

The Richlands Town Council held a "Public Hearing" in the Richlands Council Chambers on January 18, 2022, at 5:30 pm, with the following present:

Mayor:	Rodney D. Cury
Town Manager:	John O'Daniel
Town Clerk:	Connie Allen
Council Members:	Mary Ann Strong, Mike Street, Doug Ratliff, Darrell Addison, Jeff Hurst, Richard Brown
Planning Commission:	Richard Smith, Elliot Joyce, Barry Alley, Michelle Elswick, Randy Smith
Town Attorney:	Brad Pyott

Mayor Cury opened the meeting.

Randy Smith gave the Invocation and led the Pledge of Allegiance.

Mayor Cury - Public Hearing for Joint Town Council and Richlands Planning Commission - Please change the heading on the agenda to Public Hearing instead of Meeting. I will ask Richard Smith to take over the meeting since he is well versed on the subject.

Richard Smith - First on the agenda is a request from Blackstone Data Center. At this time I ask if anyone is here that would like to speak on behalf of the Data Center. The application is for a "Conditional Use" permit in the B2 district. Location is on the upper end of Town on Front Street and Second Street. First level is accessible on Front Street, the second and third level is accessible on Second Street.

Craig Earls –

- Location is 1216 Front Street – Where the old Richlands News Press was located.
- Small Client Hosting and Maintenance Business
- Small Corporate Office Headquarters for Blackstone Data Services.
- It would be an office with just me and some computers.
- First application to put in the business was rejected.
- Should be under B2 corporate office instead of having a new use added.
- Normally in technology zone, we don't have that here, but limits us.
- My first appeal is just have us go under corporate office as opposed to adding a data center.
- Tech Zone requires a lot of requirements.
- If you don't agree, the second issue I have is under the "Conditional Use" we want to use the first floor of the building. The way it reads data centers may not be allowed on the first street level of the building. Currently we would be going to the second floor but if we want to expand would need the first floor. If we were to purchase the building this would prevent us from putting a business there.
- Is there a "Conditional Use" permit that I can come to the Planning Commission and say I want to use the first floor as a data center can I get a permit under this particular ordinance? That is my concern.
- We want to bring the business here; we have a lot of qualified people here in the tech industry.

Richard - Any questions for Mr. Earls?

Mike - What does your clientele look like?

Craig Earls - All walks of life, different professional services and businesses. We build servers and host things for you. Asset here is our fiber infrastructure that was put in several years ago. The business was meant to be here, access to infrastructure and professional services.

Mike –As far as architect, how much equipment are you putting in the building?

Craig Earls - That particular location there is not a lot of power access, will be primary a Corporate Office Headquarters.

Richard - Is that something you would want to upgrade in the future?

Craig Earls – Potentially or larger location, my biggest concern if I wanted to upgrade I would need the first floor under this ordinance I would not be able to do it.

Mike - Do you see any issues with regard to weight of equipment?

Craig Earls - It is not that much equipment. That building can't support a huge operation.

Mary Ann - You mentioned in the beginning it would be just you and a bunch of computers. In the future do you envision more employees?

Craig Earls - We are not for sure yet. As we build clientele will need more people.

Mary Ann - Five to ten people that you don't have right now.

Craig Earls - Yeah

Mike - What would those jobs be right now?

Craig Earls – Primarily hardware and software, the biggest challenge is getting equipment.

Mayor Cury - I am interested in the actual zoning, I have the letter that John sent to Seth where the business was denied. It does not meet the use regulations required of the Town's Land Use Ordinance found in Chapter 154, Section 0 of 7-1 for this general B-2 Business zone and express it could maybe be appealed. John, what was the reason for denial?

John - When I look at the interpretation of office space, my concern if they did expand and the Bad Axery actuals grows and they buy their own building the business could expand downtown on the first floor, where traditionally you would want your foot traffic. Businesses that require the foot traffic and the zoning for B2 states the public must have frequent access to these businesses. This business does not require that. I didn't want to be the one to decide if we were going to allow this type of business in store fronts.

Richard - Are there anyone else from the audience that would like to speak? Since there is on one else that wants to speak do I have a motion to close this public hearing.

Randy - I make the motion to close the public hearing, Barry seconded the motion.

Richard – All those in favor signify by saying "Aye", opposed, All "Aye" - Motion carries

Richard - We will move on for a Public Hearing for Lucky Duck which would be located in the old Richlands Mall Building. This is an application for a Vape Shop and online gambling. According to the Public Notice would be a joint "Conditional Use" business application submitted by Daniel Smith. The property located on 2940 Clinch Street. This would come in as entertainment facility that is within the Town limits, not necessary slated for this particular use. Is there someone from Lucky Duck that would like to address the Council and Planning Commission?

