

The Richlands Town Council held a regular monthly meeting in the Richlands Council Chambers on November 12, 2013 at 7:30 pm with the following present:

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

Mayor White called the meeting to order.

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

Mayor White welcomed a new member to Council, Mary Ann Strong. She was elected to council in the special election held on November 5<sup>th</sup>. Ms. Strong said it was an honor and privilege to serve.

Mayor White asks if there is anyone that would like to speak who is not on the agenda.

Rod Cury made the Motion to approve the Agenda as presented, seconded by Larry Johnson. All in favor 6/0. Motion carried.

Minutes for the council meeting of October 8, 2013 had been previously distributed and Mayor White asks if there any amendments or corrections to the minutes. Rod Cury offered correction of misspellings of some the names of the JROTC Cadets recognized at last month's meeting. He also mentioned on page 4 of the minutes "the Committee looked at adding Clinch" should be "the Commission".

Larry Johnson made the motion to approve the Minutes as amended, seconded by Frances Meadows. All in favor 6/0. Motion carried.

There were no scheduled or unscheduled public comments.

Mayor White then deferred to the **Planning Commission Chairman, Richard Smith**. He told Council that at the last Planning Commission meeting they were approached by Jason Mosley, wants to open a new business in Town. He is a professional tattoo and body piercing technician; he has done this since 1999. He has asked that this use be added to the B-2 Zone as it is currently not included in the B-2 Zoning. He addressed the Planning Commission this week and made a lot of good points. He has written a letter to Mr. Taylor, which was included in the Council packets. He advised that town attorney Brad Ratliff may want to check on this but it is his understanding that the State of Virginia or Tazewell County doesn't regulate this type of business so it is being done in back rooms; and he is certified and licensed to do this and treats it as a professional organization. So it would be incumbent upon the Town to regulate it and make sure it is done in a clean and sterile environment and it will add to the tax base of the Town. Mr. Mosley also indicated that he would be willing to help the Council establish guidelines for regulation of future businesses. He is certified and licensed in North Carolina and Ohio as we understand it.

Tonight it is the Planning Commission's request that a Joint Public Hearing be set for December 10<sup>th</sup> at 7:00 pm, prior to the next Council meeting to get input from the citizens of the Town on this matter. Mr. Mosley is present if there any questions.

Rod Cury added that they had already talked to Mr. Mosley at length and he asked Mr. Mosley to address his certification, how he was certified, etc. Mr. Mosley said that he is certified in North Carolina; they come in and check the environment where the work is performed. He is also a member of the Professional Piercers, a large organization that is there to keep the health and safety in line and for the education of anyone starting in the business. In Ohio, his boss that he worked for was a liaison of the health department to help set regulations for tattooing and piercing. He has been working with him on the new laws that have been set in Ohio.

Richard Smith continued that the Commission did feel like it would be incumbent upon the Town to set some sort of regulations so that there would be a standard that has to be adhered to.

Frances Meadows stated that it was something that needs to be regulated rather than seeing it done in someone's kitchen or other environment that is not sterile.

Richard Smith also stated that these services are quite costly so it would be a good revenue stream for the Town as well.

Mary Ann Strong said that she thought it was exciting that he wants to return to his hometown to start a business. In light of too many people that leave and never want to come back, it is admirable that he does want to come back to Richlands.

