

The Richlands Town Council held a "Regular Council Meeting" on January 18, 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: Connie Allen
Council Members: Mary Ann Strong, Doug Ratliff, Jeff Hurst
Mike Street, Richard Brown, Darrell Addison
Town Attorney: Brad Pyott

Mayor Cury opened the meeting.

Ginger Branton gave the invocation and led the Pledge of Allegiance.

Mayor Cury – Is there any Additions/Deletions to the Agenda?

Mayor Cury - Corrections

- Item VI under (b) delete \$14,870.91 and add \$37,686.58
- Item IX under (d) Blackstone Date Services should be Blackstone Data Services
- Item IX under (m) Delete Budget Workshop Date Selection

John - Corrections

- Item IX (d) Conditional Use Permit - Lucky Duck
- Item IX (d) Blackstone Data Services – Added use

Mayor Cury – Anyone who would like to be added to "Unscheduled Public Comments"?

- Add Shea Cook

Jeff – I approve the agenda as amended, Darrell second the motion – Voice Vote – All "Yes"

Mayor Cury - Approval of Minutes – Regular Meeting December 14, Public Hearing December 14

Mike - I make a motion to approve both sets of minutes, for December 14, Jeff second 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 –Doug- Yes, Jeff- Yes, Darrell - Yes, Richard- Yes Mike – Yes, Mary Ann – Yes Motion carries – 6/0

Mayor Cury - Consent Agenda - (Items a, b, c)

Jeff - I make a motion we approve the Consent Agenda, Items a, b, and c, Richard second 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 –Doug- Yes, Jeff- Yes, Darrell - Yes, Richard- Yes Mike – Yes, Mary Ann – Yes Motion carries – 6/0

Mayor Cury – "Scheduled Public Comments" – Sharon Shinall – Trap and Neuter Initiative

Sharon Shinall –

- Starting new program for the County – Trap & Neuter Initiative for Cats.
- Issues last year with the cats in this area.
- Feel like they can do at least 400 cats if everyone works together.
- Waiting on a Non-Profit from the IRS and business license.
- Check cats out for health condition, give shots and put back into the community.
- The goal is to start on this end of the County and work my way up the County.
- Town of Richlands, Cedar Bluff and Raven around 250 cats to get first.

- After a kitten is two (2) months old they are considered feral cat.
- Community cats may not be a feral cat.
- Cats serve a purpose keeps mice and snakes down.
- Will supply feeding stations.
- Partner with other organizations.
- Have a small group of people helping, hope to grow.

Mayor Cury - Please leave your phone number and address with the Clerk.

Mayor Cury – “Scheduled Public Comments” – Laura Mollo

Laura Mollo – 262 Linwood Drive

- The \$25,000 given to “Pop-Up Richlands” was not on the agenda for the public hearing to give their opinion or ask questions.
- Request to give proper notice of public hearing before spending ARPA money as required by law.
- Couple months ago Councilman Street mentioned radios for the police a top propriety, left the meeting and not discussed again. This needs to be priority.
- Last month we were told the budget was in a negative state, hardly any questions asked or discussion. Something has to be done or change in the leadership.
- Department heads should be required to give an update on their spending.
- We are missing many opportunities with grants. Money we can get with a grant would be money that we would not have to use.
- Clerk position has not been advertised. Give the citizens of Richlands a chance to apply.
- Section 2.6 said that regular council meetings should be second Tuesday of the month.
- Place Charter changes on ballot; give citizens a chance to vote.

Mayor Cury – “Scheduled Public Comments” – Blake Ray – Charter Changes

Blake Ray -

- A screenshot off of Facebook was sent to me and I think I need to address.
- Read the remarks by Councilman Ratliff on Facebook.
- I looked up the word corrupt, someone does for personal gain.
- Everything I have done is not for personal gain, but brings jobs to the community and focusing on the small businesses.
- Downloaded an APP called signal, when I downloaded I noticed that Councilman Ratliff, former Council Logan Plaster, and Laura Mollo were using this app.

Mayor Cury - Blake I failed to say but I am asking for no personal attacks.

Blake Ray –

- I researched what this app is used for public officials, everything to do with skirting FOIA. I don't want to speculate but ask Council to look at it, if not let it be.

Mayor Cury - I do ask to refrain from pointing people out individually. Observe protocol and respect. What happens in arenas of Facebook, etc. is not in the Council.

Mayor Cury – “Unscheduled Public Comments” – Shea Cook

Shea Cook –

- Handed out letter to each Councilmember. (Attached in minutes)
- Addressed the current flooding in Town.
- Collected photographs of the extent of flooding. I sent photos to Sarah Harrington at the Virginia Department of Emergency Management.
- Scheduled a teleconference this past Friday.

- There are plenty of funds available.
- We need feasibility/scoping study that would be necessary to support grant applications.
- Funds from Department of Emergency Management,
- We are one of forty (40) equity partners due to conditions in the region.
- We need to immediately open an account with the Department of Emergency Management system.
- In 2021, Virginia established a Community Flood Preparedness Fund. \$24,000,000.00 dollars was awarded across the state.

Mayor Cury – Volunteer of the Year Award – Presented by Recreation Commission President Tony Cordle.

