

VIRGINIA: AT A RECESSED MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS AND THE TAZEWELL COUNTY PLANNING COMMISSION (JOINT PUBLIC HEARING) HELD FEBRUARY 16, 2016 AT 6:00 P.M. IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING - BOARD OF SUPERVISORS MEETING ROOM, 108 EAST MAIN STREET, TAZEWELL, VIRGINIA 24651

PRESENT: D. MICHAEL HYMES, CHAIRMAN
JOHN M. ABSHER, VICE CHAIRMAN
CHARLES A. STACY, MEMBER - TCBOS & TCPC
MAGGIE ASBURY, MEMBER
TRAVIS HACKWORTH, MEMBER
PATRICIA GREEN, COUNTY ADMINISTRATOR
C. ERIC YOUNG, COUNTY ATTORNEY
SHELIA WEIMER, ASSISTANT COUNTY ATTORNEY
MELENA JOHNSON, PARALEGAL COUNTY ATTORNEY'S OFFICE
RUTH GROSECLOSE, EXECUTIVE ASSISTANT
MEMBERS OF THE PRESS: BLUEFIELD DAILY TELEGRAPH, GREG JORDON; THE VOICE NEWSPAPER, WARREN HINKLE; RICHLANDS NEWS PRESS/CLINCH VALLEY NEWS, JIM TALBERT AND 59 NEWS, COURTNEY VANNATTER

OTHERS

PRESENT: ANN ROBINSON, CHAIRPERSON, PC (PLANNING COMMISSION)
JASON HERNDON, MEMBER PC
CHARLIE HART, MEMBER PC
BOB MOSS, MEMBER PC
DARRELL ADDISON, MEMBER PC
BRITTA HERALD, EXECUTIVE SECRETARY PC
MATT ANDERSON, COUNTY ENGINEER
KENNETH DUNFORD, ASSISTANT COUNTY ENGINEER

ABSENT: EDDIE PAULEY, MEMBER PC

Vice Chairman John Absher convened the meeting at the County Administration Building at approximately 6:00 PM. Members Asbury and Hackworth were present. Chairman Hymes and member Stacy were absent, having relocated to the alternate hearing site prior to the meeting being convened.

Whereupon Supervisor Absher made a motion that due to the large number of people in attendance and an overcrowded meeting room, the Tazewell County Board of Supervisors, recess and reconvene the meeting to 515 Fairgrounds Road at the Tazewell County Fairgrounds in the Nuckolls Hall facility for the purposes of conducting the public hearing to hear concerns regarding AN ORDINANCE TO ZONE THE EASTERN DISTRICT OF TAZEWELL COUNTY, VIRGINIA is hereby convened to the Tazewell County Fairgrounds - Nuckolls Hall facility.

And, further that the agenda this date be amended to include the addition of an Executive Session matter pursuant to Virginia Code Section 2.2-3711 A- 7 Contract Negotiations involving a contract with EPC/ Cavitts Creek Park to be considered at the Fair Grounds location upon conclusion of the public hearing. Supervisor Hackworth seconded the motion and all members then present voted aye. The meeting was recessed at the County Administration Building.

Chairman Hymes re-convened the meeting at the Tazewell County Fairgrounds, Nuckolls Hall facility, with all members of the Board of Supervisors present. Ann Robinson, Chairperson of the Tazewell County Planning Commission reconvened the Commission's meeting and entertained a motion to allow the Chairman of the Tazewell County Board of Supervisors to conduct the Joint Public Hearing scheduled this date. The motion was approved unanimously.

The Chairman of the Tazewell County Board of Supervisors, D. Michael Hymes, then called to order a joint meeting with the Tazewell County Planning Commission to order and welcomed those in attendance.

The Chairman then gave the invocation with Supervisor Absher leading those present in the Pledge of Allegiance to the United States flag.

