would have to initiate a proceeding by requesting a new rate in a filing with the SCC. Municipalities have more flexibility now to change rates than they would under the SCC. Local control over rates means the ratepayers can have their concerns heard locally, not in Richmond, with elected officials who know the community and are more accountable to the people being served.
- The cost of purchased power is the most significant expenditure of municipal electric utilities. The SCC has no jurisdiction over wholesale power contracts- that authority lies with the Federal Energy Regulatory Commission (FERC).
- For a municipal utility, since costs have to be recovered, there is no guarantee that SCC regulations would lower rates.

There are just a few of the reasons why SCC regulations of municipal utilities has always been opposed by MEPAV.

Mayor Cury- Thank you, Thomas. How many meetings do you have with us regularly?

Thomas- Our board of directors meet later this month, and we meet quarterly. However, I am available anytime. I want to be as helpful to you all as I can be.

Doug- I don't think our citizens would object if our rates met AEP. That wouldn't be a problem at all. Unless the town moves to match our rates with AEP there will be a movement to either sell the system or to get regulation. Because it's not fair to the citizens who have to pay a higher price than the other part of the town.

Thomas- I'm not sure all the details on what's going on in Richlands, but I know in other localities like Danville they have a very good record to keeping their power on. You may have to pay a little extra to get that.

Doug- I live in Hidden Valley and we have AEP and they have no trouble keeping the power on. In the history of Hidden Valley we don't lose power very much. Some of the citizens here have paid an average of \$800 on their power bill and one person had a \$1,900 bill, while in Claypool Hill they are paying \$300. Our bills in Old Town are double what our neighbors' bills are with AEP. Our citizens are not going to stand for that very long.

Mayor Cury- Thank you, Doug. Does anyone have any more questions for Thomas?

John- Can I get some direction on this? At this point we have had two organizations speak about this and oppose it. I just need to know if this is something council wants to continue looking into.

Doug- May I ask a question of the town manager?

Mayor Cury- Yes.

Doug- On your shared expense you say you spend 29% of your time in the electric system per day. That's approximately 2.5 hours of your day. What do you do for 2.5 hours every day on the electrical system.

John- That was a study done before I came... I have not ever sat down and assessed my own day to day...

Doug- Well that is what you gave us.

John- That's the projections that they gave us prior to me coming on.

Doug- Well if you know that you don't spend 2.5 hours every day on the electrical system, then then why do you hand those out...

John- I don't know that it's not true. I would have to sit down...

Doug- I would know if I spent 2.5 hours every day on something. What do you do for the power system every day?

John- It just depends. We have meetings...

Doug- Every day?

Mayor Cury- May I interject something. Your questions are valid. I think they would better addressed in executive session it seems like to me. I don't know how other members of council feel... if its an employee issue.

Doug-It is not. This was given as public knowledge. It was given as an excuse on why they are taking so much out of the electrical system every year. For the public I am asking... what are you doing for 2.5 hours every day for the electrical system. I just don't understand. If someone has an issue and calls in and wants to see you about their increase in power bills, since you have so much time spent in the power system that you would speak to them.

John- My office is always open.

Doug- And you will see them?

John- If I am available.

Doug- okay, I invite all those people that are having problems with their electric bills being so high to come and see our Town Manager and see if he can help you. Thank you.

Mayor Cury- Thank you for your question. Are we ready to move on?

John- I still need direction. Do we want to move forward with being a part of the State Cooperation Commission?

Doug- I mean we should explore every avenue to help our electric rates. If the town can't manage to get our electric rates equal to AEP then there is nothing that we shouldn't explore to try to solve the problem to help the citizens. We had 80 people cut off their power system. We

should have had maybe 3 or 4. When you have 80 cut off with no heat, no lights, no power. I think you have a real problem and I think you owe it to the citizens to try to solve the problem.

Mayor Cury- Thank you, Doug. Is there any further comment from members of council on our pursuing SCC being a part of it?

Jeff- Looks like from these letters they made it very clear when I read this...

Doug- That's like the wolf guarding the hen house...

Mayor Cury- Just a minute Doug... Actually, you made some good points...

Doug- Could I say one more thing?

Mayor Cury- No. Just a minute please. I want to give other people a chance to have the floor.

Doug- May I speak after they are done?

Mayor Cury- Maybe.

Doug- Gosh.

Mayor Cury- Anyone else?

Seth- Mayor, I appreciate them coming to speak to us tonight. I don't think the issue is SCC. I think the issue is a much deeper issue because our town is split. I understand what they have told us tonight, but I think our greatest regulation comes from right here, from this board. We are given the power to regulate. We should not charge a higher rate than AEP. The time that I spend on this board, I want to save money in whatever way possible. Whether it's cutting cost or whatever that looks like. If we can't operate an electrical system at a equal amount or a less amount than AEP then we are no longer fit to run an electrical system.

