

The Richlands Town Council held a regular monthly meeting in the Richlands Council Chambers by "Zoom" on April 14, 2020 at 7:30pm with the following present:

Mayor:	Paul Crawford
Town Manager:	Tim Taylor
Town Clerk:	Connie Allen
Council Members:	Richard Brown, Rod Cury, Mary Ann Strong, Rick Wood, Doug Ratliff (ATTENDED BY "ZOOM" DUE TO COVID-19)
Town Attorney :	K.W. McClanahan (ATTENDED BY "ZOOM" DUE TO COVID-19)

Mayor Crawford opened the meeting.

Mayor Crawford – Before we get started, I am going to do a brief introduction of the meeting due to using a different methodology. Noted the emergency to the authority of why we are having the meeting this way. Wayne, will you remark.

Wayne – Yes, I will read the notice. During a disaster, The Code of Virginia requires and allows governing bodies of localities and other public entities to conduct their meetings in manners which are consistent with providing continuity of government and in a safe and healthy manner and for the public safety, health and welfare for the governing body and all attendees/interested parties consistent with open government. The virus makes it impractical and unsafe, even life-threatening, for a quorum of the governing body to physically assemble in one location. VA Code 2.2-3708(A)(3). The virus also makes it impractical and unsafe, as well as life-threatening, for the public, and the locality's staff, to gather in the same location to participate in the meeting. A "disaster" exists which requires the locality to assure continuity in its government for a period not exceeding 6 months after the disaster. VA Code 15.2-1413. Declarations of Emergency have been made at all levels of government. VA Code 44-146.21(C). Methods of Communication to participate in meeting are (1) Spectrum Cable TV Access Channel 5 (2) Facebook Live (Richlands, Town of Facebook page) (3) Council members will conduct business utilizing remote telecommunication technology.live video and audio. The Town of Richlands Council Chambers will be closed to the public.

Mayor Crawford - The length of time now is thru June 10, any meetings we have will be thru this media. It could be extended before it is over. We are making an audio and video recording of this meeting; it will be available on the website.

Tim - The notice was prepared with the consultation of our Town Attorney. The methods of communication will be Spectrum Cable TV Access Channel 5 and Facebook Live, we want to make it clear to the public. We are having technical difficulties currently with Facebook Live. It will be recorded for future reference for the public.

Mayor Crawford - Tonight we will not be accepting public comments, we will try to get set up for the next meeting. All votes that we take tonight will be by "Roll Call" votes and will be recorded in the meeting as such. Elected Officials- anyone leaving the meeting will need to announce to us verbally that you are leaving and if you join again let us know that you have rejoined. Does anyone have any questions?

Mayor Crawford - We will only be taking care of the essential business of the Town. We won't be talking about cats, vultures or potholes. We will only do what we need to do to keep the Town running legally.

Mayor Crawford – Connie, will you take attendance by Roll Call.

Connie -Roll Call - Rick – Yes, Doug- Yes, Rod-Yes, Mary Ann – Yes, Richard –Yes.

Mayor Crawford - So , do we have a quorum?

Connie – Yes

Mayor Crawford – We will go forward with the meeting, I call the meeting to order and ask Kevin to give the invocation.

Kevin Blankenship gave the invocation and led the Pledge of Allegiance.

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

Mayor Crawford – I have one deletion to the agenda - Heart of Appalachia Tourism Authority information was in our package, we need to discuss during budget work session, we will not discuss tonight. Does anyone else have anything to add, delete or correct on the agenda?

Wayne - I have some brief comments, you touched on a few things in your opening remarks on what are essential functions and what the Town is going to be doing and not doing over the next few months. I can speak on that whenever you think it is appropriate.

Mayor Crawford - I think right now would be a good time, thank you.