Tony Cordle - President of Recreation Commission

- We present a Richlands Volunteer Award each year.
- This year the award goes to Rocky Hill.
- Rocky helped with the Hurley victims, delivery food and other items. Also helped them with Christmas.
- Help with kids for Christmas in Richlands area.
- God's Rock Stars- Program for Handicap Kids.
- Need more people like Rocky, presented award.

Rocky Hill - Me and my wife are wanting to start some programs for Senior Citizens. We are going to start feeding two (2) seniors a week and start fellowship with them. If you know of any citizens that would like to be on the list, I need your help in getting their names.

Mayor Cury - Creative Communities Partnership Grant – Ginger Branton

Ginger Branton – It is time again to apply for the matching grant for the Richlands Citizens of the Arts. The grant has to be done at the Town of Richlands. I can help assist in filling out the grant. It is a match of \$5,500.00 from the Town of Richlands and \$4,500 from the State.

Jeff - I make the motion to apply for the grant and Town match at \$5,500, Mary Ann seconded the motion.

Doug - I am going to abstain because I think the budget needs to be addressed. We are \$300,000/\$400,000 in the hole. We need to wake up and worry about the budget.

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 –Doug- Abstained, Jeff- Yes, Darrell - Yes, Richard- Yes Mike – Yes, Mary Ann – Yes Motion carries – 5 (Yes) /1(Abstained)

Mayor Cury – Library Request Discussion

John – Last month the Council approved ARPA funds for \$154,000 In addition to the grant money. The library has come back and asks if we can set the funds aside and use in a bigger project. You should have received a letter on what they are proposing to do. I don't think the County will object, they ask Council to approve to set aside the ARPA money. We did receive some money from Thompson Foundation and will ask if they could extend or reallocate the money.

John Willis – PO Box 698, Richlands,-351 Lincoln Street - Do you have any questions on the documents we submitted?

Mayor Cury - John, were you going to make sure the money we allocated falls under the ARPA guidelines.

Brad - John as requested for me to look at the Treasury guidelines, I will get something back to Council on the pros and cons.

Mayor Cury - You are going to submit a written review?

Brad - Yes

Mike - The letter request for the Town Council to accept the proposal, my question is we made the motion to allocate these funds for renovation of the library, does our motion fall within the guidelines on what they are asking here. Do we need a public hearing or is this something different.

Brad - You don't need a public hearing yet.

Mike - Do we need a motion or is this just a decision we make and say OK you can use these funds for this

Brad - Will have to make sure you can use the funds for this particular purpose for the library.

Mike - They want to take the money and put it toward the foundation for making the library bigger as well.

Brad - Has to meet the criteria and be properly documented.

John - On the part of the maintenance a new contract will have to be updated. Once we get the money worked out we can work on updating the contract.

Mike - I don't want to make any decisions until we make sure it falls within the guidelines of ARPA. I want to table it until you figure out if that is the case.

Rod - Brad, you want to review the guidelines and make sure these projects fit into the guidelines of ARPA?

Brad - I will have something ready by the next Council meeting.

Doug - The same time you are considering the library can you consider a rescue building? The building has mold in it; we have a lot of need for infrastructure.

Brad - I will look onto what Council charged me to do on the first items.

Doug - Can we have a consensus for him to consider a new Fire and Rescue, if OSHA looked at the building it has mold in it. We also need a new Police Station. We have turned the police station into a community center already. I would like a consensus to consider a Fire and Rescue, Police Station along with a new library. Those buildings are as important as the library.

Mayor Cury - I am not against it but could you hold until your Council comments. I think it would be the proper time to ask that.

Brad - I would need more specifics.

Doug - What specifics would you need?

Brad - You just said generally a new Police Station or Fire and Rescue.

Doug - I can give you numbers.

Mayor Cury - We need to make use of what we have, the library is an historic building.

John Willis - I want to make sure I understand, we are waiting to see if the library qualifies for the ARPA money, plus the other grant money from Thompson Foundations and Travis when he was on Board of Supervisors. If the money qualifies the Town will transfer and let it be part of the bigger project.

Mayor Cury - I would say yes but I can't speak for the Council.

Mike - I am in favor of it, I love it. I have no reservations what so ever, just want to make sure the ARPA money can be used in that way.

Mary Ann – I agree with Mike, Brad will have an answer for us next month.

Richard - I noticed that the plans are dated September, is this something you had prior to the available funds for the ARPA money.

John Willis - The process has been going on for a long time.

Mayor Cury - The proposal asks the Town to accept the proposal as well as the foundation offer to take over the maintenance of the Richlands Library. What would the maintenance include?

John Willis - The Town was responsible for all outside maintenance and the library, County would be in charge of the inside. My opinion it is not a way to run it. The Town would react when something got bad, I was not involved in any County decision but I am sure they did too. Hopefully we can plan maintenance and fix things as needed.

Mayor Cury - Conditional Use Permit – Lucky Duck and Blackstone Data Services- Added Use

Jeff - The Planning Commission recommends an added use permit for Blackstone Data Services and recommends a Conditional Use Permit for Lucky Duck. We will add data services as a permissive use.

Brad - You would need to amend your existing zoning ordinance; designated use used under 157.01 added as a permissive use. I can prepare for the first reading for next month.

Jeff - I make a motion to accept Planning Commission recommendation of added use of data services to B2 zone, Darrell seconded the motion.

Mary Ann – I appreciate the Planning Commission researching. We need to do everything we can to bring new businesses into Town.