Chairman Hymes welcomed all those present and announced the ground rules and time limits for the public hearing. Chairman Hymes then called upon the County Attorney to explain the procedural background of the joint public hearing.

The County Attorney, Eric Young, explained the sequence of events that lead to the proposed draft zoning ordinance for public hearing. Mr. Young cited the public meeting dates held in March 2015 in the Eastern District of the County to hear concerns from the public regarding the proposed zoning ordinance that consequently resulted in several modifications of the ordinance. He said modifications were made after the hearings in March and the zoning committee of the planning Commission recommended the Ordinance to the full Commission in November 2015. Further, he recalled that the Commission held a third public meeting in December 2015 in Bluefield Virginia. He said a resolution was passed by the Planning Commission in December 2015 and a resolution by the Board of Supervisors was adopted in January 2016 that called for the joint public hearing scheduled this date concerning the proposed zoning ordinance for the Eastern District. He further said that an affirmative vote would be needed from the Planning Commission recommending the Ordinance to the Board of Supervisors for adoption following the joint hearing . The County Attorney explained that if the Commission did not recommend the Ordinance the Board of Supervisors could direct Planning Commission to produce an ordinance within 100 days and in the event that the 100 days expires without action by the Commission, the Board of Supervisors can enact the ordinance without further action of the Planning Commission.

Upon request by the Chairman the County Attorney updated Supervisor Hackworth after he questioned the 500 ft. fence setbacks and non-conforming usages of the proposed ordinance.

Now, following introductions of members of the Planning Commission and members Board of Supervisors, the Chairman then called to order a Joint Public Hearing that was duly advertised according to law, entitled "A PROPOSED EASTERN DISTRICT OF TAZEWEL COUNTY, VIRGINIA ZONING ORDINANCE." A copy of the ordinance as advertised in a local newspaper having general circulation in the County is attached hereto and incorporated herein by reference thereto and A copy of a detailed map of the property affected by the proposed ordinance as well as a complete copy of the proposed ordinance is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia and on file in the Circuit Court Clerk's office, and was posted at the Tazewell County Courthouse on Main Street in Tazewell, Virginia, for public inspection.

The Chairman of the Tazewell County Board of Supervisors then called for names from the sign-up sheet and said all those persons who received letters from the County Attorney's office regarding the proposed zoning ordinance would speak first.

The following people spoke in favor or against the proposed ordinance as set forth below:

1. Lana Moore, 532 Montclair Circle, Bluefield, VA 24605 - opposed
2. Betty Slade, 142 Ashworth Lane, Bluefield, VA 24605 - opposed
3. Tommy Melvin, 212 Bailey Switch Rd, Bluefield, VA 24605 - opposed
4. Roger Rose, 160 Seville, Bluefield, VA 24065 - opposed
5. Connie Bailey, 2268 VA Avenue, Bluefield, VA 24605 - opposed
6. Ken Richmond, 614 Stowers Hill Road, Bluefield, VA 24605 - opposed
7. Joyce Johnson, 619 Fairway Street, Bluefield, VA 24605 - in favor
8. Anita Moody, 186 Davidson Dr., Bluefield, VA 24605 - opposed
9. Frank W. Mitchell, 35783, G.C. Perry Hwy. Bluefield, VA 24605 - opposed
10. Bobby Burchett, 531 Thompson Street, Tazewell, VA 24605 - opposed
11. Jonette Aughenbaugh - no address given - opposed
12. William Osborne, Tannersville, VA - opposed
13. Emily Davis, 34474 Gov. G.C. Perry Hwy. - opposed
14. Lonnie Yates, 179 Mallard Way, North Tazewell, VA 24630 - opposed (be in permissive use district if passed - not in rural residential district)
15. Michael Carter, West Graham, Bluefield, VA 24605 - opposed
16. Mary Carter, West Graham, Bluefield, VA 24605 - opposed
17. Gail Shawver, 133 Shawver St. , Bluefield, VA 24605 - opposed
- * 18. Greg Farmer, 3149 Kent Ridge Rd. Cedar Bluff, VA 24609 - on sheet, did not speak
19. Teresa Paine, 1152 Triangle Rd. Springville, VA 24605 - in favor
20. Tim Hass, 2656 Tip Top Rd. Springville, VA 24605 - opposed
21. James Tew, 120 Tredegar St. Richmond, VA - Dominion Power Rep. - opposed
22. Kay Bayless, 1122 Fincastle Farms, Bluefield, VA 24605 - in favor
23. Barry H. Dalton, 139 Angles Hollow Rd, North Tazewell, VA 24630 - opposed
24. Robert L. Hall Jr. 503 Wood St. Bluefield, VA 24605 - opposed
25. Ray Workman, West Graham, Bluefield, VA 24605 - opposed

