

VIRGINIA: AT THE RECESSED MEETING OF THE TAZEVELL COUNTY BOARD OF SUPERVISORS HELD JUNE 25, 2020 AT FOUR O'CLOCK P.M. IN THE TAZEVELL COUNTY ADMINISTRATION BUILDING, 197 MAIN STREET, TAZEVELL, VIRGINIA 24651

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

ABSENT: NONE

Chairman, Charles Stacy called the recessed meeting to order and presided, with all members in attendance.

The Chairman welcomed those in attendance and citizens who were participating by conference call. Citizens were able to call in and participate in the meeting by calling (425) 436-6388 and entering the access code 836650.

Supervisor Hackworth gave the invocation followed by The Pledge of Allegiance to the United States led by Supervisor Lester.

AGENDA APPROVED AS AMENDED

Supervisor Hymes added issue House Bill 1537 and Senate Bill 183 under Scheduled Citizens Comments of the agenda. He clarified that this was a discussion regarding historic monuments.

Supervisor Hackworth added to his Board Concerns on the agenda a review of the junk yard ordinance.

Upon motion of Supervisor Lester, 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 approves the June 25, 2020 agenda as amended.

MINUTES APPROVED AS WRITTEN

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 June 2, 2020 Tazewell County Board of Supervisors meeting minutes as written.

CONSENT CALENDAR

Upon motion of Supervisor Hackworth 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 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 June 2020

Payroll

Ordered that Warrant Nos. 144846 through 144867, and direct deposits totaling \$243,000.37 from the General, covering payroll for the various County agencies, for the period ending May 29, 2020, be approved.

Ordered that Warrant Nos. 144869 through 144888, and direct deposits totaling \$244,262.36 from the General Fund, covering payroll for the various County agencies, for the period ending June 15, 2020, be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 490010 through 490090, and electronic transfers (ACH) totaling \$228,802.43 from the General, Landfill Enterprise, Capital Outlay, and Law Library, covering operating expenses for the various County agencies issued May 26, 2020, be approved.

Ordered that Warrant Nos. 490092 through 490102, for \$146,870.28 from the General, covering payroll deductions for the various County agencies for the period ending May 29, 2020, be approved.

Ordered that Warrant Nos. 490104 through 490213, and electronic transfers (ACH) totaling \$496,310.83 from the General, Landfill Enterprise, Capital Outlay and Law Library Funds, covering operating expenses for the various County agencies issued June 10, 2020, be approved.

Ordered that Warrant Nos. 490215 through 490226, for \$141,705.32 from the General Fund, covering payroll deductions for the various County agencies for the period ending June 15, 2020, be approved.

Handwritten

No Warrants were issued from the General, Landfill Enterprise, Capital Outlay, and Law Library funds, covering operating expenses for the month of May 2020.

- Sheriff's Department – Transferred the following amounts from the Contingent Expenditures and Grant Account No. 91050-7041 to the Sheriff Department Accounts as follows:
 - \$2,003.71 to Acct. 31020-6009 (received from VACORP)
 - \$9,500 to Acct. 31020-8105 (received from County of Patrick)

- \$5,000.00 to Acct. 31020-8105 (received from City of Frankfort)
- Approved a resolution adopting the County of Tazewell Cafeteria Plan. A copy is on file in the County Administration Building, 197 Main Street, Tazewell, VA 24651.
- Surplussed Tazewell County 1985 Fire Engine VIN#P9CAO2D7FA040970
- Northwestern District Fund
 - Ratified email poll and payment in the amount of \$280.00 from the Northwestern District fund payable to Swank Motion Pictures, Inc., 2844 Paysphere Circle, Chicago, Illinois 60674.
 - Ratified email poll and payment in the amount of \$320.00 from the Northwestern District fund payable to Vance Graphics, LLC, 175 Green Mountain Rd., Pounding Mill, Virginia 24637.
 - Ratified email poll and payment in the amount of \$1,500.00 from the Northwestern District fund payable to Jewel Ridge Development Corporation for fireworks.
- Eastern District Fund
 - Ratified email poll and payment in the amount of \$195.00 from the Eastern District fund payable to Vance Graphics, LLC, 175 Green Mountain Rd., Pounding Mill, Virginia 24637.
- Western District Fund
 - Ratified email poll and payment in the amount of \$195.00 from the Western District fund payable to Vance Graphics, LLC, 175 Green Mountain Rd., Pounding Mill, Virginia 24637.
- Northern District Fund
 - Ratified email poll and payment in the amount of \$195.00 from the Northern District fund payable to Vance Graphics, LLC, 175 Green Mountain Rd., Pounding Mill, Virginia 24637.
- Re-appropriated accounts maintained by the Treasurer's Office: Sheriff Federal Forfeiture \$1.02; Sheriff State Forfeiture \$19,815.93; Commonwealth Attorney Federal Forfeiture \$9,589.67; Commonwealth Attorney \$54,453.69; and Abbott Commonwealth Attorney \$6,278.68.