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 –Doug- Yes, Jeff- Yes, Darrell - Yes, Richard- Yes Mike – Yes, Mary Ann – Yes Motion carries – 6/0

Brad - I need to get the language correct in amending the ordinance.

Richard - This is an example of where we potentially have to wait 120 days.

Brad - I just know the legality of what you have to do.

Richard - Mr. O'Daniel to go ahead with the permit based on the passing.

Mayor Cury - Can we do that?

Brad - I would not recommend that John issue a permit based on the contingent of the passing of the ordinance. It is not legal until the ordinance is passed.

Mike - The ordinance won't be ready until next month.

Brad - For the first reading, you can waive the second reading and passed as an emergency. We are in a lawsuit because of that, not that we see it as a problem but because it was challenged.

Mike - So this person cannot start a business until 60 days.

Brad - They could by February 8 if you chose to act that way.

Mike - This is an added use.

Brad - You are changing your code. Conditional use is not changing your code. You did not have a data center as a use.

Mike - I have another recommendation. Can I get you to look at ordinance from other towns to see if potentially any additional uses that we may not be thinking of, that we may run into in the future that may be beneficial for us to look at?

John - That probably would be a directive of Planning Commission.

Jeff - Hopefully we will get the study done next year.

Doug - Could we be overthinking this? The gentlemen that spoke said the main point of his office would be an office and a headquarters for his company. When the Charter was written there was no data center didn't know what a data center was. We could legally approve an office, I don't know of any offices that don't have data in it.

Brad - I don't think that is possible.

Jeff - I will make the motion to amend the business district B2 ordinance 154.07.01 use regulations to add data services, Mike seconded the motion.

Brad - Planning Commission restricts the first level.

Jeff - In the previous ordinance, we amended the list we did not change a restrictions.

Doug - Can we address now?

Brad - Already addressed with the Planning Commission.

Richard - It would my intent to let Mr. Earls know, go back in forth in Council and in three weeks and if Council approves to let him open his business.

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 -Doug- Yes, Jeff- Yes, Darrell - Yes, Richard- Yes Mike - Yes, Mary Ann - Yes Motion carries - 6/0

Mayor Cury - Second part is to allow the Lucky Duck to have a Conditional Use Permit.

Jeff - We recommend a Conditional Use Permit for Lucky Duck. We did add a couple of conditions about the hours of operation.

John - 8:00am - 1:00am daily and not before 1:00pm on Sunday

Jeff - They have to be 21 years of age and if they decide to serve alcohol they will have to come back to the Planning Commission.

Jeff - I make a motion that we approve a Conditional Use Permit for Lucky Duck with the time limits and time constraints, Richard second the motion.

Mike - Since you know you are getting a Conditional Use Permit do you have an opening date?

Mayor Cury – IDA Update – Blake Ray

Blake Ray -

- Plan on how to help small & medium size business.
- Pop-Up Richlands – Council voted to give \$25,000 – Ashley planning out the process.
- Shanna Plaster- Tazewell County Board of Supervisor gave \$7,000 for the Fall Session.
- Ashley is taking the direction of the IDA and getting this planned.
- Pop-Up Richlands starts on March 21.
- Classes start March 24 – April 28
- IDA working on an incentive package for business wants to make sure we are competitive.

Jeff - Who can participate in the program?

Blake Ray – Anybody can participate, business has to be in downtown Richlands, You have to participate in all the classes. It is a reimbursement grant.

Doug - Is that an accepted use for the ARPA money?

John - All designated money will have to be attorney approved.

Blake - The money from the Town and County are not the only money we are seeking for the project. We will be applying for grants and private funding. We are looking for resource money each year.

Doug - They give credits instead of money for electric, etc. once the business is started. That is just a suggestion.

Doug - I would urge not only Pop-Up Richlands but any grant money that goes toward a business, I would have a concern just to keep everything appropriate anyone on the IDA that makes decisions on these grants, I would be very careful that they were not recipients of some of the money. It might be perfectly OK but

Blake Ray - That is also taken into consideration, IDA can go thru the classes but not a recipient.

Doug - I am talking about Cumberland Plateau or anything. I think if you are on the IDA it should disqualify you for any of the grants. I think it is a conflict of interest that is just from me. If you are on a committee and have the power to direct the money I don't it should go to any business that you are a participant in it.

Darrell - You need to remember that they can come thru the IDA in Tazewell to seek money thru VECDA.

Blake Ray - Margie brought that up. They may be able to use the Business Plan they do thru Pop-Up Richlands and apply for the VECDA grant as well.

Mary Ann - Margie Douglass is an asset to your team.

Blake Ray - I am pleased that we have put Pop-Up Richlands together so quickly.

Mary Ann - Where are the classes and the time?

Blake Ray – Richlands Town Council Chambers at 6:00pm – 8:00pm.

Blake Ray - Reece Strong has resigned from the IDA, we would like to recommend Adrienne Cordle to the IDA.

Mayor Cury - You talked to Adrienne and she is willing to serve?

Blake Ray – Yes

Darrell - I make to motion to appoint Adrienne Cordle to the IDA, Mary Ann 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 –Doug- Yes, Jeff- Yes, Darrell - Yes, Richard- Yes Mike – Yes, Mary Ann – Yes Motion carries – 6/0

Mayor Cury - Committee Re-Appointments

John - I talked to Brad, essentially we are approving everyone that is on the committees. We have had a lot of turn around lately.