Mayor Cury- What I gather is this, SCC can regulate but apparently the regulations of SCC, if we approach them, is a lot more detail involved. Whereas, here in our town, the council has the responsibility to control/regulate our utility rates and that comes down to our responsibility. From what I am going by, and I may be wrong, is that the council, a smaller group, that regulates itself has the ability to work much more quickly and efficiently than working through the SCC. I want to ask you for an agreement or disagreement. That is just my understanding. Doug, I know you want to say something, and you will have that opportunity but not yet. Does any other member of council want to speak on this issue so that John will have direction on what to do?

Darrell, I agree with Seth. We should be able to match AEP. AEP is getting ready to do some rate increases also. So how much higher will the town be than AEP then. I think that is something the town should do, is to try to stay as close to AEP as they can.

Mayor Cury- Thank you, Darrell. Anyone else on council? Doug, you get your last statement.

Doug- With all do respect to Blue Ridge, it is like the wolf guarding the hen house. Of course, they don't want this. They don't want regulated. So, God forgive, forgive me. They would never say they would want to be regulated. They don't want someone looking over their shoulder just like this town doesn't want someone looking over their shoulder, but when the council proves their self-unfit and mismanages a system like ours, then they either correct it or they need to be regulated.

Mayor Cury- Thank you, Doug. I will ask for a census of council. Move forward or not?

John- Would it be okay for a vote?

Mayor Cury- I will ask for a motion one way or another. Is there a motion to proceed regulations with SCC?

Doug- I make a motion that we explore every avenue. We don't necessarily have to go with the SCC, but why not explore every avenue to help bring our citizens equal to AEP rates.

Mayor Cury- Doug, I appreciate the motion. Does your motion give him direction about the SCC?

Doug- Yes.

Mayor Cury- It does?

Doug- Yes. I said explore all avenues.

Mayor Cury- Okay, there is a motion on the floor to explore all avenues as direction to the manager on SCC. There is a motion on the floor.

There is no second. Motion fails for lack of a second. Is there a motion to not pursue the regulations with the SCC?

Seth- I don't think you need a motion to not pursue.

Mayor Cury- Make it your way.

Seth- I am not against what Doug is saying on pursuing all avenues. I think we are all on the same page, but I just don't think this is the way to do it. We can do that right here with the citizens. This is opportunity. When I agreed to serve on this council, I spoke with several of the members who came and talked to me and I said if you put me on council, I am going to come and we are going to explore this. This is why we are setting up this conversation with AEP and exploring different avenues. Whatever that avenue is. I don't know what that answer maybe, but I think we do all have the same goals and that is we do need to have the same or lower electric rates. That is very simple. If we are going operate a power system that should be our goal. I don't want to support us pursuing SCC regulations. I don't think you need a motion to not pursue it. That's a double negative. Does that make sense?

Mayor Cury- It does. John, do you feel that you have direction?

John- I do. I just want to be clear that we are putting this aside to focus on the other avenues so that we don't keep backtracking. I just want to be clear that was the decision being made and we can now focus on something different.

Doug- May I say something?

Doug- Cool it, Mayor.

Mayor Cury- No, I am trying to hear you over and over again...

Doug- Okay, this is something...

Mayor Cury-Just a minute please. What I am trying to say is I have your point. Does anyone not have Doug's point?

Doug- This is a different point.

Mayor Cury- Just a minute please.

Doug- This is a different point.

Mayor Cury- Just a minute please.

Doug- I have a right as council to speak.

Mayor Cury- Your rights have responsibilities. You may speak.

Doug- If we could put a time limit on the study that you do, I ask that the council have a plan within two months to get our rate down to AEP. If we do not put a time limit on it, this will drag on for years and nothing will be done. All I am asking is for the council to ask Mr. O'Daniel to set a time for two months. That's 60 days and that shouldn't be a problem.

Mayor Cury- Thank you, Doug. Let's move forward please.

Doug- Can we have a census with the council or are we just going to pass on by?

Mayor Cury- Is there a census with a two-month time limit?

Mike- No.

Seth- We have our first meeting tomorrow with AEP. I think after that meeting, I will have a better understanding of what we can do, and we meet again on the 24th. I think I can speak to that

more after that meeting. We all have the same goal, but I don't know if that can realistically happen in two months. I will know more after we speak with AEP tomorrow.

Mayor Cury- Seth, let me ask you directly, census or no on us having this done in two months?

Seth- I don't know if I can give you a census or not...

Mayor Cury- Okay we can't do it then. Jeff, census or no?

Jeff- I don't think we could do it in two months.

Mayor Cury- Kristen?

Kristen- No.

Mayor Cury- Darrell?

Darrell- I agree with Seth. We need to wait until after the meeting with AEP. Then we will know more of a time frame.

Mayor Cury-Mike?

Mike-No.

Mayor Cury- Okay, there is no census.

