

VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD SEPTEMBER 3, 2019 AT FOUR O'CLOCK P.M. IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING, 197 MAIN STREET, TAZEWELL VIRGINIA 24651

PRESENT: TRAVIS HACKWORTH, CHAIRMAN
CHARLES A. STACY, VICE CHAIRMAN
MARGARET ASBURY, MEMBER
D. MICHAEL HYMES, MEMBER
TOM A. LESTER, JR., MEMBER
WHITNEY PARSONS, EXECUTIVE ASSISTANT
C. ERIC YOUNG, COUNTY ADMINISTRATOR
CHASE D. COLLINS, INTERIM COUNTY ATTORNEY
MEMBERS OF THE PRESS: JIM TALBERT, CLINCH VALLEY NEWS/RICHLANDS NEWS PRESS; WARREN HINKLE, THE VOICE NEWSPAPER

ABSENT: NONE

Chairman, Travis Hackworth called the regular meeting to order and presided, with all members in attendance.

Supervisor Hymes gave the invocation followed by The Pledge of Allegiance to the United States flag led by Supervisor Asbury.

AGENDA APPROVED AS AMENDED

Chairman Hackworth added Treasurer David Larimer to the agenda and placed him to speak before the Joint Public Hearing with the Planning Commission.

The Interim County Attorney, Chase Collins added an agenda item about a resolution regarding revenue sharing with VDOT under Kenneth Dunford's monthly report.

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy 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 approves the September 3, 2019 agenda as amended.

MINUTES APPROVED WITH ADMENDMENT

Mr. Collins pointed out an error found in the August 6, 2019 meeting minutes regarding the relocation of the absentee precinct motion made following the public hearing. He noted that the motion should read as adopted the ordinance rather than tabled.

Upon motion of Supervisor Hymes, 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 approves the August 6, 2019 Tazewell County Board of Supervisors meeting minutes with the amendment brought forth by the Interim County Attorney.

CONSENT CALENDAR

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy 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 approves the following items presented as "Consent Calendar". The matters requiring the issuance of warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

WARRANTS August 2019

Payroll

Ordered that Warrant Nos. 144352 through 144377, and direct deposits totaling \$237,944.79 from the General, covering payroll for the various County agencies, for the period ending July 31, 2019, be approved.

Ordered that Warrant Nos. 144379 through 144405, and direct deposits totaling \$238,535.10 from the General Fund, covering payroll for the various County agencies, for the period ending August 15, 2019, be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 487149 through 487250, and electronic transfers (ACH) totaling \$383,602.59 from the General, Landfill Enterprise, Capital Outlay, and Law Library, covering operating expenses for the various County agencies issued July 25, 2019, be approved.

Ordered that Warrant Nos. 487252 through 487266, for \$155,442.03 from the General, covering payroll deductions for the various County agencies for the period ending July 31, 2019, be approved.

Ordered that Warrant Nos. 487268 through 487386, and electronic transfers (ACH) totaling \$1,124,545.71 from the General, Landfill Enterprise, Capital Outlay and Law Library Funds, covering operating expenses for the various County agencies issued August 9, 2019, be approved.

Ordered that Warrant Nos. 487388 through 487403, for \$130,063.55 from the General Fund, covering payroll deductions for the various County agencies for the period ending August 15, 2019, be approved.

Handwritten

Ordered that Warrant No. 802059 through 802061 for \$2,250.00 from the General, Landfill Enterprise, Capital Outlay, and Law Library, covering operating expenses for the month of July 2019, be approved.

Sheriff's Department – Transferred the following amounts from the Contingent Expenditures and Grant Account No. 91050-7041 to the Sheriff Department Accounts as follows:

- \$500.00 to Acct. 31020-6010 (received from Graham Intermediate PTO)

Library Account-Transferred the following amounts from the Contingent Expenditures and Grant Account No. 91050-7041 to the Library Accounts as follows:

- \$50.00 to Acct. 7301-3099 (received from Ellen Harrison)
 - \$20.00 to Acct. 7301-3099 (received from Anonymous)
 - \$500.00 to Acct. 7301-6012 (received from Tazewell Lions Club)
 - \$600.00 to Acct. 7301-3310 (received from State Farm Insurance)
- Authorized a transfer in the amount of \$67.00 from the Contingent Expenditures and Grant Account No. 31050-7041 to Account No. 12210-6009 (received from C H Holmes Sons, Inc. for sell of scrap metal from the garage)
 - Ratified monies paid to the Burkes Garden Community Center Association in the amount of \$7,000.00 from the Contingency Acct. 91050-7023. These funds were used for repairs to the County's building that they occupy.
 - Authorized the amount of \$100.00 from the Southern District Funds to the Treasurer of Tazewell County to pay Nuckolls Hall rental fees for the Plum Creek Quilters Festival being held on September 7, 2019.
 - Authorized \$250.00 from the Southern District Fund and \$250.00 from the Northern District Fund, for a total amount of \$500.00 payable to the Tazewell High School Band Boosters, 262 Oriole Street, Bluefield, VA 24605, c/o Suzanne Hutchison. These funds will go towards marching band equipment. Said warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia.
 - Authorized \$1,000.00 from the Southern District Fund payable to Burkes Garden Fall Festival, Gose Mill Road, Tazewell, VA 24651; c/o Sara White. Said warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia.
 - Authorized \$500.00 from the Southern District Fund, payable to the Lions Club. Said warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia.
 - Approved transfer of 2007 Ford Explorer VIN#1FMEU73E97UA67687 to the Baptist Valley Volunteer Fire Department. The BOS on 5-7-2019 declared surplus on a 2007 Ford Explorer VIN#1FMEU73E97UA67687 from the Sheriff's Department. The Sheriff's Department has

changed their mind and would like to now transfer this vehicle to the Baptist Valley Volunteer Fire Department.

- Authorized \$850.00 from the Northwestern District Fund payable to Four Seasons Grading & Excavating, LLC, P.O. Box 225, North Tazewell, VA 24630. These funds were used for grading and excavating behind the Raven school. Said warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia.
- Ratified Solid Waste Disposal Agreement with Bluefield, West Virginia

DAVID LARIMER – TREASURER

Treasurer, David Larimer presented his annual report on the financial status of Tazewell County and provided a tax book for years 2018-2019 to the Board for review. He stated that the County's financial situation was improving and slowly getting better in comparison to last year.

TAZEWELL COUNTY COMPREHENSIVE PLAN – JOINT PUBLIC HEARING WITH THE TAZEWELL COUNTY PLANNING COMMISSION

Madam Chair Ann Robinson of the Planning Commission called their recessed meeting to order and presided.

The Interim County Attorney, Chase Collins recalled that the joint public hearing held in June was to discuss the amendment to the 2017 Comprehensive Plan. He explained that the amendment was to allow certain road projects to be placed into Tazewell County's transportation infrastructure to allow VDOT's funding to be utilized for that purpose. Mr. Collins explained that VDOT responded back that the County needed to include an estimated budget cost in the 2017 Comprehensive Plan so that it could pass VDOT's pre-application process, which was the reason for the second public hearing.

Mr. Collins explained that VDOT is proposing to fix a turn lane at Pounding Mill Branch Road and the two existing projects at the crossovers located at Governor G. C. Peery Highway/Fashion Road and the crossover located on Governor G. C. Peery Highway/Crosstie Lane. The three projects projected cost is around \$360,000.00 to be included in the 2017 Comprehensive Plan Revenue Sharing for safety issues. Adding the projected cost would help the County receive future funding. Mr. Collins turned the floor back to Madam Chair Robinson.

Upon motion of the Planning Commission by Member Moss, seconded by Member Addison, and adopted by a vote of 4 to 0, with members Eddie Pauley, Charlie Hart, and Jason Herndon absent from the meeting, the Planning Commission does hereby certify to the Board of Supervisors to change certain language pertaining to the 2017 Comprehensive Plan to include the projected cost for VDOT revenue sharing projects.

4:26 P.M – Chairman Hackworth then called the Joint Public Hearing to order.

4:27 P.M. Chairman Hackworth called for public comments from the floor three times regarding amendments to the Comprehensive Plan. There being no comments he declared the public hearing closed.