**Richard Smith moved on to his second item: The Virginia Scenic River Association Designation.** Basically, we were looking at this to go along with the Walking Trail Extension. If a Scenic River Designation could be obtained, it opens up another avenue to apply for grant money, money that would seed the Walking Trail Extension but also other project that may be going on within the Town. What is being requested from the Planning Commission tonight is to give Tim Taylor, Town Manager the authority to apply for the qualification. This is not to accept the designation; it is an application and qualification process. In order to see if we qualify for the Scenic River Designation, we would need to apply now. They will be looking in the spring to come down and do the study and there are certain markers that you have to get. You get points for different things along the river trail. Then at that point if the DCR (Department of Conservation and Recreation) says that we do qualify, then at that time we would return to Council and ask either to accept or reject the designation as a Scenic River. At this time, all we are asking is that Tim Taylor be given the permission or authority to submit the application so that we can be considered. It doesn't really cost anything; there will be a couple of people that come from DCR to do a river study. We will need to provide them with a guide for the river and put them up in a hotel and that will be the total expense of getting this designation. He referred to the handout that had been included in the council packets. One big misconception is that it restricts the landowner; but on the contrary it has no restrictions in it. Basically, you receive a Scenic River designation; it would be in the Registry of Scenic Rivers for people that do canoeing, kayaking, etc. We would be earmarked as a destination for those activities. On the contrary, for landowners they can apply to receive tax credits because they own land on a scenic river on a designated spot. In his opinion, there is no down-side. Along with the town's request, they are trying to get Cedar Bluff and the County to go in with us. One of the requirements is to have 5 contiguous miles of river in this designation. The Town of Richlands does have 5 miles. If you extend into Cedar Bluff and into the county a lot of the designation is looking at undeveloped property and the beauty of undeveloped land. Our part of the river runs through Town so it runs through a lot of development. So if we extend the designation through Cedar Bluff and Tazewell County, we have more chance of receiving that designation. Generally, there are three rivers that are going to be designated this year: one from the

Tidewater Region, one from Central Virginia and one in southwest Virginia, being Crane's Nest in Dickenson County. It will receive the designation this year. The designation brings recognition to the locality; there are tax credits for land owners; there is grant money and opportunities for us to apply for them. It can also increase tourism; studies show generally 4.3% increase in rivers that do receive the designation. The river has to be paddle-able or have a trail beside it. There are scores, and non developed land areas would receive the highest score.

Larry Johnson made a Motion to submit the application to see if the Town qualifies for a Scenic River Designation. Rod Cury seconded the Motion. All in favor, vote 6/0. Motion carried.

Rod Cury made the Motion to set the Joint Public Hearing for December 10<sup>th</sup> at 7:00 pm, seconded by Larry Johnson. All in favor, 6/0. Motion carried.

### **Council Member Reports:**

#### **Rod Cury**

1-Next regularly scheduled meeting for the Planning Commission is Tuesday, December 3 at 7:30 pm at Town Hall.

2-He thanked the Council for allowing Mr. Taylor to request the study for the Scenic River Designation.

3-He also thanked Council for hearing the requests on the name changes for the roads that will help the efficiency of emergency responders.

#### **Joe McCracken**

1-He thanked everyone that helped with the Veterans Day Parade and program. It went well.

2- He spoke with Tim earlier about a few concerns, one about the signs that hold the advertisements going toward the high school.

3-The Tazewell County Airport would like for Council Members to come by and see their addition to the hangar and run way. Need to settle on a date and make an appointment to go by and see this.

4-Burnett Street property-is set to be discussed later tonight.

5-Contract with Fire and Rescue-will be discussed later tonight as well.

6-The old house on Vickey Drive, it may belong to Holmes. Brad Ratliff shared that he had met with Don Sturges with the Police Dept. who had provided notice to the owner. He then followed up with a heavier notice wherein they have 30 days to respond, it went out on November 4<sup>th</sup>. By the next council meeting, should be in a position to make a decision on how to proceed.

7-Discussed with Tim about Dr. Murthy's driveway where the pavement had settled from the work that was done by the town.

#### **Frances Meadows**

Asked if the Street Committee had a chance to speak with C. W. Settle. Joe McCracken said that he had.

#### **Doug Ratliff**

Asked about the Power Cost Adjustment for the month-it will remain at -0-.

He then made a Motion (pursuant to the Notice provided earlier this evening to all Council members) to Amend something previously adopted He made the Motion to Amend the Motion previously adopted by Council in May 2013 to vacate an alleyway and convey property to Mr. John Buskill in the amount of \$3,000.00. He moved to amend the sale price to \$1.00.

Mayor White asks for a Second, given by Larry Johnson. She then asked for any discussion.

Frances Meadows discussed her reasons for being concerned. She said she knew Mr. Buskill had used the property for all of these years and it belongs to

the Town. The problem with that is in the future when other individuals in this Town decide they want an alley that is not being used or any property that belongs to the Town, now are we going to let them buy this property for \$1.00? If we do this for Mr. Buskill, then whatever is right for Mr. Buskill is also going to be right for John Doe that comes in and wants to purchase property.