26. Bonnie Hesson, 137 Loggers Lane, Bluefield, VA 24605 - requested Wrights Valley area be taken out of the Northern District - opposed to zoning
27. Charles "Hoss" Kitts, 438 Ebenezer Ave., Bluefield, VA 24605 - opposed
28. Steve Danko, Bluefield, VA 24605 - in favor
29. Reid Erickson, 892 Tranquil Road, North Tazewell, VA 24630 - opposed
30. Wayne Evans, College Drive, Bluefield, VA 24605 - in favor
31. Darell Rolen, 103 Vista Street, Bluefield, VA 24605 - opposed
32. Matt Wynn, 128 Lake Witten Road, North Tazewell, VA 24605 - opposed

The Chairman of the Board of Supervisors called for a recess of ten (10) minutes after which the meeting was duly reconvened and speakers continued as follows:

34. Bob Ratliff, 267 Yates Est. Circle, Cedar Bluff, VA - opposed
35. William A. "Bill" Gillespie, 191 Clinch Mt. Road, Tazewell, VA 24651 - opposed
36. Mrs. Linda Short, 642 Shortts Rd., - opposed
37. Jack Thompson, 905 Valley Rd., Bastain, VA - opposed
38. Cindy Gillespie, 191 Clinch Mt. Road, Tazewell, VA 24651- opposed to as written
39. Will Adams, 2810 GC Perry Hwy - opposed
40. Steven Kouchinsky, 625 Norfolk St. Tazewell, VA - 24651 - opposed
41. Joseph Vance, 220 Mountain Brook Lane, Tazewell, VA 24651 - did not appear to speak
42. Melvin Penland, 976 Veterans Rd. Broadford, VA 24316 - opposed
43. Regina Roberts, 257 Richardson Rd. Cedar Bluff, VA 24609 - opposed
44. Aaron Roberts, 257 Richardson Rd. Cedar Bluff, VA 24609 - opposed
45. David Wohlford, Bluefield, VA 24605 - opposed
46. Anthony Creighton, Pounding Mill, VA - opposed
47. Elaine Hatcher, 914 College Estates, Wardell, VA - opposed
- * 48. Greg Harman, 3149 Kents Ridge Road, Cedar Bluff, VA 24609 - opposed (the same person as # 18 whose name was misread.)
49. Emily Barringer Edmondson, 2183 Maiden Springs Rd., Tazewell, VA 24651 - opposed

50. Thomas B. Childress, PO Box 391, Pocahontas, VA 24635 - opposed to draft ordinance (zoning is needed but not this ordinance - change ordinance)

51. Royal Lawson, 120 Mutter Rd., Baptist Valley, VA - opposed

52. Roba Kidd, 3233 Wrights Valley Road, Bluefield, VA - opposed to this ordinance - not against zoning completely

Now, there being no further names on the sign-up sheet, the Chairman of the Board of Supervisors called for additional speakers from the floor with regard to the proposed zoning ordinance. The following people spoke and showed either their support or opposition to the proposed zoning ordinance for the Eastern District.