Jeff- I think we need to be cautious and not be exclusively dealing with just one company.

Seth- Oh that's okay. We can be exclusive. This is AEP's territory, and we exist inside that territory because of a special provision in the State of Virginia. It is proper to have all the conversation that we want to with AEP because they are the only entity that we could sell to.

Mayor Cury- Thank you everyone for your input. It makes a difference and I hope that we can be as concise as possible. Okay, I think we are now ready to move on to discussion of proposed Solar Study and Ordinance presented by Alice Wolfe.

Alice Wolfe-

- GDS provided a proposal to help Richlands with their solar rates. So, the total cost for this work is estimated at \$11,000 and there are two components to this proposal. \$5,000 is to help develop a solar rate.
- Right now, Richlands is charging customers per KW hour. With solar, your customers would be generating energy. So, you would pay them or credit them for the energy that they are generating.
- It sounds like a simple decision, but it has to do with the complexities of accounting. You are charging a variable rate and some of your fixed cost is within that variable rate. So, it is important to ensure that you are going to collect enough money to cover your fixed cost.
- Over the last few years, the electric industry has moved to ensure fairness for customers when it comes to solar rates. So, it is often that more affluent customers are choosing to install solar. So, you want to ensure that you are still collecting enough from them to cover their cost of using the system. If you didn't then you would have the less affluent customer subsidizing the solar customers.
- Some rates are considered more solar friendly than others. Some are less so. So, these are some things the council needs to think about and that is what that \$5,000 to GDS covers. They would help you work through that analysis and develop what that rate should be.
- The remaining \$6,000 is to develop interconnection procedures and documents. Right now, your customers are connected to your electrical grid, and they are all using the energy, but again with solar, they are going to be producing their own energy and that will be going back into the grid. So, it's a two-way flow of energy instead of a one-way flow.
- One of the most important things is to make sure their solar system would shut off when the rest of the system does or you would have lineman working on the system and if the solar produced some energy, the lineman could be hurt.

- These are pretty hefty documents and run usually between 60-70 pages worth of material. They address the technical requirements, safety, application forms, the types of fees the town would collect, how long the town must review applications, and how to make sure other customers on your system are protected.
- I would say that most people in the town who are considering solar would be small roof top solar panels and in the 70 page document, there would be a small subset of that would address the small solar systems. There is still important technical and safety requirements, but typically those don't require near the review and study as a larger system would.
- The procedures would address the billing policies for those small solar customers. So, it is timely to do the work together, at the same time that you are looking at the solar rate.
- So again, it is \$11,000 and \$5,000 of that is to develop the solar rate and \$6,000 is to develop interconnection procedures and documents.
- I would have to check with Blue Ridge, but I think you could have this done pretty quickly. I would say within 2-3 months.

Mayor Cury- Okay, thank you. Members of council, do you all have any questions or thoughts?

John- We have had people state that they are interested in putting solar panels on their house or their property. So, if this is something that council wants to allow then we need to go ahead and get a policy in place so that when they look into spending thousands of dollars on their house with these solar panels that they don't think they are going to be able to sell back their power at a retail rate. We either don't allow it or buy back at a different rate. I would rather they know and have all the information and regulations on what our expectations are before they spend that kind of money on solar panels. If this is something council is going to allow, I think this is the route we go. Or if they don't want to allow it then we would do it. I just need some direction.

Mayor Cury- Thoughts or questions on solar panels?

Seth- Do you all do an RFP for this study?

Mayor Cury- I am not aware of an RFP.

Seth- Why would you not do a request for proposal? If you are going to do this... I think you cannot... unless I misunderstood.... Is there a way you can just arbitrarily pick somebody?

John- I would think it would fall under professional services and doing it through Blue Ridge, there is a set cost savings. Because other organizations are having the same study done and we are joining in on theirs.

Seth- I just think we might be...

John- Alice, did y'all do an RFP before y'all selected Blue Ridge?

Alice- Honestly Blue Ridge has been working with GDS for a long time. Since back before I joined Blue Ridge in 2016. So, there is a long history there of working with GDS. So, if there was one it was quite a while ago. So, I understand there was a RFP conducted back to work on rate study and GDS won that, but I am not sure when that RFP was conducted.

So, there are other Blue Ridge members looking at this type of rates and procedures. So, you do get the benefits of some discounted pricing because you are working with other organizations.

Seth- What's the cap for professional services that you do not have to do an RFP for?

John- I don't know off the top of my head, but I can look into it and let you know.

Seth- I am not trying to say this is bad or anything. I am just saying there is a way you do business and a way you do things. We are talking about RFP, if you are going to pay \$11,000 for a study...

John- We can have legal look into it, if this is something council wants to move forward with.