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 adopts “An Ordinance to Amend the 2017 Tazewell County Comprehensive Plan”. A copy of the Ordinance can be found on file at the County Administration Office.

While the Planning Commission was still convened, Mr. Dunford asked that the Road Committee go view Cordelia Street and Millstone Hollow Road before the next meeting. Members Moss and Herndon stated they would coordinate with him.

Upon motion of Member Addison, seconded by Member Moss, and adopted by a vote of 4 to 0, with members Eddie Pauley, Charlie Hart, and Jason Herndon absent from the meeting, the Planning Commission Recessed Meeting is hereby adjourned at approximately 4:28 P.M. until the next regularly scheduled meeting on Thursday, September 12, 2019 at 6:30 P.M.

EXECUTIVE/CLOSED MEETING – 4:31 P.M.

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy 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 enters into an Executive/Closed meeting, pursuant to Virginia Code Section 2.2-3711:

- A(1) Personnel regarding annual evaluation of Administrator
- A(1) Personnel in Economic Development
- A(3) Property Acquisition regarding Pocahontas ATV trail easements
- A(7) Legal consultation regarding accident on Fincastle Farms Bridge
- A(29) Contract negotiations regarding Santek
- A(29) Evaluations of proposal for courthouse HVAC
- A(29) Contract negotiations with Chamber of Commerce for Tazewell Depot Visitor’s Center sublease

RETURN/CERTIFICATION/REPORT OF ACTION – 6:34 P.M.

**CERTIFICATION OF
EXECUTIVE/CLOSED MEETING
TAZEWELL COUNTY BOARD OF SUPERVISORS**

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, 2.2-3711 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.

The Chair called for a roll call Vote on the Certification:

Ayes: All Five (5)

Nays: None (0)

Absent: None (0)

Absent during vote: None (0)

Report of Action: Two (2)

APPROVED SOLID WASTE DISPOSAL AGREEMENTS

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy 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 authorize the County Administrator to approve a solid waste disposal agreement with Bland and Wythe Counties' Joint Public Service Authority for the disposal of solid waste at our landfill for a period of six months, not to exceed Fifteen Thousand tons of waste and further authorize the Administrator to continue to negotiate with the Bland Wythe JPSA for a long term agreement. Upon further motion the Tazewell County Board of Supervisors ratify the agreement with Bluefield, West Virginia to accept solid waste from Bluefield, West Virginia for a period of up to five years for an amount not to exceed Six Thousand Tons annually and further authorize the landfill committee and the County Administrator to begin negotiations with Santek to begin design of the next phase of the landfill on Lynn Hollow Road to be paid for from the landfill fund.

COURTHOUSE HVAC SOUTHLAND ENERGY

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 found no firms responded to our PPEA solicitation asking whether any firms could meet or better Southland Energy's proposal to replace the Courthouse HVAC system lighting and roof, and further that Southland Energy is qualified to perform the project as proposed, and direct the HVAC committee to continue to negotiate with Southland to bring the project within the budget discussed in executive session; and upon further motion direct Southland Energy to proceed with a detailed design and compensate them up to Thirty-Five Thousand Dollars for said design in the event the project does not go forward with Southland.

SPECIAL PRESENTATIONS

DEPUTY LANDON HIEATT – DARE OFFICER OF THE YEAR 2019

Chairman Hackworth welcomed Deputy Landon Hieatt to present a resolution to him for his accomplishments as DARE Officer of the Year 2019.

Now, upon motion of Chairman Hackworth, seconded by Supervisor 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 adopts a resolution entitled, "A Resolution Commending Deputy Landon Hieatt DARE Officer of the Year 2019". A copy of the resolution in a form as hereby adopted is on file in the office of the County Administrator, 197 Main Street, Tazewell, Virginia 24651.

TAZEWELL JUNIOR LEAGUE SOFTBALL TEAM – 2019 STATE CHAMPIONS

Chairman Hackworth welcomed the Tazewell junior league softball team and coaches to recognize them for their achievements.