Doug Ratliff said that this was a whole different circumstance. Number one, we have given property before; it doesn't set a precedent. Joe McCracken asked how many years ago that the Town gave property away. Mr. Ratliff responded that it had been several years ago. Mr. McCracken said that it was in 1971. Mr. Ratliff said the other thing was that Mr. Buskill was given exclusive use of this property by the Town 30 years ago with the understanding he could use the property forever. He since built his carport on it, it is of no value to the Town. Joe McCracken asks for legal opinion from Brad Ratliff, who responded that as he stated previously, there is a revocable license. It was granted to Mr. Buskill in 1977. Mr. McCracken asked if he had told Council previously that the license was void or no-good. Brad Ratliff stated his opinion that given the dynamics of the agreement, it is voidable, not that it is void. Doug Ratliff stated that Mr. Buskill signed that contract in good faith, thinking that the Council was speaking for the Town. So he had every reason to believe that the Mayor who signed the agreement was acting on their behalf. Mr. McCracken said that since it was 30 years ago, there are new laws, new ordinances in the past 30 years. The property that is being discussed, Mr. Buskill has had the use of it for 30 years and has paid nothing. Doug Ratliff reiterated that Mr. Buskill can use that land forever, based on the agreement 30 years ago. No tax has been paid on that land. If we vacate it for \$1.00, it will then go into the tax base and the Town will collect taxes on it.

Rod Cury said that first, Councilwoman Meadows had serious concerns, and it is about precedent setting. It alarms him very much that council would give anyone town property. Secondly, he thinks it is a dangerous precedent to be setting. In regard to the license Johnny has, whether it is void or not, when you read that (he isn't sure if all the Council members have had a chance to read the agreement) it is a license to use it; it is not a license to own it. That is an important point; it does belong to the town.

Doug Ratliff brought up another point, last Council meeting we gave someone land for nothing. Mayor White confirmed that it was on the Burnett Street property. Joe McCracken stated that the Town had received that property with that encroachment already existing on that property. We did not give it to anyone, the encroachment was already there. Rod Cury stated that it was actually several months ago that this was discussed, not at last month's meeting. Attorney Ratliff presented the Ordinance before Council and he asked that we just think about it and not vote on it that night. It has come up tonight and needs to be resolved. The night of the Burnett Street property action, Mayor White was very concerned and asked about being consistent and I think everyone had that same concern. So we asked Brad if it was a different case and he referred to Brad Ratliff to refresh everyone's memory of what was said. Mr. Ratliff said that given the circumstance of the Burnett Street property, we obtained that property by Deed from a company that had foreclosed on the property. There is a nuisance that exists on the property. As such, upon Councilman McCracken's request, we had a survey prepared prior to sale and found an encroachment by the adjacent property owner. The only viable way to sell the property is to clear up the encroachment prior to the sale given the fact that we have knowledge of the encroachment.

He said it was a different situation from the Buskill property. Doug Ratliff made the point that the Buskill property is unique in that he has an agreement to use the property indefinitely. He asked Mr. Taylor if he could anticipate the Town having any use for that property. Mr. Taylor replied as he had previously stated, that he did not. Doug Ratliff asked if Mr. Taylor or any of the Council

member foresee them going to the Court to dispute this agreement with Mr. Buskill.

Rod Cury said that in the agreement it was for John Buskill on both sides of the property, and the ownership of those adjoining lands has changed ownership. He said there were a lot of issues with it. Doug Ratliff said that the ownership had not changed.

Mary Ann Strong said it was her understanding that Mr. Buskill owns the property on Railroad Avenue down the street from his business near the Coffee Station where she parks her car quite often. She said she felt that he was being a good citizen allowing the town to use that for parking. Secondly, it was brought to her attention that during the Carnival with the Little League Tournaments, that he was kind enough to allow the big parking lot adjacent to Brandon Buskill and Tom Bays office to be used by the Little League for parking. She said she thought he goes above and beyond to be a good citizen for the Town in ways that he would not have to.

Joe McCracken asked if they should give property to him and charge everyone else. He said that was the issue.

Rod Cury wanted to add that Johnny does own that piece of property and he has allowed the town to use it but not to own it. Councilman McCracken asked Mr. Buskill if a trade could be made and he didn't want to do that.