Seth- I just think we need to look into it to make sure we are doing everything correctly. One of the things I would like to look at is our policy on requesting bids or proposals. I would like to go over that and maybe make some modifications and things that we do at the county that I think

would maybe be good for us. One of those things is using Electronic Virginia. When we started using Electronic Virginia and putting our bids on their not just in the newspaper, we started saving money on everything with the proposals we were getting. Because you open that up to anyone in the state that is on Electronic Virginia, and you get proposals from them.

Mayor Cury- So, Seth are you suggesting that we make sure we are following RFP guidelines before we move forward with an ordinance?

Seth- Yes, this is for the study, right?

Mayor Cury- Study and Ordinance.

Darrell- I think we can be looking at the ordinance.

Seth- I think we need to allow it; we just need to make sure we are within RFP's guidelines.

Darrell- I know one group that is going to lease the top of their building to a solar panel company and sell all their power to the town. So, I think we need to pursue the ordinance.

Doug- In your proposal could you give two proposals: what the power really cost from Blue Ridge and what our rates are. If people were to put them on their house, I wouldn't want them to be over charged.

John- I think that their intent is to give us a couple options and come in for discussion with council and explain what each of them means. It would be up to council which ones you all want to put in place.

Mayor Cury- On the agenda it says study and ordinance. Are we ready to provide an ordinance?

John- Well it is part of their study. One is for the ordinance and the other is to develop interconnections procedures and documents. We would pay them, and they would make it. We don't have just a copy of the ordinance.

Mike- I agree with Seth. As long as it is below that cap, I don't think we hold it up.

John- Yes, we will make sure it is within those guidelines. I would like a vote since you all are approving to spend funds.

Mayor Cury- Is there a motion to pursue solar study and ordinance with the prevision that it does not exceed the proposed amount of \$11,000 and is within the RFP guidelines?

Mike- I make a motion to pursue a solar study and ordinance with the prevision that it does not exceed the proposed amount of \$11,000 and is within the RFP guidelines. Darrell seconded the motion.

Mayor Cury- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- Alice, thank you very much for your time and research that you have done for our town.

Seth- Mr. Mayor, we have Mr. Danielson here from the county. I would like a motion that you suspend Robert's Rule of order and that will allow you to move that item up on the agenda so he can go. He has a long drive to get back home.

Darrell- I second the motion to amend the agenda and allow Mr. Danielson to come at this time.

Mayor Cury- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Tim- Hello, I am Tim Danielson. I am the director for economic development in Tazewell County. I personally feel that I work for everyone in Tazewell County as well as you guys. Our offices are always here to anyone in Tazewell County.

Darrell- I asked Tim to come, because we had talked about hiring another economic developer and Tim had agreed to help us out some with any needs that we may have.

Tim- I am aware that I hired y'all's economic developer to be my manager with economic development in Tazewell County. But my feels are that y'all can lean on us for help if you have any needs. Please feel free to use our office or me if you have any economic questions or issues.

Seth- We had looked in to hiring an economic developer and looking at ways to save in our budget. So, if we can utilize you guys, which all our citizens are contributing to through our taxes or whatever and not have to hire someone that would save the town some money. We talked about shared services a lot, and this is a way that we can do that and take advantage of something the county is paying for. It doesn't mean that we cannot go back and hire someone if we felt like that need was there.

Tim- Absolutely. Our office is here to help anyway we can.

Darrell- I just think it is a good way to save the town some money. I am on the IDA board, and I will have to say Tim always reaches out to everyone. He doesn't just focus on one group. He makes sure he is doing what is best for everyone and I think this would be a great resource for the town.

Mike- As far as economic development and grants, would y'all help us this that?

Tim- In the area of grant writing, Cumberland Plateau is also supposed to be offering those services to help with the grant writing. We hire a firm to write grants for us. I would be happy to take a look at grants. I have written grants before and I would be happy to look at those for you.

John- Mike is referring more to the administration of the grant, if we have already applied and received a grant is that something you would pick up for us?

Tim- Probably. I have to do that now in some areas.

Seth- I have always found the county to be very open to working with the town.

John- If we don't hire someone, it is either them or we don't have someone to do these things and we can't just stop doing things around town that we have always done.

Mike- I think it would be good for John and Tim to connect and figure out what the county would be willing to do for us before we decide if it is going to be feasible.

Mayor Cury- Thank you very much, Tim, for joining us and we hope that we can be an integral part of one another.

Okay we are moving on to Invoice Cloud presented by Adam Ek.

John- Adam, can you just give us a 1,000-foot overview of what you are presenting to refresh everyone's memory and for those that were not here.

Adam- Sure, I have been working with Heather, Amanda, and Frank about the challenges they have in relation to providing a better online experience for your utility bills. What Heather and Amanda were trying to do was essentially free up some time and focus on other responsibilities. A lot of their time is spent on dealing with customers service type issues and challenges that their utility online customers are having.