Now, upon motion of Chairman Hackworth, seconded by Supervisor 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 adopts a resolution entitled, "A Resolution Commending the Tazewell Junior League Softball Team as State Champions for the Year 2019". A copy of the resolution in a form as hereby adopted is on file in the office of the County Administrator, 197 Main Street, Tazewell, Virginia 24651.

KENNETH DUNFORD – INTERIM DIRECTOR OF ENGINEERING

Mr. Dunford requested that the Board approve the Resolution for Revenue-Sharing with VDOT. He stated that the resolution supported an \$180,000 match for revenue sharing that would be used to fix a couple of crossovers in the Claypool Hill area. Mr. Dunford explained that

this was a requirement of the application package and was partially the reason for the joint public hearing that was just held with the Planning Commission.

Mr. Collins noted that VDOT provided the language to them for this resolution, so it should meet their approval for the pre application process.

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 adopts the Resolution for Revenue-Sharing with the Virginia Department of Transportation. A copy of the resolution in a form as hereby adopted is on file in the office of the County Administrator, 197 Main Street, Tazewell, Virginia 24651.

Mr. Dunford reported that he talked with the engineer and that there was additional surveying required for the Clearfork Road Study. He will start doing the work he needs to do after their surveying is completed.

He stated that the Landfill Management Plan comments have been addressed but that it was required to hold a public hearing for the submittal process.

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy, 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 the Interim County Attorney to advertise for a public hearing on October 1, 2019 regarding the Landfill Management Plan.

Mr. Dunford hoped to have an update on the Recycling Plan next month. He had some comments and sent them to Joyce to have them addressed.

He mentioned that aerators removal for the Leachate tank was scheduled for that Thursday. After the aerators are removed, they can start draining the tank and work on getting bids to clean the tank.

Supervisor Lester asked for an update on Rogich Road. Mr. Dunford responded that the County did not have the money in the budget to prepare the road. The County Administrator agreed stating that the best temporary solution was to put down gravel and have an emergency route coming in and out until the County can figure out where to get the funds to build a new route. There was a great deal of discussion to find a solution for Rogich Road. A neighbor of Mr. Rogich's, Mr. Travis Bandy of 231 Gillespie Road, was also there to provide ideas.

BARRY BROOKS – DIRECTOR OF FIRE AND EMS OPERATIONS

The Board reviewed the monthly EMS Billing Receivables Detailed Report and Monthly Deposit Record provided by Mr. Brooks.

Supervisor Stacy asked for an update on the EMS building. Mr. Brooks responded that they've already started doing groundwork on the building and have done several loads of gravel. He also mentioned that Dave White would be working on getting bids for construction. The County Administrator reported that he spoke with Dave White that morning and that they were also working on replacing the doors and insulation on the inside of the building.

Mr. Brooks then discussed the emergency equipment bids that were opened on August 16, 2019. He mentioned that Mr. Collins and Ms. Parsons were present during the bid opening. He explained that 3 bids were received for the self contained breathing apparatuses and that none of the 3 bids met the minimum criteria. Mr. Brooks stated that Scott did meet all of the criteria as far as equipment went but that there was an error in his submitted packet that disqualified him.

Mr. Collins and Mr. Brooks discussed a different approach to place this out for bid again that would be more beneficial in getting the equipment that they need.

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 find all emergency equipment bids opened on August 16, 2019 to be nonresponsive for not meeting the advertized specifications.

A.J. ROBINSON – INTERIM TOURISM AND COMMUNITY DEVELOPMENT DIRECTOR

Mrs. Robinson reported that Senator Mark Warner visited Tazewell in August and spoke at the event held at the Back of the Dragon Welcome Center. Supervisor Hymes commended Mrs. Robinson on a job well done and for helping put the event together. He also thanked Irma Mitchell for the food she provided.

Mrs. Robinson then updated the Board on past and future events in Tazewell County. Some of them include: Coal Miners Reunion, Autumn Jamboree, Cedar Bluff Heritage Festival, Octobrew Fest, and the Pumpkin Festival.

She mentioned working on several grants for marketing. One she mentioned was for an app that she privately sent a video of to the Board for review. Mrs. Robinson also hoped to get a kiosk. She also reported working on the website contract, tourism brochures, and working with Mr. Dunford to improve the Appalachian Trail parking lot access.