Jeff - Do we need to add the Recreation?

Brad - These committees are in the Charter, it is Council discretion on the Rec.

John - I can add for next month.

Mayor Cury - Read the Committee Re-Appointments

Jeff - I make a motion to Re-Appoint, Mary Ann second 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 –Doug- Yes, Jeff- Yes, Darrell - Yes, Richard- Yes Mike – Yes, Mary Ann – Yes Motion carries – 6/0

Mayor Cury- Appointment of Town Clerk

John - Need to know the process of how to hire the new Town Clerk.

Doug - Why could we not record the meetings and have a company transcribe it. That would be minimal cost and we would not need a Clerk if it was recorded. That would save getting an employee, save money and get the job done.

Mayor Cury - We record on You Tube.

Doug - We would need a recorder to transcribe.

Mayor Cury – I don't disagree, I think it is something to consider as an option.

Richard - I think it would require a Charter change, we are supposed to have a Clerk.

Brad – Yes

Mary Ann - The Clerk has other duties beside the minutes.

Jeff - Ask the Town Manager to open up to see who is interested. We can also look into the transcribing machine too, that is a good idea.

Mayor Cury - Is there a consensus to go thru the application process.

Richard - We issued check number 11182 to Voice for advertising. The more advertising we do the more cost we incur. We can appoint. I think we don't advertise and incur this expense.

Brad - The Charter states appoint, Town Manager, Town Attorney and Clerk. (Read the duties of the Clerk.

Mayor Cury - Connie has agreed to stay on until we find a clerk. We can research Doug's idea and maybe someone to appoint and bring up the next meeting.

Doug - Maybe we could split the duties, and Connie could stay on and do the duties described in the Charter, just a suggestion.

John - If we go with the transcribing route we will have to renegotiate with Connie.

Mayor Cury - We will ask John to research the transcribing company.

Darrell - I think we could advertise on the web page to save some money.

Doug - If Connie is staying why do we need to advertise?

Mary Ann - I think Connie will have to wait until we see if we can get a transcribing machine.

Mayor Cury - You are right.

Mayor Cury - I agree, John we will ask you to research a company to transcribe the minutes,

Doug - Maybe Connie can help research a company.

Mayor Cury - Since Connie is involved in the employment, better that John does it.

Mayor Cury - Charter Update Discussion

John - You should have the Charter draft and I have three (3) Resolutions drafted.

Doug - I make a motion, I wait until after the discussion.

Mayor Cury - Turn to page 11 of the Charter.

Mike - Read the Charter change #1 of 3.2 Nomination and Elections.

Mayor Cury - Page 12 of the Charter #2

Mike - Read the Charter Change #2 - 3.5 Mayor

Mary Ann - Read the Charter Change #2 - 3.5 Vice-Mayor

Richard - Read the Charter Change #3

Jeff - Read the Charter Change #3 - Section C

Mayor Cury - Read Charter Change #4 - 3.9 Appointees

Mike - (Read Resolution R-2022-01-01)

Doug - Is this just for term limits? It takes a year or two to change correct.

Brad - Up to what the General Assembly wants to do, we would need to get to them asap.

Doug - Estimates are two (2) years.

Brad - First time that I have done it for the Town of Richlands, not sure.

Doug - I would like to make a motion to put on a referendum in November election and let the public vote on it. One of the citizens came up and said one of the laws can be binding with a referendum. Let the public speak if they want to change the Charter, fine.

Mayor Cury - I am not sure if a referendum is binding but ultimately left up to Council.

Doug - I think there is a law that is binding. Brad, can you research.

Brad - You can go thru Council and have a referendum and act on it or you can have a public hearing and have Council act upon it.

Mayor Cury - Is a referendum binding?

Brad - It substitutes the public hearing that you had. With a referendum public votes and you proceed. I do not know if it is binding or not.

Doug - Does anyone know of a law where it can be binding?

Brad - The Resolution is the reflection of Council's vote and the direction to the General Assembly. The change has to be specifically addressed in the Resolution.

Mayor Cury - Did you review the language in the Resolution?

Brad - Yes, it is appropriate.

Brad - The process that this Council is doing is appropriate. There is only two (2) ways of handling it.

Doug - Can you state that a referendum is binding or can you do the research?

Brad - I can do the research. It is not relevant to what you are doing tonight.

Doug - If we go thru the whole process it is relevant.

Doug - I make a motion to put all Charter changes on referendum in the November election and let the citizens decide if they want to change the Charter.

Mary Ann - If it is on a referendum and it is favorable to make Charter changes does the General Assembly still have to approve.

Brad - The Council still has to act on the changes to the General Assembly.

Mary Ann - So it is not automatic changes either way?

Brad - That is correct.

Darrell - The General Assembly still has to act if even with the citizens voting?

Brad – Yes

Mike – Our legislative services are ready, I checked yesterday.

Doug - Why would you not want the citizens to have a voice? We are always doing what the Council wants.

Mike - I don't think that is true, we had a public hearing we are abiding on all the laws. You were elected to make these decisions. We have given the citizens ample time, over four (4) months.

Doug - Why can't we put on a referendum, we put a lot things on referendum. Very few people show up for the meeting, very few people get a voice. If we put on a referendum, all the citizens of Richlands will have a voice.