Doug Ratliff said that just for letting the Town use the parking lot for many years he has more than paid for the alley. If the Town had to rent that parking lot each time there was an event, Mr. Buskill has probably paid tenfold over that \$3,000.00. Joe McCracken agreed that Mr. Buskill had been good to the Town but his concern remained giving one person property and charging someone else. Doug insisted that it was a different circumstance. Larry Johnson inquired if there were any more agreements in existence. Brad Ratliff said not to his knowledge. Larry Johnson then stated that this would be the only time this will come up. He said it was obvious by reading the agreement that it was an attempt by the Council at that time that gave permission for that family to use that property (from now on). He suggested that it would make sense to get tax revenue from the property from now on instead of him using it for free and the Town getting nothing.

Speculation followed about what the tax value of the alley might be but that would have to be determined by the Commissioner of Revenue.

Mayor White suggested that each situation be reviewed individually as they come up.

Further discussion ensued.

Larry Johnson seconded the Motion to Amend made by Doug Ratliff. Mayor White asked for the vote as discussion had already taken place. All in favor 3/3 with Doug Ratliff, Larry Johnson and Mary Ann Strong voting yes; Rod Cury, Joe McCracken and Frances Meadows voting no. Mayor White cast the tie breaking vote by voting yes. Vote 4/3. Motion carried.

Tim Taylor asked Brad Ratliff to prepare all necessary documents.

### **Larry Johnson**

1-Inquired about the water line that is leaking in front of Richard Brown's residence in Hidden Valley. Tim Taylor said he thought it had already been fixed. Will look again.

2-House on East Second Street-asked Chief Dorton if he had any response from the letter. Attorney Brad Ratliff had sent a notice to the property owner on November 4<sup>th</sup> as well. It allows for 30 days for some action.

3-BPOL Tax Incentive Program-Brad Ratliff said that he and Larry need to meet on that. Meeting set for November 26, 2013 at 10:00 am at Town Hall.

4-Weather Station-Mr. Taylor said the Town had been able to acquire two generators, they are now in place. Executing an MOU (Memorandum of Understanding) with PSA Board, they have agreed for the tower to be placed on that property. They have already voted, so it is just a matter of getting the MOU in place. The tower has been located, it has been donated by the County. NWS has already located Richlands on the site, just have to get the equipment ready.

5-Request for bids for painting the police cars-thought it was due on the 22<sup>nd</sup> of October. Mr. Taylor said he would be addressing that in his report tonight.

### **Mary Ann Strong**

1-The Youth Basketball League using the tennis courts at the Rec Park. She spoke with the Recreation Director, Fred Phillips today and it is her understanding that all of that has been taken care of.

2-The Town needs to try to take Debit/Credit cards. She sees that it will be addressed later tonight by the Town Manager.

3-Handbill Ordinance-she has had many people speak to her on this issue on Election Day.

### **Dept. Heads**

**Dave Ascue standing in for Fred Phillips**, gave out the monthly report for the Rec Park. He mentioned how exciting it was to see the large turnouts for the soccer league now and felt that it was a good thing that they had turned the old softball fields into a soccer complex. He invited everyone to the Community Chorus Concert at SWCC on December 1 at 3:00 pm. He has participated for many years.

### **Chief Dorton**

1-Total Calls year to date-8,977 which is an increase of 625 over last year. In October they responded to 876 calls, an increase of 107 from last year.

2-Halloween was relatively quiet, no events.

3-Some of the concerns Council had at the last meeting were: 735 E. Second Street, Vickey Drive, Dot Street; notices have been sent out on all three. We have had some conversation with the owner of the house on Dot Street, and have made him aware of what he needs to do and he has assured us that something will be done.

Doug Ratliff inquired about the letter enclosed in the council packets regarding a parking complain in Hidden Valley. Chief Dorton said it was concerning a Jeep parked in the road in Hidden Valley, the day that he got the letter he checked on it and spoke with the owner of the Jeep parked in the road. He said since then he did not think they were continuing to park there. Joe McCracken thanked Chief Dorton for the quick response and good result. He then mentioned the cleanup of the hang-out spot behind Food Lion had been taken care of promptly also. Chief Dorton said they had spoken with AEP, the property owner, their people who are in charge of the substation came down to assist the town and the property has now been posted. At least one person has been charged with trespassing on the property since it was posted. The Town crew did move a lot of junk/trash out of that area. Joe McCracken thanked Chief Dorton for the quick response on this issue also.