Lastly, Mrs. Robinson showcased several sticker designs with a Tazewell County logo. She mentioned the point of the designs were to reach out to the younger millennial crowd. She asked the Board for their opinion and they narrowed them down.

PAM WARDEN – ECONOMIC DEVELOPMENT MANAGER

Mrs. Warden discussed the VCEDA project review and board meeting. She announced that all three of the County's projects went before the Board and were approved. Those projects were:

- ❖ Painted Peak Brewery's loan restructure request
- ❖ Crab Orchard Museum's request to increase tourism grant for renovations to Fisher & Company
- ❖ Back of the Dragon for a \$100,000.00 tourism loan for its welcome center

Mrs. Warden reported that they had their final business challenge meeting the previous week. She stated that applications were due September 20th and that the first workshop will be held on October 3rd.

Mrs. Warden then notified the Board that the Enterprise Zone Committee held a meeting the previous week and that Mr. Dunford was present. She reported that all of the towns submitted their changes. Mr. Erwin Earnest is working on a map to send out and once they receive the results and comments back from the Town they will send it to DHCD for approval. She explained after the approval a public hearing will need to be held.

RDA LIASION – SUPERVISOR MARGARET A. ASBURY

Supervisor Asbury stated that the RDA was working on a benefit ride for November 8th but that it hadn't been approved yet. She said that the trails always have lots of activities going on. She mentioned speaking with Ben and that they plan to start donating some of the local proceeds from the trails to the Center for Christian Action food pantry.

CPPD LIAISONS – SUPERVISOR STACY AND SUPERVISOR HYMES

Supervisor Hymes announced that on Thursday, August 29th the Cumberland Plateau Planning Commission (CPPD) Executive Board approved full funding for all three Cprop applications from Tazewell County. The approved projects were: one from the Town of Richlands in the amount of \$124,317.00 for a Community Development Center, one from the Town of Pocahontas for \$30,000.00 for a preliminary architectural report on the Opera house as part of their down town revitalization project, and one for Tazewell County for \$186,455.60 to fund Economic Development activities related to a business search firm. Supervisor Hymes stated that Supervisor Stacy was instrumental in negotiations with Sunset, now named Point Broadband.

Supervisor Stacy recalled the Sunset litigation and that he had been on the CPPD Executive Board for 3-4 years without anything ever coming to fruition. He stated that the only thing that happened since he was on the board was the litigation they had against BVU. He explained that when BVU was bought out by Sunset as a part of that settlement, that CPPD

negotiated the \$3million payment to CPPD which he felt was restitution owed to the four counties for their lost opportunities for the last 10 years with BVU who paid them nothing. Supervisor Stacy stated that the CPPD Executive Board had been eager to try and figure out a way to put a good portion of the \$3million back into the four counties. He said that Jim Baldwin created the Cprop program to use the funds to further economic development in the CPPD area.

Supervisor Hymes then announced that Point Broad Band was also working with them to put in Wi-Fi Hot Spots across the four counties covered by CPPD. He stated that one would be placed in Downtown Richlands, Downtown Tazewell, and at the Bluefield sports complex. He mentioned that the total cost of these hot spots would be \$30,000.00 of which Point Broadband will fund \$8,500.00 and CPPD will fund \$21,000.00.

CITIZEN COMMENTS SCHEDULED

RON HOLT – TOWN OF BLUEFIELD COUNCILMEMBER

Ron Holt thanked Supervisor Stacy and Barry Brooks for the work they have done to help the Town of Bluefield.

Mr. Holt stated that since he's been on council they've enjoyed a tremendous work relationship with Tazewell County and its Board members past and present, though he implied that there was some public criticism regarding the Board of Supervisors at a recent town council meeting. He explained that he was taken aback by the criticism and wanted to figure out how to fix this. Mr. Holt understands that election year is tough on everybody. He suggested that the Board of Supervisors and Bluefield Town Councilmember's open a line of communication and start communicating with one another more. Mr. Holt stated that he was there for the Board in any way that he could assist. He realizes that things the Council does in Bluefield effects Tazewell County as a whole and doesn't want their working relationship to sour because of election year. Mr. Holt hopes they can sit down with one another and talk over their differences to help each other in the future.