Richard - I would like for Councilman Ratliff to amend his motion, I have an issue with #2.

Mayor Cury - Richard is asking for you to amend you motion to the first one "Term Limits", do one at a time.

Doug - I make a motion that we put on a referendum 3.2 changes on Nominations and Elections for citizens to vote on in November election, Richard seconded the motion.

Doug - This doesn't pertain to me because I am not going to run for (2) more terms. This is just giving the citizens a voice and who they want on Council. I am sort of torn because I do like term limits. I do want the citizens to have a voice.

Mike - I think this is an opportunity to make some positive change. We have spent month looking at it and we had our Public Hearing. I am ready to move forward and Travis's team is ready to move forward. It's a good change and good for our citizens.

Mary Ann - I always value citizen's input, I have had several citizens talk to me about it, and we have had our public hearing. As our attorney stated we have done everything correctly. We are elected by our citizens and there are very difficult decisions to make. I will say that Councilman Street has spent a lot of time on this and has spoken to Travis Hackworth and his team.

Doug - It is each Councilmembers job to spend a lot of time on every decision they make for the citizens, with all due respect. With all four (4) of these changes, what is happening in Washington now if a party can't keep control of a Council or Legislature the first thing they start doing is changing the rules so they can consolidate power? This is a prime example, something that has worked 100 years, when people get worried they can't consolidate the power and rule over the people they start changing the rules so they can.

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 –Doug- Yes, Jeff- No, Darrell - No, Richard- No, Mike – No, Mary Ann – No Motion carries – 5 (No) /1(Yes)

Mayor Cury - Read Charter Change #2 - 3.5 Mayor

John - Can we vote on the first Resolution then move on to the other ones?

Mike - I make a motion to adopt Resolution R-2022-01-01, Mary Ann 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 –Doug- No, Jeff- Yes, Darrell - Yes, Richard- Yes Mike – Yes, Mary Ann – Yes Motion carries – 5 (Yes) /1(No)

Mayor Cury - Motion carries to adopt Resolution R-2022-01-01 as read.

John - Read Resolution R-2022-01-02

Doug - The first part, I don't think you have ever had problems voicing your opinion as a Mayor. I don't know why that was put in there it is ridiculous. The second part where we let the Vice-Mayor run the meeting and wear two (2) hats, it does not make sense. If they are running the meeting, they can persuade how the meeting is going to be and how to vote. There are (6) members of Council, if the Mayor gets sick, then Vice-Mayor takes over, leaves five (5) members. The Mayor is a safety device if there is a tie. If you have three (3) members that vote one way and then Vice-Mayor comes in and votes we have a tie.

Jeff – The motion would fail.

Mike - It is not a tie; it is 3 to 2.

Doug - We have the Mayor as a tie-breaker, we lose and don't have a tie-breaker if the Council disagrees on something.

Richard - I think we didn't fix the root of the problem on this one. We change to allow the Vice-Mayor to vote. The ordinance and resolutions require four (4) votes.

Mayor Cury – Ordinances require four (4) votes.

Richard - If we have a full Council the way the Charter is written now it states you have to have (4) votes. Mayor is not a Council Member. I think we need to look at the number of Council members that it takes to pass an ordinance.

Doug – Something as important as an ordinance that is why it is in the Charter.

Richard - I think it diminishes the roll of the Mayor and the Vice-Mayor. It still raises the question of a 3/3 tie, is the Mayor a voting Member of Council when it comes to ordinances and resolutions.

Mayor Cury - That is why the question was raised last year.

Doug - I think if it states the Mayor can vote in case of a tie that should cover it all.

Brad - Your charter has random language never refers to the qualification of the Mayor as a member for purpose of voting. It does define a Mayor can vote and only indicates in a tie and full fills the roll as a member, that is the only time. The Mayor is not part of the Council for a quorum, but only in case of a tie. May change Mayor is a member for the purpose of a tie, something like that. Otherwise, he is not a member, no vote whatsoever.

Richard - Still would not allow an ordinance or resolution to pass in a tie vote. Has to have (4) votes.

Brad – Correct

Brad - If you wanted to change the date of your meetings and you only have four (4) people here that are not an ordinance or resolution, it is a matter of procedure, you can vote.

Mike - Does this provide clarity in regards to the Mayor to vote in regards to a tie.

Brad - Improves what you have and eliminates any type of debate in relevant to current obligations. It would remove any misunderstanding at all what the role of the Vice-Mayor would be.

Doug - I make a motion that we put this on a referendum in the upcoming election in November and let the citizens have a voice to change the Charter.

Mayor Cury - We have a motion on the floor to put Resolution R-2022-01-02 on a referendum.

Richard - I second the motion, I think the citizens deserve to vote.

Brad - A referendum is strictly an advisory.

Jeff - Should we clean up the wording before we put on a referendum?

Mayor Cury - What is the proper wording?

Brad - You have to put the language on the ballot of what it is going to be. Read the statutory language, under Virginia Code, this is not in your Charter.

Doug - Public hearing we had a consensus from the Council as I remember that we were going to think about a referendum.

Richard - I missed the wording in the resolution, "regular meeting of the Council held in the month of January", this is not our regular meeting date, is there any issue with that?

Brad - I don't believe so, this is not a special meeting but a regular council meeting.

Doug - I want to withdraw my motion.