Larry Johnson asked if the Police Department had received any grants lately. Chief Dorton responded that he had spoken with the Attorney General's office, he is waiting on the Justice Department to determine what money can be spent for purchases.

Joe McCracken mentioned the police cars that need to be painted. He wanted to discuss the mileage on some of the vehicles, some have 75,000 miles; 74,000; 70,000. It is his understanding that the goal is to replace two cars each year.

Chief Dorton said that there are 7 vehicles that need to be painted. These are all marked cars. There are two unmarked cars that are not on here that have approximately between 111,000-113,000 and 90,000 miles on them respectively. These are not included to be painted since they have high mileage and are the next vehicles we plan to replace. Larry Johnson said that he had figured the average mileage to be 15,000 per year. That is a lot better than when there were only 4-5 cars and all three shifts were riding them. This will make them last a little longer than they used to. Chief Dorton said the Ford Explorer that was replaced had over 100,000 miles on it and it was a 2002. So the average for keeping a car is about 8 years.

Joe McCracken asked about the maintenance on the vehicles. He wanted to know if there was a mileage chart to go by for oil changes, etc. Chief Dorton said there was, for some vehicles it's 3,000 and for some it's 5,000 miles, based on manufacturer's recommendations. Joe McCracken asked who is responsible for keeping a check on the maintenance work. Chief Dorton replied that the person who is issued the car is responsible for keeping up with the maintenance schedule. Each person has to turn in a maintenance sheet which is entered on the computer.

Joe McCracken asked specifically about the inspection stickers. Chief Dorton said those are all done outside as the Town does not have the means to do state inspection stickers. Doug Ratliff said that he thought whoever is doing the state inspection stickers should be bonded. Joe McCracken proposed having someone do a monthly inspection of the vehicles, following up on the work being done outside the town shop. His main concern is for the safety of the vehicles. Chief Dorton said there are already quarterly inspections for Police vehicles.

Mary Ann Strong asked Chief Dorton if any of these seven vehicles are planned to sold or auctioned off anytime soon? None of these seven vehicles are scheduled for replacement anytime soon. Mayor White asked what the projection for these cars would be, how many years before they were replaced. Chief Dorton said it depends on the mileage and he would hope that each of the cars would have additional use for at least 4-5 more years.

Tim Taylor spoke about the full RFP on the painting of the police cars. There were sealed bids, the appropriate two week bid notice given; they invited any interested prospective bidders the opportunity to come and look at the cars. We only received two bids, one from Cantrell Auto Sales at \$3,000.00 per vehicle for a total of \$21,000.00. The other bid was from G & S Body Shop at \$1,895.40 per vehicle for a total price of \$13,267.80. Council had voted to approve it based on that quote. The quote includes a 5 year warranty from G & S Body Shop. Mary Ann Strong asked if this was the body shop that the Town had been using. Mr. Taylor said they had used them some but we have also used others, depending on the situation. We have never had one like this before. The reason for this situation isn't bad planning; it's just that when we took in all of that area, we had to purchase several cars all at one time. Larry Johnson added that unfortunately it was during Ford's bad paint years.

Larry Johnson made the Motion to accept the lowest of the two bids, being G & S Body Shop, seconded by Rod Cury. All in favor 6/0. Motion carried.

Larry Johnson also mentioned that the Police Department had recently received a \$17,000 Grant from DMV (Selected Enforcement Grant, DUI Grant) Larry also mentioned that back when the roof was leaking at the PD and flooding the building, he and Frances Meadows and Chief Dorton opted to use Asset Forfeiture money instead of tax money to fix the roof. That saved the Town almost \$70,000 by doing that.

### **Gordon Russ**

1-Fire and Safety Christmas Dinner, December 14<sup>th</sup> at 6:00 pm at the Police Department. Invited everyone to come.

2-Application for Heart Monitors-still waiting to hear if approved. Grant is around \$30,000.00

### **Keith Reynolds**

1-Fire Department had 39 actual calls for the month. 74% of calls were in the County. Average 1 call per day.