The Board agreed with Mr. Holt and thanked him for coming.

RICKY MARTIN – COAL TRUCKS & PROPERTY MAINTENANCE IN AMONATE

Mr. Martin was not in attendance at the meeting. Supervisor Asbury explained that she contacted him and spoke to him regarding his complaints about speeding coal trucks and lapidated buildings in Amonate. She stated that she then contacted the VA State Police and they have already been sending officers to Amonate every couple of weeks to monitor the coal trucks. Supervisor Asbury further explained to Mr. Martin that tearing down buildings and deeming them not fixable was a great expense but that she would have Dave White get in touch with him. Dave White visited Mr. Martin that day to address his complaints.

The Interim County Attorney discussed the real estate tax collection process. He explained that if there was a building that could be condemned and the value of the property was

over \$20,000 in taxes and hadn't been paid in 3 years, then that was something he could be able to assist with. He understands that there are several landowners in that area who keep up their property and who want to improve the Amonate community. Mr. Collins said he could ask Mr. Larimer to search through some of those properties to help give them a better indication.

Supervisor Stacy asked what the demolition budget was. Mr. Young said in FY18 it was \$100,000 and in FY19 it was budgeted for \$20,000 but only about \$15,000 remains. He explained that they cut the demolition budget due to financial constraints. Mr. White was directed to only condemn structures that were in danger of falling out into the street and creating a hazard. He explained that they could add money to the demolition budget but that it was an expensive proposition.

The Board discussed various options. Mr. Young mentioned applying for DHCD grants as an alternate option to fix the community. He recalled 8-9 years prior the County tried to get community support from Amonate to get them a park, playground, and tear down old buildings. Mr. Young said when they had the meeting the Amonate community rejected the ideas but if that was something the Board wanted to try again they could look into it.

CITIZEN COMMENTS UNSCHEDULED

TRAVIS BANDY – 231 GILLESPIE ROAD, POUNDING MILL, VA

ROGICH ROAD

Mr. Travis Bandy asked the Board when they could meet together regarding Rogich Road. The County Administrator stated that they would try to set a meeting up for later that month. He explained that they've already written an easement but that they needed to know the route to put a map together for the route and then get Mr. Rogich to sign the easement.

Mr. Bandy stated that approximately 90% of the road was already there and that the biggest hurdle would be where the paved road intersects with Rogich and Gillespie roads. He suggested that if Mr. Rogich accepted the easement and the emergency gravel route was put in that the County maintain and upgrade the road every 2-3 years until they are at the point to where they can actually build the route. The County Administrator agreed and stated that phasing it like that would be wise. Mr. Young said he would get Mr. Dunford to get a figure on what he thinks would improve the safety of the route.

APPOINTMENTS

CLINCH VALLEY COMMUNITY ACTION AGENCY

Supervisor Stacy tabled his appointment for James Curtis Gillespie.

TALL STRUCTURES APPEALS BOARD

Supervisor Stacy tabled his appointment to find a replacement for Kay Bayless who no longer lives in the area.

ROAD VIEWERS

Upon motion of Supervisor Stacy, seconded by Supervisor Asbury, 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 appoints James Curtis Gillespie, 2013 Kimball Avenue, Bluefield, VA 24605 to the Tazewell County Road Viewers with a term commencing immediately and expiring June 20, 2020.

Supervisor Asbury tabled her appointment for Ray Howell.

NINTH DISTRICT DEVELOPMENT FINANCING, INC.

Upon motion of Supervisor Hackworth, seconded by Supervisor Lester 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 rescinds the previous appointment of A.J. Robinson and appoints Pam Warden, 197 Main Street, Tazewell, Virginia 24651 to the Ninth District Development Financing, Inc. with a term commencing immediately and expiring June 30, 2021.

TRANSPORTATION SAFETY COMMISSION

Supervisor Asbury tabled her appointment for a replacement for Ray Howell.