Wayne – There is two pieces of Legislation that are at play here, obviously the Virginia Freedom of Information Acts and Legislation Acts, requires us as a public body in order to conduct business we have meetings open to the public. It specially states we cannot do by electronic communication unless we have a situation such as this or we have an emergency. There is an additional addition to the Virginia Statute that empowers us to act in order to preserve the continuity of government. I have been consulting with a hand full of Town Attorneys across the state and utilizing the local government authority to get some background on how some other Towns and municipalities have been dealing with this. There is not complete agreement across the board. I think a conservative approach is probably the best. The continuity of government statute does not give us free rein to do whatever we want to conduit business as normal but does provide us with authority to act on ordinances and make resolutions to make sure that everything runs as smoothly as possible. However, I think if we are faced with what are we going to do and what are we not going to do, I think anything that can be deferred until the conclusion of this health virus and resume having public meetings that are open to everyone. I think the most conservative approach is to defer all those things until we get on the other side. The things like the budget I feel confident that we are going to be in good law to go ahead and have the budget meeting and pass a budget. Everything needs to be handled on a case by case base. If any of the Council members have something that they want to address specifically I think the best way to go forward is to reach out to me and work thru the analysis to determine if we have the authority to act or not.

Mayor Crawford - Thank you Wayne.

Mayor Crawford - Any other additions or deletions to the agenda?

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

Mayor Crawford- We have a motion and a second, any further discussion? All those in favor of the motion say “yes”. All those that oppose say “no”. Roll Call - Rick – Yes, Doug-Yes, Rod- Yes, Mary Ann – Yes, Richard- Yes. Motion carries – 5/0.

Mayor Crawford – We have one (1) set of minutes, Regular Council Meeting on March 10. Are there any corrections, additions or deletions to the minutes?

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

Rick - I make a motion to approve the minutes, Rod seconded the motion.

Mayor Crawford- We have a motion and a second, any further discussion? All those in favor of the motion say "yes". All those that oppose say "no". Roll Call - Rick – Yes, Doug-Yes, Rod- Yes, Mary Ann – Yes, Richard- Yes. Motion carries – 5/0.

Mayor Crawford – Consideration of adoption of Ordinance O-2020-04-01 Emergency Ordinance to effectuate temporary changes in certain deadlines and to modify public meeting and public hearing practices and procedures to address continuity of operations associated with the COVID-19 Pandemic Disaster. Wayne, do you need to add anything to that?

Wayne - No, we have been working on for several weeks, it is similar to this motion in substance to other municipalities and counties in the Commonwealth. It is what we need, basically authorizes us to continue business in the next few months by having electronic meetings provided that we give notices as we have been doing and what is an essential function and what is not. I don't have anything to add to the emergency ordinance.

Mayor Crawford - Do we need to read the ordinance if everyone has a copy? Is that acceptable?

Wayne – No, we do not need to read. The fact that everyone has a copy and I assume it is available to the public, correct?

Tim - It is not on the website yet, but we did put in the paper.

Wayne - I feel comfortable we can go forward without reading. Section 3.8 of the Town Charter allows us the authority without the formal reading in successive meetings to adopt emergency ordinances provide 2/3 of Council votes.

Mayor Crawford - I will entertain a motion to approve the adoption of O-2020-04-01.

Rod - I make a motion to approve O-2020-04-01, Mary Ann seconded the motion.

Mayor Crawford- We have a motion and a second, any further discussion? All those in favor of the motion say "yes". All those that oppose say "no". Roll Call - Rick – Yes, Doug-Yes, Rod- Yes, Mary Ann – Yes, Richard- Yes. Motion carries – 5/0.

Mayor Crawford - Downtown Events - We will pass for this month.

Mayor Crawford - Council Members Reports - Does any Council member have anything that falls under the jurisdiction of this meeting? If any members have anything that needs to be discussed, you can at this time.

Richard - I think we need to delay the request for Harold Roberts even though we told him we would have an answer this month, due to the state of emergency that we are in.

Mayor Crawford - Thank you Richard, I agree with that, I don't think we need to vote. Hopefully, Mr. Roberts will understand, he is aware of everything that is going on in the country.