2-Doug Ratliff mentioned the areas that are close to our borders that are closer to Richlands than Russell County. He asked about a mutual agreement for those areas. Keith Reynolds said it would have to be between the Town Council and the Russell County Board of Supervisors. It would have to be an automatic mutual aid agreement. Tim Taylor suggested letting the committee work on it, would be more effective.

3-Burn Building Grand Opening will be April 17, 2014 due to weather conditions and the holiday season.

### **Jim Taylor-Tim Taylor gives Council Jim's report:**

1-Flushing drains and clearing ditches, especially with the leaves.

2-Poured walks to the Lake Park bathroom.

3-Salt Bins are stocked full and have 3 trucks ready for snow and ice removal.

4-Worked on signs throughout the town, changing out ones that are fading, etc.

5-Replaced the "Drive Slowly-We love our Children" sign to spot in Hidden Valley that everyone can agree on.

6-Took 11 loads of leaves from ditches.

7-Repaired Vandalism at the Critterville bathrooms.

8-Cleared brush and debris from the river on Virginia Avenue. Part of the cleanup that had been discussed to ease some flooding issues.

9-Council had brought up the drainage issue at the East end of Town, near Pizza Hut and the school complex, Taco Bell, etc. We actually spent quite a bit of time examining what the problem is there. We did explore the area at the outfall what we assumed to be the pipe. It was most definitely stopped up. Spent numerous hours clearing out the pipe (what is left of it). We made a valiant effort to flush it out and Mr. Lester spent a lot of time up there too. Not only the Street Department worked on it, the Water Department did too. We used the camera as far as we felt comfortable. We think the pipe is a corrugated pipe that has collapsed. The drainage for the entire area of the complex and the road water and the water that comes off the hill, it is our opinion that it is beyond what we can do to fix it with what we have. The depth of that line and the proximity to all of those businesses and the road is going to make it a difficult solution. We are back to working with the School Board and VDOT to try to get the drainage established through that area. We went beyond what we should have to do to find out what the problem is. The School Board and the County have talked about this problem for a long time but we have actually found what we think to be the problem. The next step is to touch base with them to discuss a solution. It will continue to erode the roadway and continue to create problems in heavy rains affecting the businesses on Front Street.

10-Repaired part of the sidewalk at Tazewell Avenue and are in the process of doing some curb and gutter replacement in that same area due to the collapsing of that.

11-Made all residential and commercial garbage stops and picked up 146 extra stops for junk/brush for a total of 1,337 for the year.

### **Mayor's Comments**

Mayor White noted that the Railroad had taken down all of the old poles down through town and it looks much better.

She said the Town needs to work on getting more U. S. Flags. Several have been bought but we still need around 40 more. She thought that the cost of

each flag was around \$22 plus shipping. She asked council members if they knew of any civic organizations that would be willing to make a donation toward this, to contact them about this need. Rod Cury commented that he really liked the alternating between the US Flags and the State Flags.

She thanked everyone that helped with the Veteran's parade and the program. She also reminded everyone that there will be a Christmas Parade on November 30<sup>th</sup> at 5:00 pm. They could use some volunteers.

At some point, she would like to discuss the Access Channel. There is so much on there that people have a hard time getting through it. There are probably 60-70 things on it.

Tim Taylor said he was glad that she brought that up because when the Town was first given the equipment from Time Warner, the only stipulation (verbal) was that they didn't want us to advertise because they sell advertising. So we don't compete with them, because they did give us the equipment. Council at that time elected to keep it community, non-profit organization, try to stay away from special interests, including religious groups. We have lots of Churches that have lots of events that would eat up a lot of our space too. People will fax us things and we try to get them on there if it meets those criteria. It would be nice to adopt an official guide to take the pressure off of our staff so that they don't have to make those choices. Mayor White suggested setting up a committee to work on that.

Joe McCracken stated he thinks all Town meetings, work sessions and all other meetings should be televised Mr. Taylor said that if they choose to do that, those meetings would have to be held at Town Hall in the Council Chambers due to the fact that is where the equipment is located.

#### **Attorney Comments-Brad Ratliff**

1-Wanted to recognize the Rec Park Commission for the Haunted Trail for the tremendous job they did last month.