KENNETH DUNFORD – DIRECTOR OF ENGINEERING

The Director of Engineering reported that he has sent in all comments regarding the Clearfork Flood study and awaiting to hear back from them.

Mr. Dunford stated that the landfill requested that the County pass a resolution in support of the Solid Waste Management Plan.

AUTHORIZED RESOLUTION IN SUPPORT OF SOLID WASTE MANAGEMENT PLAN

Upon motion of Supervisor 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 authorizes a RESOLUTION IN SUPPORT OF THE TAZEVELL COUNTY SOLID WASTE MANAGEMENT PLAN. A copy of the Resolution can be found on file in the County Administration Building, 197 Main Street, Tazewell, Virginia 24651.

AUTHORIZED EMERGENCY SUSPENSION OF ORDDINANCE REQUIRING COMMERCIAL HAULERS TO DISPOSE OF WASTE COLLECTED IN TAZEVELL COUNTY AT LANDFILL

Mr. Dunford mentioned that he was tracking daily the extra tonnage that the landfill has been receiving and working with Santek to resolve some of the issues. The County Administrator proposed to the Board that they consider emergency suspension of the Ordinance requiring commercial haulers to dispose of waste collected in the County at the Tazewell County Landfill to help slow the flow of waste coming into the landfill temporarily. Mr. Young explained that the Ordinance was enacted two years ago to capture revenue that was leaving the County. He stated that Lusk is primarily a commercial hauler in Tazewell County and has their own landfill in West Virginia. Mr. Young commented that Lusk had made complaints when the Ordinance was enacted but as a result it has generated the County some significant revenue.

Upon motion of Supervisor Lester seconded by Supervisor Asbury and adopted by a vote of 4 to 0, with Supervisor Hackworth abstaining, the Tazewell County Board of Supervisors hereby authorizes an emergency suspension of the Ordinance requiring commercial haulers to dispose of waste collected in Tazewell County at the Tazewell County Landfill.

PUBLIC HEARINGS SET TO CONSIDER AMENDING LITTERING ORDINANCE

The County Administrator asked that the Board consider amending the littering ordinance to make the disposal of waste at convenience areas and landfill by persons not residents of the County a class I misdemeanor. Mr. Young explained that it was currently a class III misdemeanor with a maximum fine up to \$1,000.00 and further explained that if the Board

makes it a class I misdemeanor the fine would increase to \$2,500.00 with up to twelve (12) months in jail. He commented that the County was receiving a lot of waste from nonresidents. Mr. Collins informed the Board that in order to amend the ordinance they would need to hold a public hearing.

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 authorizes and directs the County Attorney to advertise for a public hearing on August 4, 2020 to consider amending the littering ordinance to make disposal of waste at convenience areas and landfill by persons not residents of Tazewell County a Class I misdemeanor and upon further motion authorizes and directs the County Attorney to advertise for an additional public hearing on August 4, 2020 to consider revising the litter ordinance to include disposal of waste at convenience areas after hours, outside of fence, and outside of dumpster to a Class I misdemeanor.

Mr. Dunford said he was working with the County Attorney's Office on right-of-way issues regarding Clinic Road.

APPROVED RESOLUTION OF SUPPORT FOR SMART SCALE PROJECTS INVOLVING US 460 RT. 19 INTERSECTION IMPROVEMENTS

Mr. Dunford reported working on Smart Scale applications for two projects. The projects involve US 460 Rt.19 and US 460 Rt. 610 intersection improvements. He asked the Board to approve two separate resolutions in support of the projects.

Upon motion of Supervisor Hackworth 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 approves a RESOLUTION OF SUPPORT FOR SMARTSCALE PROJECT APPLICATION FOR U.S. ROUTES 19 AND 460 INTERSECTION IMPROVEMENTS PROJECT. A copy of the Resolution is on file in the County Administration Building, 197 Main Street, Tazewell, Virginia 24651.