Rod - That was under my heading to discuss. I would like to add that the Planning Commission has not met. Tim called me this afternoon and said they had new information about that. Wayne, can you share with what you have learned?

Wayne - In regards to what?

Rod – In regard to the mobile home for Mr. Roberts, I think we should wait until Planning Commission has time to meet. Is that correct Tim?

Tim - It does not qualify as emergency to be discussed at this time, that what I was referring to.

Rod - Ok, Thank you

Wayne – The Council has the authority to do anything that needs to be done. I think it would be pertinent and most conservative course of action that any action of the Council does not come under any future scrutiny. Anything that can be deferred or falls under the category of non-essential governmental functions needs to be deferred until we resume to regular minutes.

Mayor Crawford - Anyone else have any comments?

Mary Ann - I did receive an email from Shea Cook with information on grants for flooding. However, I apologize to Shea; I have not had a chance to review. Would it be OK if I forward the email to all the Council members as well as the Mayor, Tim and Wayne?

Mayor Crawford - It is OK with me, but I don't think we can take any action on it right now.

Doug - I also received the information from Shea.

Mary Ann – Doug, have you had a chance to review them?

Doug - I have read some of them but it will take time to review.

Mayor Crawford - Please email to everybody to review. With the Attorneys comments I don't think we will take any action until we have regular meetings. We can review and be prepared to discuss.

Mary Ann - Thank you and I do appreciate Shea sending to us.

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

Tim - Authorization to Pay Bills - It is hard for us to get a copy of the check register for the bills paid the day before meeting for you to look at.

Rod - Adrienne sent to us by email.

Tim - Frank is it possible to put up on the screen?

Frank – I can try but it will minimize your Zoom.

Tim – Check 7822 – Lawmen Supply Company - \$8,997.35 – Police Department Uniforms, Check No. 7830- Morton Salt, Inc. - \$10,176.41 is for the roadway salt. Check No 7857 – Thompson & Litton, Inc. - \$45,786.00 – Monthly installments for WWTP. Check No. 7867- VM Ware, Inc. - \$8,824.07- Software and licenses fees. We pay three (3) different agencies for the power bill which are Exelon \$120,763.20, AMP \$385,950.27, Morgan Stanley \$11,567.52. The first of the month's bills- Check No. 7697 S & M Brands, Inc. \$1,410.00 – Unused Cig Stamps. Check No. 7754 – Thompson & Litton, Inc. - \$45,786.00 Monthly installments for WWTP. Check No. 7771 – C & A Fencing, LLC - \$6,580.00 – Paid by donations at Critterville. All the other bills are usual monthly bills unless you have questions.

Mayor Crawford - I will entrain a motion to approve the monthly bills.

Rod - I make a motion to allow the Town Manager to pay the monthly bills, Mary Ann seconded the motion.

Mayor Crawford- We have a motion and a second, any further discussion? All those in favor of the motion say “yes”. All those that oppose say “no”. Roll Call - Rick – Yes, Doug-Yes, Rod- Yes, Mary Ann – Yes, Richard- Yes. Motion carries – 5/0.

Tim – Consideration of Resolution R-2020-04-01, authorizing the Town Manager/Treasurer to enter into an agreement with National Bank to obtain a revolving line of credit on behalf of the Town of Richlands. A few months ago, the Council approved borrowing some money thru financing structures, one was for the fire truck, which has already been accomplished and the second was to obtain a line of credit, interim financing for paying bills for WWTP improvements. I have already read off the monthly bills and we have been paying out of our cash which obviously puts a drain on our cash. Next month bills will go to \$73,000, obviously we will need some cash. We need interim financing thru this period until we get the filing of our bond issued, would be toward the end of the year, once that is accomplished thru DEQ providing the funds thru Virginia Resource Authority we will be able to reimburse the Town’s money for this loan /line of credit that we will use to pay for that. Loan closing can’t be accomplished for this particular one until we get the project design and enter into a contract with the contractor. In order to do that the bank that we have procured services with National Bank on Front Street, I sent you a memo on that. I will need authorization from Council to sign all the documents, that is identified in your package in Resolution R-2020-04-01. It will also be a line of credit that will provide us with emergency money if we had to have it in order to pay the bills due to the COVID-19. Before you act on this, I want to make sure everyone understands before we do any drawdowns on this money Council will approve each month. We will discuss monthly for authorizations. The first drawdown that we would like to do is for Thompson & Litton to cover the four (4) payments. WWTP facilities or something we would need in an emergency situation based on the COVID-19 epidemic. I would like consideration for you to authorize me to sign the documents based on the Resolution.