53. William Osborne, Jr. Little Valley Road, Tannersville, VA - opposed

54. Bill Altizer, Witten Mill, VA - against windmills and opposed zoning

55. Vince Shumate - Abbs Valley, VA - against wind mills and opposed zoning

56. Barbara Slade - Bluefield, VA - opposed

57. John Fuller - Kents Ridge - opposed

58. Larry Dalton - 139 Angles Hollow Road, North Tazewell, VA 24630 - opposed

59. Linda Sheets - 633 Ruble Hill Rd., opposed

Now, the Chairman of the Board of Supervisors D. Michael Hymes made a second, third and final call for public comments from the floor for public comments and there being none he declared the public hearing closed. He thanked everyone who attended the public hearing and said he was pleased with the number of people present.

COMMENTS TO REMAIN OPEN TO MARCH 1, 2016

Then, for the record, upon a motion of Supervisor Stacy, seconded by Supervisor Asbury and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs that public comment period on this matter be open until March 1, 2016 and all written comments received for this meeting and until March 1, 2016 in letter form, via US Mail, via email, fax, etc. shall be attached thereto and incorporated herein these minutes by reference. And, further that the sign-up sheet for public comments collected this date be incorporated herein these minutes by reference.

AFFIDAVIT - PROPERTY LIST - MAP

And further, upon motion of Supervisor Stacy, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs that the written comments received by the Board prior to and during the hearing be made a part of the record of the hearing; that the Affidavit acknowledged by Melena Johnson, that letters were mailed first class to the last known address of the owners of property located in the Eastern District as provided by Kenneth Dunford, Assistant County Engineer be made a part of the record of the hearing; that the Affidavit acknowledged by Kenneth E. Dunford, acknowledging that the maps and the records of the Tazewell County Commissioner of Revenue's Office in Tazewell County were used to compile a electronic list of the owners of property in the Eastern District with regard the list provided to Melena Johnson be made a part of the record of the hearing; and that the property list and Draft Zoning Ordinance and Map as amended November 2015 be made a part of the record and incorporated herein these minutes by reference thereto.

The Chairman of the Board of Supervisors then gave the floor to Chairperson Robinson of the Tazewell County Planning Commission, Ann Robinson.

Chairperson Robinson then asked members of the Planning Commission for further comments with regard to the public hearing held this date and wanted to know if there were any motions from the floor.

Commissioner Herndon moved that the proposed Draft Zoning Ordinance be deferred back to the Zoning Subcommittee for appropriate changes and then to the Planning Commission for consideration with Commissioner Stacy seconding the foregoing and which motion passed by a vote of 5 to 0, with Commissioner Moss abstaining, and with Commissioner Pauley absent.

Then, Commissioner Hart moved to "scrap" or to do away with the Draft Zoning Ordinance for Tazewell County, Virginia with Commissioner Moss seconding the foregoing and which motion passed by the following roll call vote of 3 to 2.

- Member Hart - Aye
- Member Addison - Abstain
- Member Herndon - Aye

- Member Moss - Aye
- Member Stacy - Nay
- Member Robinson - Nay

Now, upon motion of Commissioner Stacy seconded by Commissioner Moss and adopted by a vote of 6 to 0, the Tazewell County Planning Commission hereby adjourns their meeting. The Planning Commission's next regular meeting is scheduled for March 10, 2016.

Chairperson Robinson then yielded the floor to Chairman Hymes.

Chairman Hymes then called for comments from the Board of Supervisors.

Supervisor Hackworth said the people has spoken and it is what it is.

Supervisor Absher said he was against zoning and agreed with 99% of what people said. He said it was a good day for Tazewell County.

Supervisor Asbury said this is what democracy in America is all about and it was important to listen to the people.

Supervisor Stacy thanked the citizens who attended and who spoke and said he did not agree that it was a great day in Tazewell county. He said every person sitting on the Board of Supervisors is charged with the responsibility of trying to find a way to make Tazewell County GREAT and to make this County a wonderful place to live and work.