APPROVAL OF REVISION OF TRANSPORTATION SAFETY COMMISSION BYLAWS

Mr. Collins announced that the Transportation Safety Commission held its meeting and that a quorum was present. During that meeting the Commission made a motion to amend the bylaws. Mr. Collins explained that the bylaws of the Transportation and Safety Commission are not affective until ratified by the Board of Supervisors. He noted the changes in the bylaws provided to the Board in their packets.

Upon motion of Supervisor Hymes, 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 ratifies the Bylaws of the Tazewell County Transportation Safety Commission as amended by the Tazewell County Transportation Safety Commission on August 26, 2019. A copy of the bylaws is on file in the office of the County Administrator, 197 Main Street, Tazewell, Virginia 24651.

CONSIDERATION TO HOLD A PUBLIC HEARING FOR AMENDING BUDGET FOR INCLUDING GRANTS FOR THE AASC FOR THE FALLS MILLS ADULT DAYCARE CENTER, INCLUDING AUTOMOTIVE EXCELLENCE GRANTS FOR SVCC, AND APPROPRIATING ONE MILLION DOLLARS (\$1,000,000.00) TO A RESERVE FUND

The County Administrator stated that the County is required to hold a public hearing and advertise anytime it plans to amend its budget by more than 1%. Mr. Young explained that the County will be the fiscal agent for an AASC grant flowing through from the State and then back to AASC in the amount of \$1.5 million. He stated that the County would also be the fiscal agent for a SVCC grant in the approximate amount of \$600,000.00. Combining those two together the County is close to 1% of its budget, which necessitates advertising for a public hearing.

Mr. Young then discussed his suggestion of appropriating \$1,000,000.00 to a reserve fund. He recalled the Treasurer's report earlier that evening. He explained that they budgeted on the assumption that they would have about \$1 million left over at the end of the year but they ended up having over \$2 million left. Mr. Young recommended that the Board put the extra million in a reserve fund to help rebuild their reserves.

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy 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 the County Administrator to advertise for a public hearing on October 1, 2019 to amend the Tazewell County budget.

Mr. Young suggested having an ordinance created that states that the Board of Supervisors wouldn't be able to withdraw money from the reserve fund without voting specifically to do so.

Upon motion of Supervisor Stacy, seconded by Supervisor Lester 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 the County Administrator to advertise for a public hearing on October 1, 2019 to consider an ordinance creating reserve fund within Tazewell County annual budget.

FOUR COUNTY TRANSIT-APPALACHIAN AGENCY FOR SENIOR CITIZENS CONTRACT APPROVED

The County Administrator stated that the Board approved an email poll regarding the contract with AASC. He noted that this was something that the County has done for many years and that he feels that this is a very good program that runs well. The Board agreed that Ms. Regina Sayers from AASC does a great job with their programs.

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 approve the Four County Transit-Appalachian

Agency for Senior Citizens Contract as written. A copy of the contract is on file in the office of the County Administrator, 197 Main Street, Tazewell, Virginia 24651.

CUMBERLAND PLATEAU REQUEST OF \$11,621.00 PAYMENT WAIVED IN LIEU OF TAXES

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 approves the Cumberland Plateau request for waiver of payment in lieu of taxes in the amount of \$11,621.00, as submitted in the letter included in the agenda.

CONSIDERATION OF NAMING ROAD IN FRONT OF LOWES IN CLAYPOOL HILL

The Board not having a name for the road tabled this consideration until a later meeting.

ADOPTED AMENDED SUBDIVISION ORDINANCE REGARDING VARIANCES FROM GENERAL REGULATIONS

The Board had a lengthy discussion regarding the subdivision ordinance that had been tabled since the June 25, 2019 joint public hearing held with the Planning Commission. The Planning Commission had previously recommended the ordinance to the Board of Supervisors for a vote and Mr. Collins noted that the Planning Commission expressed concerns regarding the ordinance.

Supervisor Stacy and felt strongly that adjoining land owners should receive notice of requests made by developers or neighbors seeking to vary from the general regulations of subdivisions.

Chairman Hackworth stated that adopting the ordinance would hurt development in Tazewell County by creating additional layers for the developers to deal with.