Mayor Crawford - Are there any questions on Resolution R-2020-04-01?

Richard - Does that fall under the 3.8 Section of the Charter where it does not require the reading?

Tim – Wayne, can we waive the reading since everyone has a copy?

Wayne - Yes, I think we can, the portion pertain to COVID-19 related aspect of it, it clearly falls under the Section. Tim, what you have told me about the financial situation, if we don’t authorize, the Town could potentially have a cash problem to meet obligations. I think it falls under the continuity of government, expansion of that, we are in safe waters to waive the reading .

Tim- Is it OK to pass without reading?

Wayne – Yes, we can waive the two(2) readings in successive meetings.

Tim - Read Resolution R-2020-04-01

Richard - I make a motion to adopt Resolution R-2020-04-01 as written, Rod seconded the motion.

Mayor Crawford- We have a motion and a second, any further discussion? All those in favor of the motion say “yes”. All those that oppose say “no”. Roll Call - Rick – Yes, Doug-Yes, Rod- Yes, Mary Ann – Yes, Richard- Yes. Motion carries – 5/0.

Tim - I will make one (1) correction, we found an error on line two, “Town’s Wastewater Treatment” should read “Town’s Wastewater Treatment”.

Mayor Crawford – Wayne, do you have any comments you wanted to share?

Wayne – We have already covered everything I wanted to touch on.

Tim – VDOT Project Update - The reason it is imperative that we discuss tonight, this is the bridge on Allegheny Street. The project was identified in one of our SMART scale types of applications to replace. The bridges were rated in Town, this bridge is in poor condition based on the age and the fact it could have structure problems that we have not identified , it needs to be repaired and replaced. The project has been awarded some money and it is available. The schedule for advertisement is Nov. 2020

according to the letter from VDOT. Like all other projects that we have there is requirements for the monies coming from the federal government. Administration and state requirements due diligence to the public to give notice what is happening to that bridge. In order to get the money for this bridge there needs to be public acknowledgement in what we are doing, in order to meet the schedule. The bridge needs to be fixed quickly. If it goes according to schedule, they will advertise for work to be accomplished the beginning of November, the construction project would begin in the Spring 2021. In the scope of the work, that street will have to be closed for two (2) months. I just want the public to be aware. They will take all the metal and concrete out and replace with beams and concrete slabs on top. They are going to make it approximate 5' wider, it will be an improvement for the Town. During that time the public will be inconvenienced by not being able to use the street. There will be an emergency exit. If the train was on the tracks it would block Bland Street, there would not be accessibility to get to the highway. We have worked out detour plans to take the road thru our street shop. VDOT wanted to make sure that the public knew there will be access for emergency response for fire and health emergencies in case the train has the road blocked. The memo in your package relates to this. It is a plan that gets the bridge fixed that we desperately need, by doing this will help. No vote needed at this time just wanted to make sure Council was aware at this time and is on board with it.