APPROVED RESOLUTION OF SUPPORT FOR SMART SCALE PROJECTS INVOLVING US 460 RT. 610 INTERSECTION IMPROVEMENTS

Upon motion of Supervisor Lester seconded by Supervisor Hackworth 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 a RESOLUTION OF SUPPORT FOR SMARTSCALE PROJECT APPLICATION FOR U.S. ROUTE 460 AND VIRGINIA SECONDARY ROUTE 610 IMPROVEMENT PROJECT. A copy of the Resolution is on file in the County Administration Building, 197 Main Street, Tazewell, Virginia 24651.

PAVING CONTRACT AMENDED

Mr. Dunford then discussed the paving contract stating that AAA Paving had already started paving and planned to have their portion of the contract completed by the end of that week. He informed the Board that there was an issue regarding Holly Brook Road and Deer Meadow Road, explaining that the roads had to be removed from the contract due to a bridge inspection report they received. The allowable tonnage allowed on the bridge was reduced to eleven tons and the contractor's equipment totals thirteen tons. Mr. Dunford requested authorization to amend the paving contract to remove Holly Brook Road and Deer Meadow Road and replace them with two other roads next in line from the road ranking list.

Upon motion of Supervisor Hackworth 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 the removal of Holly Brook Road and Deer Meadow Road from the paving contract and replacing them with Camelot Drive and Mall Church Road contingent upon the CST Committee's approval.

Mr. Dunford further reported that: Jimmy Crouse Street, Lockhart Street, and Atmore Street were on the schedule to be patch paved the following week; he found no safety issue on Pond Street with brush; and that the Planning Commission was working on the Comprehensive Plan.

ROBERTS RULES OF ORDER SUSPENDED

Upon motion of Supervisor Hymes, seconded by Supervisor Hackworth 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 suspend Roberts Rules of Order for the purpose of rearranging the June 25, 2020 agenda format as needed.

MIKE CLEMONS, GIGABEAM NETWORKS – THOMPSON VALLEY AND COVE INTERNET PROJECT UPDATE

The Board welcomed Mike Clemons from GigaBeam to the meeting. Supervisor Hymes asked for a progress update on getting internet to the Thompson Valley and Cove areas. Mr. Clemons responded that it was progressing and he had crews down there at that moment. He stated that five land owners made a verbal agreement with GigaBeam and one signed a contract that day for GigaBeam to be able to build out sites on their properties. Mr. Clemons clarified that out of the five agreements there would be eight sites because some of them own multiple properties. He stated construction would be starting immediately. Supervisor Hymes inquired about LTE. Mr. Clemons commented that Morris Knob has LTE but explained that it doesn't feed the entire valley. He uses micro tower sites to provide internet services throughout the area.

Supervisor Hymes asked when the internet would be functional. Mr. Clemons responded that everything should be completed by the end of July, possibly sooner and they would start installing internet for people after that week. Supervisor Hackworth commented that WSA member Marco Warner told the Board that GigaBeam needed a pole set on the Ratliff property. Clemons responded that they were able to find a work around. Supervisor Hymes requested that Mr. Clemons come back in August to provide an update. Clemons responded that would be fine but if things got done quicker he would let them know sooner.

Major Harold Heatley spoke up from the audience. He asked if there was any wireless internet accessibility for law enforcement, fire, and EMS services. Mr. Clemons responded that it wasn't available on every pole but that they were in the process of putting out free Wi-Fi access points. Their current goal in this is to help the school system in their transition to provide their students internet access across the county where they would be able to upload and download their assignments, which is especially helpful during the current pandemic and uncertainty of school schedules. He commented that he could easily put a Wi-Fi access point in Thompson Valley and that he would be making a Wi-Fi access point available in Bluefield, Virginia at his office location there.

EXECUTIVE/CLOSED MEETING – 4:42 P.M.

Upon motion of Supervisor Lester, seconded by Supervisor Hackworth 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(5) Project Jonah
- A(5) Project Ponderosa
- A(5) Project Sol
- A(29) EMS Contract with Richlands
- A(29) EMS Contract with Tazewell
- A(29) Fire Protection Contract with Bluefield, VA
- A(29) Negotiation of Scholarship Agreement with SVCC

RETURN/CERTIFICATION/REPORT OF ACTION – 6:25 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: One (1)

APPROVED EXHIBITS TO TOWN OF RICHLANDS EMS AGREEMENT

Upon motion of Supervisor Hackworth 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 approves Exhibit B and Exhibit C to the agreement for Emergency Medical Services with the Town of Richlands.