- Invoice cloud has been around for over 13 years. Well over 2,000 partners, local government and utilities that use our online services.
- Our goal is to cut some fees and try and make it cheaper and more convenient for the customers.
- When you can drive your customers to pay online it cuts out your manual processing time in office.
- Going paperless makes it more cost effective.
- We have a monthly active fee of \$125 a month \$1,500 a year to use the program. That would be charged to Richlands. We are not looking to charge any upfront implementation cost to Richlands.
- Invoice cloud makes it very simple to enroll in paperless billing. People can pay right from their phone. We also offer a 24/7 phone line for people who are not very tech savvy and want to pay over the phone.
- Raising customer satisfaction as well as thriving cost efficiency.

Mayor Cury- Thank you, Adam. Any questions from council?

Adam- I know in the last meeting there were some discussions about the processing fee with credit cards. I just wanted to add that for both credit and debit card processing cost as well as us being able to provide an electronic check processing. We are coming in lower on both fronts. When your utility customers use our platform, they would be able to process their payment significantly cheaper, while being provided a more intuitive online experience. Regardless of what payment method they choose. This would be cheaper than the convenience fees that are in place now.

Jeff- I was definitely impressed with his presentation last time and I think it is something we need to move forward with.

Mike- I would like to hear Heather's opinion.

Heather- I just wanted to mention that we would not have to pay anything until they got all their software set up and we made sure everything works correctly.

Adam- Thanks for bringing that up. What we do to protect our clients, is that we do not charge any upfront implementation cost. This is really important. It also would allow you guys to be protected in an event that Invoice Cloud would be unable to successfully complete an integration and go live on behalf of Richlands. We make sure that you guys are protected from all that risk. The resources that we have at our disposal, the expertise that we have, and our implementation and integration. The only time a bill will come from invoice cloud is after we are live for 1 month and we have begun to provide that platform that drives the benefits for the customers and staff as well.

Mike- What is the annual difference from what we have now and what this will be?

Heather- For the customers it will definitely be cheaper. For the town it will vary because it will depend on how many checks we will process. I do want to move forward with this because we are charged fees from the banks as well, and this would eventually save us money. Will it save us money immediately? No, but it will eventually. It will take some time for people to get used to it. However, it is very user friendly, just a couple clicks, and you are done. It will hopefully stop some people from driving down here with checks and in the long run lower our processing fees.

Mike- So potentially it will save the town some money as well as saving the customer money.

Mayor Cury- Thank you. Any more questions from council?

Seth- I make a motion to move forward with Invoice Cloud. Mike seconded the motion.

Mayor Cury- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Doug- Will this save time in the finance office?

Heather- Yes. It is hopeful.

Mayor Cury- Now we are on committee member update. These are for commission updates on appointing someone to the Rec Commission. I spoke with Jeff and he is willing to move from the Planning Commission to the Rec Commission. Jeff are you still willing to do that?

Jeff- Yes, so far I am. Over the last few days, I have maintained the course.

Mayor Cury- Okay, so I will appoint you, Jeff, as council's representative on the Recreational Commission. I also spoke with Kristen, and she is willing to accept the appointment to be council's representative on the Planning Commission Board. Kristen, are you still willing to do that?

Kristen- Yes.

Mayor Cury- John, will you please take care of all the appropriate measures and documents.

John- Yes. As we are on that, if you will look to the list of all the members on those advisory board and commissions, we have several that will expire next month. If you would like to go

ahead and renew those for the next term, we can go ahead and do that at this time. I haven't reached out to all these individuals to make sure they are good with that, but I haven't heard anyone say they do not want to serve.

Mayor Cury- I suggest that we reach out to these members personally and see if they want to be members or not.

Michael- Mayor, if I may, according to the charter you have the ability to recommend if the council would approve those changes.

Mayor Cury- I would entertain a motion to accept Jeff Hurst as our representative on the Recreational Commission.

Mike- I make a motion to approve Jeff Hurst as our representative on the Recreational Commission. Darrell seconded the motion.

Mayor Cury- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- I would entertain a motion to accept Kristen Thompson-Whitt as our representative on the Planning Commission.

Jeff- I make a motion to appoint Kristen Thompson-Whitt as our representative on the Planning Commission. Mike seconded the motion.

Mayor Cury- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

John- The topic of the swearing in has come up and I just wanted to let everyone know that we will be going through and making sure everyone is sworn in before our next meeting.

Mayor Cury- Now we are on appointment of Vice-Mayor. Typically, we have an appointment and a second to appoint a Vice- Mayor. Mary Ann was our Vice-Mayor, and she resigned so we will need to appoint someone.

Mike- I make a motion to appoint Seth White as Vice-Mayor. Darrell seconded the motion.

Mayor Cury- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- Congratulations Seth, you are now Vice-Mayor. Moving on, we have R-2022-05-01 Public Comment Policy and Procedures

R-2022-05-01 Public Comment Policy and Procedures was read by Mayor Cury.