Richard - I withdraw my second.

Doug - I make a motion regarding 3.5 of the Charter, that we have an election in November and give the citizens and the public a voice in whether we change the Charter. Richard seconded the motion.

John - Is this a change or clarification that we need put out to the public.

Mayor - It is a change.

Brad - It is a change in the language.

Doug - It is not only changing language but procedure.

Mike - I feel the same way about this one as I did the one before. It provides the clarity that we need to conduct business. It is a wonderful opportunity for our citizens. We are elected to make these changes. I think it is an opportunity to do better for our citizens.

Doug - I disagree with Mr. Street, it is not a clarification it is a procedure change. When you give more power to the Vice-Mayor and give them a vote in decisions that is a procedure change.

Mary Ann - I don't think that is a procedure change.

Brad - The Vice-Mayor in the absence of the Mayor has a vote regardless.

Mike - That is no different than the way we do currently.

Doug - For many years it was understood the Vice-Mayor did not have a vote.

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 –Doug- Yes, Jeff- No, Darrell - No, Richard- Yes Mike – No, Mary Ann – No Motion fails – 4 (No) /2(Yes)

Mike - I make a motion to adopt Resolution R-2022-01-02, Darrell second 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 –Doug- No, Jeff- No, Darrell - Yes, Richard-No Mike – Yes, Mary Ann – Yes - Tie Vote – Mayor – No – Motion Fails

Mayor Cury - 10 Minute Break

Mayor Cury - Jeff, please read Resolution R-2022-01-03

Jeff – (Read Resolution R-2022-01-03)

Richard - (Read the Charter with proposed changes)

Mike - I make a motion to adopt Resolution R-2022-01-03, Jeff seconded the motion.

Doug - There is two (2) major reasons why we should not pass this resolution. That was put into slow things down to a make sure we are making the right decision as a Council, an ordinance is important. If we do pass something and we don't give the citizens 30 days, some don't have the extra income. They need 30 days to adjust.

Mary Ann - John, if we make a change does it take more than 30 days to reflect in the billing?

John - Would be after Jan. 1, the new budget year.

Doug - It says to immediately take place.

John - This was to simplify and get rid of the word emergency. It allows us to do the same thing but don't call it an emergency.

Doug - If you just want to remove the word emergency, why are you taking the amount of time it takes and not giving the citizens a time to adjust. A lot of the services don't start in January.

John - If it is passed as an emergency you don't have to give the 30 days.

Mayor Cury - If you will look on the bottom of page 13, this gives me heart burn. "The enacting clause of all ordinances passed by the Council shall be "Be it ordained by the Council of the Town of Richlands" No ordinance, shall be passed until it has been read at any two (2) meetings (regular, special or emergency). I feel this would put the Council in an awkward position. We can have a special or emergency meeting in a very quick time, would have the appearance of priority.

John - The first meeting you could dispense with the second reading and not need another meeting. If you pass as an emergency ordinance you would not need the second meeting.

Mayor Cury - I think we need to be extremely cautious.

Richard - This ordinance still contains the same verbiage as we talked about before, I don't want to open the door for any litigation, as Member of Council being a tie breaker

Doug - Richard, I think it is implied.

John – That was one of the issues brought up with our attorney.

Doug - I don't think we have had a problem with that yet, anybody challenging and implying. The Charter we had worked so well.

Brad - The language is drafted does not change the notice that you have, has notice provisions.

Doug - It says it takes effect immediately. Council is going to take every penny they can in taxes. We gave notice about raising taxes and electric rates, but citizens don't read their bills. Most citizens didn't know they electric was going to be raised until they got their bill.

Mike - I think it simplifies things for us and puts us in a better position. It is not a bad change it helps us do what we need to do.

Doug – A good government always plans ahead, a budget what taxes they are going to raise to give citizens a chance to react. I can't see a government not planning ahead and having to take the 30 days away and put on the citizens all at once.

Jeff - We have two (2) businesses trying to get up and going, a lot of comments tonight if we could do this would save them from moving to another locality. This helps to expedite the process.

Mayor Cury - We need to be cautious of the wording, really scares me.

Darrell – We need to help the business that want to come here.

Mary Ann - When I talked to Mr. Earls, he said I can't wait, I will have to go somewhere else.

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 –Doug- No, Jeff- Yes, Darrell - Yes, Richard- Yes Mike – Yes, Mary Ann – Yes Motion carries – 5 (Yes) /1(No)

Mayor Cury – ARPA Discussion

John - I don't have much change from our last meeting. (Handed out revised sheet)

Mayor Cury – SRO Grant

John – You have a copy of the SRO Grant, the question was raised if grant money can be used for after school activities. On page five (5) of the handout, "For SRO's grant funds cannot be used to pay for general security during school sponsored events or overtime." It is our interpretation at this time the funds cannot be used for sporting events.