The County Administrator argued that from the perspective of non-developers is if they buy their property subject to certain laws and their neighbor is subject to those same laws, then if something is going to be done that they don't have to abide by the laws, then the adjoining property owner should be able to at least have a notice and argue the reasons why the variance shouldn't be granted.

Supervisor Hymes protested that the Planning Commission shouldn't have unanimously voted and recommended the ordinance to the Board of Supervisors to vote on if they did not agree with it.

A lady from the audience spoke up regarding a similar situation in which she was negatively impacted by a variance that she was never notified or knew anything about. She believed that adjoining landowners deserved to be notified.

Upon motion of Supervisor Stacy, seconded by Supervisor Hymes, and adopted by a vote of 3 to 2, with Chairman Hackworth and Supervisor Lester opposing, the Tazewell County Board of Supervisors hereby adopts "An Ordinance to Amend Appendix A, Section 7-1 of the Tazewell County Code of Ordinances Regarding Variances from General Regulations of Subdivisions". A copy of the Ordinance can be found on file at the County Administration Office.

EXECUTIVE/CLOSED MEETING – 8:44 P.M.

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy 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 enters into an Executive/Closed meeting, pursuant to Virginia Code Section 2.2-3711:

- A(1) Personnel regarding annual evaluation of Administrator
- A(1) Personnel in Economic Development

RETURN/CERTIFICATION/REPORT OF ACTION – 11:14 P.M.

CERTIFICATION OF EXECUTIVE/CLOSED MEETING TAZEWELL COUNTY BOARD OF SUPERVISORS

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, 2.2-3711 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.

The Chair called for a roll call Vote on the Certification:

Ayes: All Five (5)

Nays: None (0)

Absent: None (0)

Absent during vote: None (0)

Report of Action: None (0)

BOARD CONCERNS

- ❖ The Board tabled the Virginia War Memorial Foundation funding request

GREATER BLUEFIELD CHAMBER OF COMMERCE, INC. BLUEFIELD COAL SHOW SPONSORSHIP

\$1,750.00 CONTINGENCY FUND

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy 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 approves the amount of \$1,750.00 from the Contingency Fund Account No. 91050-7023 payable to the Greater Bluefield Chamber of Commerce, Inc., 619 Bland Street, Bluefield, WV 24701; Phone: 304-487-1502. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

SUPERVISOR LESTER

CEDAR BLUFF BUSINESS & PROFESSIONAL ASSOCIATION – CEDAR BLUFF FESTIVAL

\$2,500.00 WESTERN

\$2,500.00 NORTHWESTERN

Upon motion of Supervisor Lester, seconded by Supervisor Stacy 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 approves the amount of \$2,500.00 from the Western District fund and \$2,500.00 from the Northwestern District Fund for a total amount of \$5,000.00 payable to the Cedar Bluff Business and Professional Association, P.O. Box 201, Cedar Bluff, Virginia 24609; attn: Linda Singleton. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

SUPERVISOR STACY

EMERGENCY SERVICES COMMITTEE BOARD REPRESENTATION

Supervisor Stacy discussed that someone contacted him requesting that someone from the rescue squad be placed on the ESC Board as representation. He explained that the person who

made the request felt as if the rescue squad was a subject of discussion but that there wasn't anyone on that board as representation. Supervisor Stacy mentioned Courtney Harmon as a recommendation. Supervisor Hymes stated he would bring it up at the next ESC meeting.

SUPERVISOR ASBURY

TOWN OF POCAHONTAS – PUMPKIN FESTIVAL

\$600.00 NORTHERN

Upon motion of Supervisor Asbury, seconded by Supervisor Stacy 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 approves the amount of \$600.00 from the Northern District Fund payable to the Town of Pocahontas, Virginia 24635, attn: Ben Gibson for the annual pumpkin festival. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

NOTE: The Northern District Fund is in a deficit and will reimburse \$600.00 to the Eastern District Fund.

ADJOURN

Now, there being no further business to be transacted and upon motion of Supervisor Hymes, seconded by Supervisor Stacy 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 adjourns this meeting to October 1, 2019 at 4:00 p.m.

Travis Hackworth, Chair

By: WP

Adjourn time: 11:20 p.m.