Mayor Cury- I have my own comments about this, but I will ask for comments from members of council before we entertain a motion.

Seth- Just as a fundamental of freedom of speech, I really have an issue with this. I think it is okay to establish time limits and I think we do that. I don't have an issue with that. It is just that this is a very slippery slope. What if I show up late and I want to be able to speak and I hope I would be able to do, but I may not if we have these rules. What if I want to present a document, but I don't have 10 copies with me? I understand the idea of what you are trying to do. We are either elected to this position or appointed... and when you are a public capacity, you have to have thick skin. Everybody has an opportunity to say whatever it is that you want to say, there are consequences to those actions. Most people have enough personal responsibility to keep some decorum in their actions. I would have a real hard time supporting this. Most of the time, people just really need to speak what is on their minds. The problems that I run into is when a member of council tries to engage that person. I just feel like this is very rigid and maybe not conducive to freedom of speech and I just don't feel like I could support it.

Mayor Cury- Thank you, Seth. I will go ahead and add my thought. One thing that I want to bring out is that if someone wants to speak, they must sign up prior to the meeting starting, and

what if you didn't know to sign up? And I think that limits free speech. I am just concerned about that particular part.

As far as the ten copies, I think that was in the prior embedded resolution and the idea of that although it may not be practical, was to make them readily available for members of council, the town attorney, town manager, the clerk, and any staff members that want them. Sometimes that isn't always possible for people. That is something I have always questioned. To my knowledge, we have never had someone come to speak and we ask them if they had their 10 copies and we said you are out of order.

Jeff- We had that tonight. Someone came and presented a document and we had to go make copies of it for everyone.

Mayor Cury- So do we really need that in there? Can we just strike that members of council?

Members of Council- I think so, we are not enforcing that anyways.

Doug- What about what Seth said. I think it is limiting freedom of speech. I think that's the mayor's call when you are running the meeting to decide if someone is out of order.

Mayor Cury- Which part?

Doug- Public discord, undue repetition, extended discussion of irrelevancies, use of obscenities, and/or personal attacks, that is your call as mayor.

Mayor Cury- I think, and this is just a thought, this is the council's decision. But leave that in there so that gives the mayor opportunity for backing. But it is up to the mayor to enforce that or not. The 10-copy thing, I do not think we have ever really enforced that. We copy for people all the time. That's just my thoughts.

Jeff, do you have any comments?

Jeff- Yes, I think we have been overly accommodating and I think we need to stay that way. If they show up late or didn't see the sign-up sheet out there, we still let them speak. We have done that several times.

Doug- I think the 5-minute thing is fine. We want to keep this as open as we can to the citizens, to let them speak when they want to. I don't think we should limit anything. That is up to you, as the mayor, to make that call if someone is out of order. I could not vote for anything on this except for the 5-minute thing.

Kristen- I think on this where it says to provide 10 copies, and if possible 1 electronic copy. I think we need to put "if possible" on both of those.

Darrell- I think anything you are not enforcing should be taken out.

Mike- I agree with council. I think it is important to have a process. Do we currently have an embedded resolution?

Mayor Cury- We do.

Mike- So besides changing the 3 minutes to 5 minutes on allowing someone to speak, what is different?

John- That's really it.

Mike- So essentially, we could just make a vote to change our current embedded resolution to say 5 minutes instead of 3 minutes.

John- I would rather it be separate because it is like hidden in there.

Mike- Right. But I am saying hypothetically.

John- I have a copy of what we already have in place.

Mayor Cury- Mike, one significant difference, an embedded resolution is an unusual word. Resolutions at their best should have a number and should be properly recorded. The embedded

resolution was voted on, but it was placed inside the minutes. It is less than open. You can find it but you have to hunt for it and that's essentially what we are trying to avoid.

Seth, further questions?

Seth- Yes, looking through this, I think item A is okay, because I think that is where your problems arise, but I really think B and C, you are getting into some grey areas and infringing on freedom of speech. The reality is we live in America. You may not like what I have to say, but I have a right to say it. Just like anyone can come in here and they may not like you or me or any of us but that is part of serving in a public office. I understand the idea of but I can't support anything that infringes on anyone's ability to speak and say whatever they want, whether I like it or not.

Mayor Cury- Okay, lets look at item B- "The Town Council requests civility in public discourse"

I think that's a reasonable thing. That is subject to what is civil, but it gives whoever is conducting the meeting something to stand on.

...."requires that speakers refrain from language which would incite an immediate breach of the peace and further requires that speakers refrain from undue repetition, extended discussion of irrelevance, use of obscenities, and/or personal attacks."

I just think put a period right there after peace and just leave the rest of that out.

C- Any person who violates these rules can be declared out of order by the Mayor, and a person who persists in violating these rules can be removed from the meeting.