Doug - I called and talked to DCJS this is the explanation, "The rules are put in place to prevent full-time SRO for not being paid overtime for working 40 hours a week at school and then working an additional six (6) at a sporting event. This question is the sporting event turns in as a grant, and then the sporting event is not turned in as SRO unless a locality establishes it as a duty. If it is established as a duty as an SRO it is to be part of his duties. It is established as duties in MOU made and signed by the School Board. Tim Taylor, Jerry Gilbert attached from the first print out. For further clarification John should contact the grant monitor explain the scenario and explain the MOU duties and ask to be covered by the grant. You sign a contract with an SRO and in that contract you agreed, special duties signed by you , on the MOU it says attends and participates in after school functions including staff meetings, athletic contest and other performing activities. I want the procedure clarified and I am saying you are wrong and you did agree to do that. It would save the Town money instead of letting the school board do that security, if you go with the grant as you pledge to do. If the School Board is reimbursing people for that activity and if they are paying for that, whose insurance are they on. Are they on the Town's if they are contract labor or are they on the School Boards. You signed the same thing last year.

John - We had already applied when you brought it up, I will take what you have for review.

Mike - Why don't you work with John on this and we all work together to figure it out.

Doug - I am just trying to get the procedure correct. It is in black and white we agreed to perform those duties. Another thing that is going to get the Town in trouble, the grants are only for four (4) years and then the Town has to take over. We agreed when we annexed the school system that we would keep a full-time SRO at the High School. We broke the agreement we put a part-time person up there. Sheriff Department was providing SRO at the Middle School. We put full-time position at the High School and took it away from the Sheriff's Department, which did not cost us anything. You set yourself up to spend \$40,000/\$50,000 when the grant runs out.

Richard - You are not correct, the Sheriff's Department is not free of charge. (Read statements from letter from County dated 2009) we have to pay regardless.

Doug - I am not talking about that, you misunderstood. The County had a lady SRO we pushed her out, when the four (4) years ends for SRO, we are only providing two (2) now we are going to have to have three (3). We pushed the one at the middle school out, going to cost tax payers more money. I am not talking about the one at the high school.

Mayor Cury – Downtown Revitalization Grant

John – The planning portion of the revitalization has been funded. We will select the architect by a scoring system. When we get the architect then we will start reaching out to individuals.

Doug - I would reflect on what I said earlier I would be very concerned that everyone is on board, people on different committees don't have a part of that money and the decision making process.

John - It will be staff level.

Mayor Cury – Budget Workshop Date Selection

John – I added a couple extra dates just in case we needed them for the budget.

Mayor Cury - Why do you want to change to the first Tuesday for Council meeting?

John - The second Tuesday is a difficult day for Brad to be here.

John - We will set the dates in an ordinance for 2022.

Mary Ann - I am favor of changing to the first Tuesday, extremely important we have legal counsel here.

Mike – What about the third Tuesday, everyone's ok with that.

Mayor Cury - At this time we will leave at the 2nd Tuesday of the month, Option #1

Mayor Cury – Conflict of Interest Forms

Connie – Due February 1.

Mayor Cury – Event List

John - Compiled all the events together for 2022, please review and email me any changes. We can plan expenses into our budget.

John – RFQ – Engineering Retainer Agreement for Thompson and Litton – It is time to send another RFQ out and get the process going, just wanted to let you know.

John - Fire Truck Bid Opening - I got one (1) bid for the fire truck, you can open the bid and see if you want to sell for that amount.

John - We found out that one of the pumpers was bad so we had to put out for bids again.

Jeff - I make a motion to accept the bid as presented by Frank Rudder for \$5,000, seconded by Darrell Addison.

John – Do we have a plan for the \$5000?

Mary Ann - It was donated to us; someone already mentioned to me maybe we could pass the generosity.

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 –Doug- Yes, Jeff- Yes, Darrell - Yes, Richard- Yes Mike – Yes, Mary Ann – Yes Motion carries – 6/0

Mayor Cury – B & B Pawn Sign Removal

John - There is a sign right by the Section House for the old B & B Pawn shop. Someone at the Section House has asked that we take it down. It is something we don't do is go on private property. I just wanted to get approval from Council before we do anything of that nature.

Mayor Cury - Brad Hess sent a letter giving us permission to take the sign down.

Jeff - I make a motion we give the Town permission to take the sign down at B & B Pawn Shop, Mary Ann 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 –Doug- Yes, Jeff- Yes, Darrell - Yes, Richard- Yes Mike – Yes, Mary Ann – Yes Motion carries – 6/0

Mayor Cury – Budget Retreat Discussion

John - I would like to schedule a day to meet with Council and the staff to start preliminaries on our budget. I thought we could take one (1) day instead of breaking it up into several meetings.

Mayor Cury - February 12 at 8:00 am – Budget Retreat

John – Miscellaneous- Trash pick-up this week may be a little bit late due to the snow and the transfer station. Thanked the Electric Department and Police Department for helping out with electric outage. Upper Tennessee Round Table as soon as I get more information I will pass along to you.

Mayor Cury – Attorney Comments

Brad - John and I had some concerns on the tax delinquency. Your current code refers Council setting interest rate from time to time. John did some research of adopted rate several years ago which would still be in effect. You can put in your budget every year and say that is what your rates are going to be. You may want to think about modifying the two (2) ordinances; the language has a lot to be desired. Deal with the personal property issue and citizens will know what to expect.

Brad - There are five (5) categories, I will do research on where some of the projects will fit. The key is the justification of where the expenses will fit and proper documentation and accounting. You may also want to talk to your accounting firm to see what the funds can be used for.

Brad - One of the properties that were involved in the tax sale of the Ferrell property did not bring a lot but the Town will get \$365.00. The new buyer can do something with the property. Fairfax property has not heard back from the county, may not be on the sale list until April.