Tim - We have had a lot of questions about billing and financial hardships. Council needs to make this available to us, if we continue to do what we feel is right it is the wrong way to do it. We prepared a "Utility Billing and Financial Hardship" questions and answers for people to refer to. We will post on the website. We are asking Council to suspend all disconnects for the 60-day period, disconnect for anyone who have not paid their bills. We also need to be responsible to have enough money to pay the bills due to us. Those type of bills will be deferred for 60 days. People who have problems financially and can't pay their bills needs to call the office and make arrangements to meet their needs. We would continue to send out bills for overdue accounts. It will also give you the anticipation of what your utilities will be once this is over. It gives means for everyone to understand that when this is all over the bills must be paid. If you have had time to look at it, need to vote, has not been posted on the website, still in draft form. If Council wants us to use, we would like to start immediately. We have not made any disconnections. If Council feels good about it, we can go ahead and implement into our policies, post for everyone.

Mayor Crawford – Does everyone understand what Tim is requesting, any questions?

Rick - I make the motion to adopt the "Utility Billing and Financial Hardship" questions and answers, Rod seconded the motion.

Mayor Crawford- We have a motion and a second, any further discussion? All those in favor of the motion say "yes". All those that oppose say "no". Roll Call - Rick – Yes, Doug-Yes, Rod- Yes, Mary Ann – Yes, Richard- Yes. Motion carries – 5/0.

Tim - We received a notice from the insurance company that our employee handbook conflicts with some of the policies with current legislative and federal government. Currently our policy states an employee may take FMLA leave once within a 12-month calendar year beginning January 1st to December 31st. We are changing the time frame to a rolling 12-month period, which means employees would be allowed one (1) FMLA leave within a 12-month period. This will get us in-line with polices. If you could please vote and we can add to our handbook.

Mary Ann - I make the motion to amend the employee handbook, Rod seconded the motion.

Mayor Crawford- We have a motion and a second, any further discussion? All those in favor of the motion say "yes". All those that oppose say "no". Roll Call - Rick – Yes, Doug-Yes, Rod- Yes, Mary Ann – Yes, Richard- Yes. Motion carries – 5/0.

Tim - Item No. 6 – Flood Relief Fund Allocation Request to additional use for COVID-19 utility payments - I am going to defer until another time.

Tim - You should have received your package for the budget, before we leave tonight, we need to schedule our first budget work session. I would like to start one day next week.

Mayor Crawford - I would suggest next Tuesday evening, or even during the day.

Mary Ann - I can meet day or evening.

Rod - Any day but Thursday, Tuesday is good with me.

Richard - Day is fine

Rick - Tuesday good for me.

Doug - OK with me.

Mayor Crawford - Tuesday, April 21 at 1:00pm

Doug - Can we make it at 2:00 pm?

Mayor Crawford - 2:00 pm

Mayor Crawford – At this time I need a motion for the Mayor and Members of Council convene in executive closed session as permitted by the Code of Virginia for the purpose of discussion of 2.2-3711(A)(8) Legal Advice, 2.2-3711(A)(29)Contract negotiations for Fire and EMS protection and 2.23711.

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

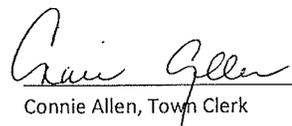
Mayor Crawford- We have a motion and a second, any further discussion? All those in favor of the motion say "yes". All those that oppose say "no". Roll Call - Rick – Yes, Doug-Yes, Rod- Yes, Mary Ann – Yes, Richard- Yes. Motion carries – 5/0.

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

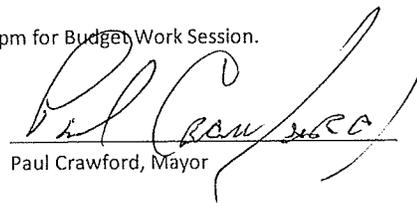
Rick- I make the motion for Council to return from "Closed Session", Rod seconded the motion.

Mayor Crawford- We have a motion and a second, any further discussion? All those in favor of the motion say "yes". All those that oppose say "no". Roll Call - Rick – Yes, Doug-Yes, Rod- Yes, Mary Ann – Yes, Richard- Yes. Motion carries – 5/0.

The meeting is adjourned until April 21 at 2:00pm for Budget Work Session.



Connie Allen, Town Clerk



Paul Crawford, Mayor