Mayor Cury- I think C is okay, that could actually happen. Here is my suggestion. Can we ask that this resolution be rewritten with our suggestions and represented to the council?

John- What changes is our census on?

Mike- Mayor, why do not you, John, and Seth work together. We are all in an agreement on what we want to do. So, why do not you all work on this resolution together, to make it right.

Mayor- Okay, that is fine. We will get together on a time when we can all meet and work on this. Moving on to Re-Zoning Request Ordinances. We have two and they are O-2022-05-06 and O-2022-05-07.

Jeff conducted the first reading on O-2022-05-06.

Mayor Cury- This is the first reading and since there all no changes what would you like for us to do?

Michael- You can dispense of the second reading and pass it tonight as an emergency ordinance. It needs to be an affirmative vote of at least 4 members of council.

Mayor Cury- Is there a motion to dispense with the second reading of the ordinance and it will be passed as an emergency ordinance.

Jeff- I will make a motion that we dispense with the second reading of the ordinance of O-2022-05-06 and pass this as an emergency order. Darrell seconded the motion.

Mayor Cury- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- Now we need a motion to pass it as an ordinance.

Jeff- I make a motion that we accept the ordinance of O-2022-05-06. Seth seconded the motion.

Mayor Cury- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- The next ordinance is O-2022-05-07. Kristen, will you read this ordinance publicly?

Kristen conducted the first reading of ordinance O-2022-05-07.

Mayor Cury- Is there a motion to dispense with the second reading of ordinance O-2022-05-07?

Jeff- I make a motion to accept the first reading of ordinance O-2022-05-07. Kristen seconded the motion.

Mayor Cury- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- Now we need a motion to pass it as an ordinance.

Jeff- I make a motion that we accept the ordinance of O-2022-05-07. Kristen seconded the motion.

Mayor Cury- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- Next, we have appointment of Town FOIA Officer.

John- Essentially, about a year ago, Wayne was doing this job and it got to be too much on him, so at that time council instructed me to start doing that work but it was an official vote. So, I was just cleaning that up to get that officially on record.

Seth- And you are going to undergo some training for that?

John- I have already completed the training.

Mayor Cury- I will entertain a motion to appoint John O'Daniel as Town FOIA Officer. It goes along with his duties as manager.

Darrell- I make a motion to appoint John O'Daniel as Town FOIA Officer. Mike seconded the motion.

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

Doug- Do you have enough time to do this job, Mr. O'Daniel?

John- No, but things have to be done. I will make the time.

Mayor Cury- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

Mayor Cury- Next we have proposed 2022-2023 Budget- First Reading. First up is Real Estate and Personal Property Tax.

John- Mayor, as I may before we start. We were not able to have a public hearing tonight because we didn't get that in the newspaper on time. We have had a public hearing on three of the four budget ordinances. On the fourth one there was a clarification that we put out in the newspaper on the water and sewage rates. Originally, we just put out the percentage or what the residential rate was but since it impacts all the rate classes, we put another ad in there and you will see that on the timeline. So, we did want to hold off on that one and wait until we could have another public hearing on May 24th. So, we are completely covered on that one.

Mayor Cury- I have a suggestion, should we wait and have a public hearing on all these and have the first reading on all 4 of these on May 24th?

John- If you do that then they will all 4 have to be passed as an emergency ordinance in June. If you pass them this month then they will go into effect in 30 days. If you pass them in June, then they would have to go into effect sooner. So, you run into that situation of not having a full 30 days. So, if you wanted them to go into effect July 1st you would have to pass them as an emergency ordinance.

Mayor Cury- I would rather not do that. So, the one we are waiting on will have to be passed as an emergency ordinance?

John- Or the rates would not be in effect for 30 days. That is what we are running into. So, we may miss a month of revenue.

Mayor Cury- If we meet on May 24th like we are scheduled to do, what is the last possible day that we could meet and have a second reading and not have to pass this as an emergency ordinance?

John- It is supposed to be at a regular scheduled meeting so that is the issue.

Doug- How much revenue are you going to lose in 30 days?

John- I don't know, but it is still revenue that we are trying to build up for those water and sewer reserves for those projects that we are doing. Last year we were three months behind so when Seth asked about the revenue projections for next year and why they were off it is because we missed those three months of that additional revenue in year so far. So, every month it puts us further behind on building those reserves.

Mayor Cury- What are councils wishes? Should we go ahead with Real Estate and Personal Property Tax?

Seth- If it is not changing, I think we could go ahead.

Mayor Cury- Okay, Mike will you please read the first ordinance O-2022-05-01.

Mike conducted the first reading of the Real Estate and Personal Property Tax O-2022-05-01.

Michael- Once the ordinance is read, for the second reading, if there are any changes you only have to read that section. If there are no change the second reading can be dispensed.

Mayor Cury- So, we have had the first reading of ordinance O-2022-05-01. We will begin with the first reading of the second one which is cigarette tax O-2022-05-02. Jeff, would you like to read this one?