Daniel Smith - We want to put in a vape shop, and there is gaming machines in there now as pre-reveals. Most gas stations already have these types of machines. They are fully legal. I think they are having a hearing in May, if the law changes and they are deemed illegal we would move out but still have the Vape Shop.

Mayor Cury - Thank you for coming and it is strictly about zoning. It states it is Vape Shop and Internet Café. Is that what it is?

Daniel Smith - We just called it that, the games are not like in the gas station but the same software and run on a desktop. You would buy air time and go to your screen and play if they want to, up to the customer. It is no different from cashing-in and cashing-out.

Mary Ann - We don't have anything like it here except for at the gas station.

Daniel Smith – Yes

Mike – What are the difference in the ones at the gas station and the ones that you would have?

Daniel Smith - The only difference would be the physical structure. The ones in the gas station are stand-ups and ours would be more software with computer towers play on TV screen monitor.

Richard – Hours?

Daniel Smith - Standard would be 9:00am-10:00am in the morning to 2:00am in the morning.

Richard - My understanding from the gaming commission that these machines can be operated 24/7.

Daniel Smith – Some places – yes.

Richard - Is that something you foresee?

Daniel Smith - I don't think we will run 24/7. They have gaming rooms in Bluefield and they don't run those kinds of hours.

Richard - That is part of the "Conditional Use" permit, orchestrate the hours with the approval tonight. It is my understanding we can set the hours.

Richard - My question, can we override the state law that states 24/7 by restricting his hours of operation?

Daniel Smith - I don't think that would be necessary if you had set what you wanted me to go with.

Richard - I didn't know the hours the Planning Commission had decided on.

Mike - You plan to open until 2am in the morning. Do you plan on serving alcohol?

Daniel Smith – No, sir - We plan on snacks and drinks and later on the evening maybe pizza or hamburgers from a local restaurant at no charge.

Richard - Anyone else have any questions?

Audience - Age?

Richard – 21 years

Mayor Cury - Anyone else who would like to address this public hearing?

Laura - Made remarks from the audience.

Daniel Smith – I am from Alabama and I do have friends here. You usually find these places in more populated areas; they have been begging me to come here since there is not a lot to do in Richlands. It is just not me and my poker buddies it's everybody looking for something to do. Last year I was up here for about four (4) months trying to get it open and do whatever I could. I have been to Tazewell, Bluefield and Grundy and telling everyone about it. They are all excited and looking forward to it. If that means anything I just wanted you all to know.

Blake Ray - You have heard two (2) examples of businesses that are having issues getting open, one outdated zoning, not been updated since 2013. There are a lot of new things that have happened since 2013 that are not going to be considered in those because technology has improved. Who would have ever thought we would be talking about legalized gaming in the Town of Richlands. Technology wasn't there in 2013 so it is never going to be able to be taken into consideration. You have to look at that. The second thing you have to look at which is very important is the process in which we are able to approve these businesses that may not be covered in our current zoning guidelines. I know you are going to talk about Charter changes, it is very important that you look at the process and the procedural zoning or procedural law that was highlighted in the existing Charter changes. Seth White and I have had numerous conversations about this and he is 100% correct, it should not take 120 days for something to be approved. All you have to do is change the procedure. It is directly affecting the current business community. What scares me about this the influx of capital that is getting ready to come in regarding Project Jonah. That is a 350 million dollar investment. There are going to be some business come from that. If it takes them 120 days they will just go across the county line and generate revenue for that county. These two (2) examples I wish everyone would take into consideration and make it easy to do

business here. I said it a couple of years ago, we are about five (5) years from being War West Virginia or McDowell County, and we got to stop it.

Richard Smith - Do we have a motion to close the Public Hearing?

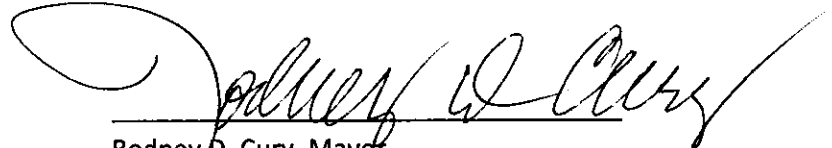
Barry - I make the motion to close the Public Hearing, seconded by Michelle.

Richard Smith - All those in favor signify by saying "Aye", opposed, All "Aye" - Motion carries

Mayor Cury - If Planning Commission would like to recess in the conference room and discuss, and bring back a recommendation to Council we would appreciate.

Mayor Cury - Adjourned, Public Hearing - Regular Council Meeting at 6:00pm.

  
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Connie Allen, Town Clerk

  
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Rodney D. Cury, Mayor