SPECIAL PRESENTATIONS

FIRST RESPONDERS DAY PROCLAMATION

Supervisor Hymes welcomed the room full of first responders to the meeting. He thanked them for their service and for putting themselves at risk daily to help County residents, especially even more so during the pandemic.

Now, Supervisor Hymes presented, read and moved to adopt the *June 2020 Proclamation First Responder Day*, with Supervisor Hackworth seconding and with all members present and voting in favor thereof and no one against the same. A copy of the proclamation is on file in the County Administration Building, 197 Main Street, Tazewell, Virginia 24651.

Mr. Barry Brooks thanked the first responders for all that they do and provided some words of encouragement. Chairman Stacy followed with a speech of gratitude for the County's first responders.

RESOLUTION IN MEMORY OF ANDREW "SETH" ALLISON

Now, Supervisor Asbury read and moved to adopt the *Resolution in Memory of Andrew "Seth" Allison*, with Supervisor Hymes seconding and with all members present and voting in favor thereof and no one against the same. A copy of the resolution is on file in the County Administration Building, 197 Main Street, Tazewell, Virginia 24651.

Supervisor Asbury had many kind words to say about Mr. Allison.

Supervisor Maggie Asbury then read a resolution in memory of Seth Allison sent from the Virginia House of Delegates by the request of Delegate James Will Morefield. A copy is on file in the County Administration Building, 197 Main Street, Tazewell, Virginia 24651.

Supervisor Asbury said the Resolutions would be presented to Mr. Allison's family at a cookout to be held in honor of naming the Pavilion at Coal Miner's park in memory of him.

CITIZEN COMMENTS SCHEDULED

1. Laura Mollo, 262 Linwood Drive, Richlands, Virginia – Ms. Mollo passed out a map of Tazewell County to the Board that included a breakdown between the current five districts. She had highlighted in yellow all of the Western District, Northwestern District, and a portion of the Northern District. She explained to the Board that in Richlands they are not able to call 911. When calling 911 their calls get routed to the County 911 system. She stated that the Richlands Police Department will not allow 911 to dispatch for them which is causing a huge delay in service. Through Ms. Mollo's research she has discovered on average that there is at least a two minute delay before that call can be dispatched from the Richlands Police Department but has seen calls where the delay times have been anywhere from 12-14 minutes before EMS workers can get dispatched. She strongly warned that the delay is having a negative impact on these residents as well as its healthcare, police department, and fire department workers. Ms. Mollo asked the Board to look at the second page of her handout. She explained that in 2013 the Virginia Fire Services Board did a Fire/EMS study in Tazewell County and at that time that board told the Board of Supervisors that the practice of self dispatch was creating confusion and jeopardizing overall service delivery. It was recommended that the County should continue its efforts to eliminate the use of this practice. She further explained that it was reported in 2013 that the Town of Richlands handles its own dispatch and that all 911 calls are routed through Tazewell County's Communications Center initially, which has

resulted in confusion among residents as well as delayed response to account for rerouting the call. It was recommended that the Town of Richlands and Tazewell County consolidate into one dispatch system. Ms. Mollo referenced her highlighted map pointing out that it affects more than just the Town of Richlands. Mrs. Mollo also had documentation of 911 calls from the year 2019, with each sheet containing about 24 calls each. The document appeared to be lengthy; she stated that this was the amount of calls that had been transferred in the year 2019. Flipping through the pages she stated that there are fire, stroke, falls, disturbances, and domestic violence calls that had to be placed on hold to be transferred. When she brought this concern before the Richlands Town Council meeting she was told that they had no interest in hearing what the Sheriff's Office and 911 had to say. She pleaded that the Board look at the Fire Safety Review from 2013 and the stack of calls being transferred that the citizens are unable to get the help they need in the amount of time given to them.