Supervisor Hymes said he always tried to follow what his constituents want. He said this Board would not be dealing with zoning now, but would be dealing with ways to improve Tazewell County. And, with that said, he announced that the Board of Supervisors would now enter into an Executive/Closed Meeting pursuant to 2.2-3711 A-7 Legal matter involving contact negotiations with EPC/ Cavitts Creek Sewer /Cabin Project.

EXECUTIVE/CLOSED MEETING

Then, upon motion of Supervisor Absher, seconded by Supervisor Stacy and adopted by as vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into and Executive/Closed meeting pursuant to VA Code Section 2.2-3711 A-7 Legal matter involving contact negotiations with EPC/ Cavitts Creek Sewer /Cabin Project.

RETURN/CERTIFICATION/REPORT OF ACTION

Upon motion of Supervisor Hackworth, seconded by Chairman Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby return from the Executive/Closed meeting and hereby certifies the following certificate of resolution read by Eric Young, County Attorney:

CERTIFICATION OF EXECUTIVE/CLOSED MEETING

WHEREAS, the Tazewell County Board of Supervisors has convened an executive/closed meeting on this date pursuant to an affirmative vote and in accordance with The Virginia Freedom of Information Act; and

WHEREAS, 2.2-3712 of the Code of Virginia requires a certification by the Board of Supervisors that such executive/closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Tazewell County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) that only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive/closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Tazewell County Board of Supervisors. The Chairman called for a roll call vote with the following vote hereby recorded.

Ayes: Supervisor Hackworth, Absher, Hymes, Asbury, Stacy

Nays: None

Absent: None

Absent during vote: None

REPORT OF ACTION:

**EPCA AGREEMENT - AMENDMENT/CHANGE ORDER - RENTAL CABINS
& WASTE WATER OR CONNECTION TO WATER - CAVITTS CREEK PARK**

Upon motion of Supervisor Asbury, seconded by Supervisor Absher and adopted by a vote of 4 to 0, with Supervisor Hackworth abstaining and with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts the following:

AMENDMENT/ CHANGE ORDER

Pursuant to paragraph of the Agreement between the Tazewell County Board of Supervisors ("Owner") and EPC America ("EPCA") dated October 15, 2015 ("the Agreement"), the parties do hereby enter into this Amendment to modify the Agreement as follows.

1. The Scope of work to be performed by EPCA hereby is amended to include the purchase, delivery, and installation of two rental cabins on site. Installation shall be on site at Cavitts Creek Park. Installation shall not include electrical hook-up or connection to water or waste water treatment system. The cabins to be purchased, at EPCA's expense, are the "Flying Change" model manufactured by Green River Log Cabins. The cabins shall be in accordance with the attached ProForma Invoice specifications sheet and of substantially the same appearance as in the attached photograph. The cabins shall include such modifications as may be approved by the County in writing.

The cabins shall be located in the Park at a site selected by County.

2. Owner shall provide EPCA additional compensation equal to the total amount charged by Green River Log Cabins for construction, installation, and delivery of the cabins, less twenty-five thousand dollars (\$25,000.00). EPCA's credit of the aforesaid \$25,000.00 shall be deemed full and complete satisfaction of EPCA's obligation to purchase a cabin pursuant to paragraph 26 of the Agreement.

3. The Agreement in all other respects remains in full force and effect.

This amendment to the Agreement is agreed to and approved by the parties as evidenced by the signatures of their authorized representatives below.

Owner:

Patricia K. Green, County Administrator

Tazewell County, Virginia

EPCA:

Charles Botwick, President

EPC America, LLC.

ADJOURN

Now, upon motion of Supervisor Stacy, seconded by Supervisor Asbury and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adjourns this meeting.

The next regular meeting is scheduled for March 1, 2016 at 6:00 p.m.

D. Michael Hymes, Chairman

by: RG

10:10 p.m.