Jeff conducted the first reading on the cigarette tax O-2022-05-02.

Mayor Cury- Thank you, Jeff. Okay we are going to pass over O-2022-05-03 until the next meeting on the 24th. So, we are on O-2022-05-04.

Mayor Rod Cury conducted the reading of the ordinance O-2022-05-04.

Mayor Cury- So, we will take up the second reading which we will dispense with on May 24th and we will need to have a first reading of O-2022-05-03 on May 24th. Moving along on our agenda. We are on Manager reports. John, do you have anything you would like to report?

John- In the very back of your packet should be the agreement letter with Robinson, Farmer, Cox Associates, about a month ago council gave us the go ahead to engage with them. So here is their letter of engagement and it has been signed but as part of that we were supposed to give all of you a copy of that so you all will understand what services they will be providing.

Mayor Cury- Okay, now we are on council member reports. These are non-voting items. Darrell?

Darrell- I appreciate Seth bringing up AEP and maybe buying the town's power and when you all meet with them, I would like for you to check and see what rate increases they might have coming.

Mayor Cury- Thank you, Darrell. Doug?

Doug- One of the citizens came up with TAC's to collect back taxes. Could we ask the Town Manager to pursue that?

John- If that is something council would like, sure.

Council- Sure

Doug- Can we ask that we have an answer to that at our next meeting?

Mayor Cury- I do not know that we could have time to do that, maybe our meeting in June.

John- Yes, I will reach out to them and get them as soon as I can.

Mayor Cury- Thank you, Doug, Mike?

Mike- Nothing from me tonight.

Mayor Cury- Thank you, Mike, Seth?

Seth- Why is the lobby closed still?

John- We just haven't opened back up yet.

Seth- Can we open back up? It is very frustrating. The President said the pandemic is over so if we could open back up, I would be real happy with that. With the town of Abingdon, we can pay our taxes online...

Heather- I took care of that.

Seth- You took care of that. So, we are squared away?

Heather- Yes.

Seth- It just makes it super easy to pay your taxes online rather than coming in here or anywhere else. I guess that is all I have. We do have our first meeting with AEP tomorrow and I will report back to you on that.

Mayor Cury- Thank you, Seth, Kristen?

Kristen- I would just like to take the opportunity to thank everyone for giving me this opportunity to serve. I really appreciate it.

Mayor Cury- Thank you, Kristen, Jeff?

Jeff- I would just like to thank the town. They had the prom last weekend and they had to relocate last minute, and I just want to thank the police station for opening their doors for the high school prom.

Mayor Cury- I just want to add that I too am very appreciative of the town for their help with the high school prom. I also want to add that on May 3rd, the town was invited to join the county and other counties in Tazewell to honor Jim Baldwin and here is what I presented:

"The Richlands Town Council desires to recognize and honor James "Jim" Baldwin, Executive Director of the Cumberland Plateau Planning District Commission, and Cumberland Plateau Planning District Commission was founded in 1968 to improve the quality of life of the citizens in Buchanan, Dickenson, Russell and Tazewell counties, and James "Jim" Baldwin was hired in February 1972, by the Cumberland plateau and has devoted 50 years of dedicated service to the agency, and during the past five decades, Mr. Baldwin has worked to advance and facilitate the completion of countless community betterment projects within the planning district. Including substantially increasing the availability of clean drinking water, expansive deployment of high-speed broadband internet and improved wireless connectivity, as well as numerous downtown improvement initiatives that have transformed the economic prospects of towns throughout the district, among many other projects, and Mr. Baldwin plans to retire on June 30, 2022, from his position as Chief Executive Officer of Cumberland Plateau Planning District Commission. Now, therefore, be it resolved that the Richlands Town Council honors James "Jim" Baldwin with sincere gratitude in recognition of his 50 years of exceptional achievements, outstanding leadership and dedication to improving the quality of life of the citizens."

Signed Rodney D. Cury, Mayor

Mayor Cury- I did have help with that. It is not entirely my work.


Okay, Is there any further business before council? I will entertain a motion to adjourn.

Mike- I make a motion to adjourn this meeting. Kristen seconded the motion.

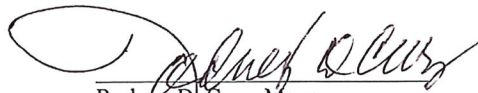
Mayor Cury- We have a motion and a second, any further discussion? All those in favor of the motion say yes. All those that oppose say no. Roll Call- Jeff- Yes, Doug- Yes, Kristen- Yes, Darrell- Yes, Mike- Yes, Seth- Yes. Motion carries -6/0.

This meeting is Adjourned.

Next meeting will be May 24th at 6:00 in council's chambers.



Rebekah Hackworth, Clerk



Rodney D. Cury, Mayor