2-Burnette Street property that Council McCracken mentioned earlier. Mr. Ratliff has provided Mayor White a deed that conveys the strip of property that is currently encroached by the adjacent property that would clear up that particular boundary of the property, so that the Town can go forward with the sale of the property. Attorney Ratliff discussed for the sake of the new council member the history of this property. The Town was conveyed this property and upon that conveyance, Councilman McCracken asked for a survey of the property. Upon having the survey, it was discovered that there was an encroachment upon the property by the adjacent property by a few feet. We needed to clear this up prior to selling the property. The Town Council voted to grant that property owner that strip of land at no cost in order to clear up the boundary issue.

A)-Re-introduction of Amended Cigarette Tax Ordinance-This Ordinance was previously prepared and voted on by Council and approved. Following the approval, review by Mr. Taylor and his staff resulted in some changes expressly for the purpose of administration of the program and ease thereof. The changes have been made to the Ordinance solely for this purpose. Members of Council have seen this Ordinance but to insure that we are doing things properly, I felt more comfortable introducing the Amended Ordinance as an amended ordinance over the first that was adopted. There is no change in the amount, it remains 10 cents per pack.

Larry Johnson made the Motion to Dispense with the Second Reading of the Ordinance, Seconded by Rod Cury. Vote 5/1 with Doug Ratliff voting no. Motion carried.

Rod Cury made the Motion to Adopt the Amended Cigarette Tax Ordinance, seconded by Frances Meadows. Doug Ratliff stated that he will vote no because he feels that in the long run, we will lose tax money because our borders are so short. Vote 5/1 with Doug Ratliff Voting no. Motion carried.

Consideration of the Ordinances for Renaming Roads- Public Hearing earlier this evening on this.

Motion to Dispense with Second Reading of Ordinance No. O-2013-01 was made by Rod Cury, seconded by Larry Johnson. Vote 6/0, all in favor. Motion carried.

Motion to Adopt Ordinance No. O-2013-01 was made by Larry Johnson, seconded by Rod Cury. All in favor, 6/0. Motion carried.

Motion to Dispense with Second Reading of Ordinance No. O-2013-02 was made by Doug Ratliff, seconded by Mary Ann Strong. Vote 6/0, all in favor. Motion carried.

Motion to Adopt Ordinance No. O-2013-02 was made by Rod Cury, seconded by Doug Ratliff. All in favor, 6/0. Motion carried.

Motion to Dispense with Second Reading of Ordinance No. O-2013-03 was made by Rod Cury, seconded by Doug Ratliff. Vote 6/0, all in favor. Motion carried.

Motion to Adopt Ordinance No. O-2013-03 was made by Rod Cury, seconded by Larry Johnson. All in favor, 6/0. Motion carried.

Rod Cury made the Motion to allow Mayor White to sign the Deed to transfer property on the Burnett Street property, seconded by Larry Johnson. All in favor, 6/0. Motion carried.

Town Manager's Comments:

Bills for the month totaling \$835,936.31, including AMP Power Bill \$296,086.81, Anthem \$72,947.00 and VRS \$51,133.81.

Rod Cury made the Motion to authorize Town Manager to pay the bills, seconded by Mary Ann Strong. All in favor, 6/0. Motion carried.

Doug Ratliff asked about the Franchise Poles. Mr. Taylor said there were some they had to send notices on. Mr. Taylor explained further for the benefit of the new council member. Pole Attachments are regulated by the Federal Government. To be fair and equitable to utilities, anyone who wants to attach to our poles, we can charge a fair and equitable rate based on Federal Law. It has to do with the value of the pole, the attachment to it, how much it's worth to whoever it belongs to, the cost of the utility associated with it. If we have a pole that already has a lot of attachments on it, whether for us or someone else, if someone else wants to put another line on it, which could cause problems. From the safety aspect, there may not be enough road clearance, there might not be enough distance between utilities. It could jeopardize the strength of that pole. The law allows us to use a formula based rate to do those types of adjustments. Those that we have today are pretty antiquated. Every one that we have is \$5 per pole per year. It has been many years since the price has been negotiated.

Doug Ratliff made the Motion to renegotiate the Franchise Pole Contracts, seconded by Joe McCracken. All in favor, 6/0. Motion carried.

Mr. Taylor then spoke about the updates to the Electric Department Substation-We had some failures that we had not anticipated on some

underground cable from the substation to a couple of circuits. We had to completely overhaul those. They were scheduled to be done, but at a later date. Had some software updates. To finish this project, we still need a fence. We are getting quotes on that. Once this project is closed, then we will have purely a preventative maintenance program on that.