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

Mary Ann – So they will try to get the sale in April.

Brad - If they couldn't get it in January will be April.

Mary Ann –

- Shea Cook mentioned, Friday I was on the call with two (2) ladies from the Emergency Management. It is very optimistic and is not going to be easy or be a quick process. I believe we can get some help.
- We need to open the account with the Emergency Management System.
- Rec Commission Monday night Jan. 24 @ 6:00pm.
- Basketball League well on their way, 220 kids played.
- Nice to see Rocky Hill receive the Volunteer of the Year Award.
- Thank you to the Street Department for the snow removal, thanked Police Department, Fire and EMS.
- Thanked Connie for staying on as Clerk until we find a replacement.
- Thanked John for doing an excellent job in communicating with us. Communication is critical.

Mayor Cury – “Council Member Reports” – Richard Brown

Richard –

- Absent last month but watched the Council meeting on You Tube.
- Statement: (My Opinion) - After every Council meeting I get a phone call or text asking why I don't respond to citizens bashing. My response is the citizens have a right to come to Council Chambers and express their approval or disapproval. Last month a citizen made a statement that needs to be addressed. Last month Ms. Mollo stated this Council was a Council of willful ignorance. I want to assure Ms. Mollo and the public that no member on this Council is in anyway ignorant. Ms. Mollo is placed on the agenda each month for misc. concerns. My opinion this is no more than a political soap box for her to give a speech how bad the Council has been. No one will ever make their self look good by making others look bad. Citizen's constant FIOA request has done nothing but cost the citizens and the Town thousands of dollars. These are the same people that in her campaign signs referred to people not politics. Any citizens coming into these chambers should expect to make statements followed with facts. If the Chambers was a court room the citizens would face perjury. Ms. Mollo talks constantly about the bad in this Council. I want Ms. Mollo to know in my opinion she is partially responsible for thisI have yet to hear anything that has been stated a positive comment with the same agenda every month. It is time to move on with topics like Mr. Ratliff's residency, the Council's health insurance and 911. It has to be a miserable life to always look for negative. If you are looking for negative it is already going to find you. Until something is brought positive about I am not interested in anything she has to complain about. In the past Ms. Mollo has quoted a scripture Hebrews 13:17.
- Challenge the Council to come up with a plan instead of dragging out month by month.

Mayor Cury – “Council Member Reports” – Jeff Hurst

Jeff –

- I agree with Richard, it is entirely too long, I don't know what we can do. I know what we're elected to do this but we can be a little more efficient. I would be in favor of two (2) two hour meetings.
- Basketball – With the Omicron variant been touch with scheduling please be patient.
- Planning Commission - I applaud them for all their efforts; we have a great group looking forward to zoning being updated.
-

Mayor Cury - “Council Member Reports” – Doug Ratliff

Doug –

- I put some things on Facebook but it is very upsetting to see a private citizen singled out and have pressure put on her to be quiet and not bring up issues.
- I don't remember the statement Richard mention of willing ignorance.
- I applaud Ms. Mollo for the FIOA, might cost the Town a little money, at least she is trying to show the Town what is wrong.
- A lot more people of Richlands should be making inquiries.
- I would ask Council to take into consideration to direct the attorney if the ARPA could be used for such things as new Rescue & Fire Station, Police Station.
- I don't think anyone serving on a Committee or Council should owe back taxes. Cedar Bluff is going to pass this too.

Mayor Cury – “Council Member reports” – Mike Street

Mike –

- I want to recognize the Town employees for the snow removal. I also want to thank Police Department.
- 2nd Annual Back to School Bash – Weekend of August 13
- Only thing I say about Face Book, Council members show me the same respect as I show you.
- ARPA- Agree with Richard, I will still be very strong on the WWTP.

Mayor Cury – “Council Member Reports” – Darrell Addison

Darrell –

- Agree with Jeff meetings are too long.
- Richlands is a great place to live, hate when people run it down.
- Thanked John on the text for the power.
- If someone sues the Town it cost us money, if they sue and lose we need to go after the cost to the Town. It will stop ridiculous lawsuits.

Mayor Cury – “Mayor Comments”

- Read comments from citizens bragging on the Town.
- Packet from Appalachian Agency for Senior Citizens.
- Shea and Mary Ann touched on the Flooding situation.

Mayor Cury – Executive Closed Session – 2.2-3711(A) – Attorney Consultation – Contract negotiations (Teen Center and Iron Street Property)

Jeff - I make the motion to go into Executive Closed Session, Mary Ann seconded the motion.

Mayor Cury - All in favor say “I” - All “I”

Mayor Cury – Council is now back in regular session. I will entertain a motion to return to regular session, when voting you are certifying that Council has discussed nothing except for 2.2-3711(A) Attorney Consultation – Contract negotiations.

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 –Doug- Yes, Jeff- Yes, Darrell - Yes, Richard- Yes Mike – Yes, Mary Ann – Yes Motion carries – 6/0

Doug - I make a motion that anyone who owes back taxes, give them 30 days to make the payments, if not, they are not eligible to serve on Council or committee in Richlands.


Mayor Cury - No second, motion fails.

Audience – Laura Mollo speaking

Mayor Cury - Ask Laura Mollo to place herself on the agenda next month.

Jeff - I make the motion to adjourn.

Adjourn


Connie Allen, Clerk


Rodney D. Cury – Mayor