Technology upgrade-Our taxes are later going out than normal this year, part of the reason is the legacy product that we have for doing the real estate taxes. The real estate software package never did integrate with our utility billing for the financials easily. We had to use a third party to do that. In doing that, they were late getting the conversion to us by a week or so. This set us behind and then we had trouble with the printing machine that compounded it. Part of the problem is that the software is legacy and the printer is worn out. After we get through the tax season, we have money in the budget to bid for utility billing software program. With the hardware upgrade that we have had, the software piece should put it where we need to be. It will include utility billing, meter reading, the potential for smart metering and the ability to accept credit/debit cards and eventually to pay on-line. We have interviewed some banks to see what the impact is, because it will cost money to do that and how council may want to deal with that. Doug Ratliff asked if the software would be able to integrate natural gas if the Town goes with that and Mr. Taylor said that it would. Most of the new software has learned to integrate.

Mayor White asked about the Codification. Mr. Taylor said he had spoken with Rich Fromeyer they are well within their timeframe. He promised to provide the product within the time frame.

Council did authorize up to \$200,000.00 for Revenue Share Funding. We actually applied for \$150,000.00 based on our best estimate of what needs to be done. We don't want to apply for more than we are able to pay based on our financial position and based on the fact we don't need to get ahead of the water lines, sewer lines, etc. that need to be placed. That will provide \$300,000.00 worth of paving if awarded.

Rod Cury mentioned the memo from Sue Wade asking for consideration of Christmas Eve as well as Christmas Day off for town employees and made the Motion to give employees Christmas Eve day off. Joe McCracken seconded. All in favor, 6/0. Motion carried.

Frances Meadows inquired about Holmes Junkyard, they were supposed to have a fence or screen to hide the scrap metal. Brad Ratliff said it was pending litigation.

Gordon Russ announced that there would a Community Thanksgiving Dinner at the Police Department on Thursday, November 28<sup>th</sup> from 11 am to 2 pm. They deliver meals to the elderly and shut-ins. This is sponsored by a few churches. This is the 4<sup>th</sup> annual dinner.

Rod Cury made the Motion to go into Closed Session for pending litigation pursuant to Code Section 2.2-3711 (7), Contract Negotiation-Tazewell County Fire and EMS Agreement pursuant to Code Section 2.2-3711 (a) 6; Personnel-Pursuant to Code Section 2.2-3711(a)1; Prospective Industry-pursuant to Code Section 2.2-3711(a)5; Consultation with Legal Counsel pursuant to Code Section 2.2-3711 (a) 7. Seconded by Larry Johnson. All in favor, 6/0. Motion carried.

Council was in closed session from 9:27 pm to 11:20 pm.

Rod Cury made the Motion to return from Closed Session, seconded by Joe McCracken. All in favor, Vote 6/0. Motion carried.

Council members certified that the only business conducted was in reference to Code Section 2.2-3711 (7), Contract Negotiation-Tazewell County Fire and EMS

Agreement pursuant to Code Section 2.2-3711 (a) 6; Personnel-Pursuant to Code Section 2.2-3711(a)1; Prospective Industry-pursuant to Code Section 2.2-3711(a) 5; Consultation with Legal Counsel pursuant to Code Section 2.2-3711 (a) 7. : Doug Ratliff, yes; Frances Meadows, yes; Joe McCracken, yes; Rod Cury, yes; Larry Johnson, yes; Mary Ann Strong, yes.

Frances Meadows made a Motion to accept the Amendment presented by Tazewell County for Fire and Rescue, seconded by Larry Johnson. All in favor vote 6/0. Motion carried.

Larry Johnson made the Motion to allow the Town Manager to secure advertising for Professional Services to assist the Town in Comprehensive Planning. Seconded by Joe McCracken. All in favor, vote 6/0. Motion carried.

With no further business to discuss, Larry Johnson made the Motion to adjourn, seconded by Frances Meadows. All in favor, 6/0. Motion carried.

Meeting adjourned at 11:25 pm until the next regularly scheduled meeting on December 10, 2013 at 7:30 pm.

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Mayor Jan White

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Susan Whitt, Town Clerk