Chairman Stacy stated, "How would the citizens on that end (of the County) not rise up in revolt? They control the Council the Council doesn't control them. He acknowledged that they have known about this problem since 2013 and that the County has begged the Town of Richlands to fix the issue but they couldn't force them to do so. Supervisor Hackworth commented that he has spoken with some of the Town of Richlands Council members and that they have now agreed to do a study on the issue. Ms. Mollo stated that she was told to sit down that it wasn't her place to bring the issue up at a Council meeting that they made their decision and the 2013 study was irrelevant. She stated that she was firmly in support of having another study preformed. She further stated that the Fire Services Board in 2013 said that their system was so behind in Richlands that they were buying refurbished equipment off of EBay. She stated that most residents are unaware that their calls are being rerouted. Ms. Mollo then informed that it was against the law to promote the use of any other digits other than 9-1-1 because in the State of Virginia it is the official emergency number. She made them aware that their police website and magnets handed out by them promote (276) 964-9134 as their emergency call-in number, which is against the law. The County Administrator commented that the rerouting of calls actually impacts more than just 1/3 of the County and provided a scenario in which it would affect him (a Southern District resident) if he were in Claypool Hill Lowes and had a heart attack or if an Eastern District resident was involved in a car accident at Claypool Hill intersection. Mr. Young explained that the County had offered to help fix this and asked Richlands to do so. Ms. Mollo's mentioned that she has made FOIA requests for some of the calls. In one of the calls it took 14 minutes for the transfer of a call involving a fire. The gentleman ended up dying. Chairman Stacy stated that within the past 3 months the Board has tried to negotiate with the Town of Richlands on this issue with no luck.

Supervisor Hymes asked if Richlands radios were not compatible with the County systems. Major Harold Heatley commented that they can hear them clear as a bell at 911 but Richlands could not hear them because of their outdated equipment that is at least 20 years old. Mr. Heatley explained that when the original grant came out and all of the radio systems were put in place for

all agencies including every police, fire, and EMS agency in the County the Town of Richlands said they wanted to have their own radio system. The County went ahead and done an entire range and got radios for every single person and agency in the County and 911 even helped install and program them. Mr. Heatley referenced a letter that their own fire chief and rescue chief stated that they couldn't transfer the calls because their equipment is not compatible with the County's because their own equipment is so old. He stated that Sheriff Hieatt made his stance clear and responded that the delayed care of the citizens of this County is despicable and we should all be ashamed. Heatley spoke strongly stating that it isn't right what is being done that people have died.

Ms. Mollo informed the Board that in 2023 the equipment Richlands is using will become illegal in the State of Virginia. She said that there are millions of dollars in grants available right now to upgrade the equipment and go to the County 911 system.

PUBLIC HEARING – PROPOSED ORDINANCE TO AMEND TAZEVELL COUNTY MERCHANTS' CAPITAL TAX LEVIES FROM \$3.80 PER \$100.00 OF ASSESSED VALUE TO \$4.30 PER \$100.00 OF ASSESSED VALUE

7:08 PM -7:13 PM

The Chairman called to order a public hearing that was duly advertised according to law regarding AN ORDINANCE TO AMEND TAZEVELL COUNTY MERCHANTS' CAPITAL TAX LEVIES FROM \$3.80 PER \$100.00 OF ASSESSED VALUE TO \$4.30 PER \$100.00 OF ASSESSED VALUE.

Now, the Chairman called for public comments from the floor three times with regard to the public hearing. There being no comments he declared the public hearing closed.

Supervisor Hymes stated that he brought this up because in 2013 former Supervisor John Absher and himself reduced the merchants' capital tax levies in hopes that it would spur business activity but it has not. Hymes asked for a motion to amend the ordinance.

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 approve AN ORDINANCE TO AMEND TAZEVELL COUNTY MERCHANTS' CAPITAL TAX LEVIES FROM \$3.80 PER \$100.00 OF ASSESSED VALUE TO \$4.30 PER \$100.00 OF ASSESSED VALUE. A copy of the Ordinance is on file in the County Administration Building, 197 Main Street, Tazewell, Virginia 24651.

CONFEDERATE STATUE DISCUSSION

Supervisor Hymes held up a petition he received with 55 signatures on it in favor of keeping the confederate statue in its present location in front of the courthouse and discussed that he has also received emails from residents who would like the statue moved to a different location.

Mr. Collins discussed HB 1537 that was signed by Governor Northam. The bill regards the removal, relocation, contextualizing, or covering of any monument or memorial for war veterans on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, regardless when the monument or memorial was erected, and removes certain criminal and civil penalties. Mr. Collins stated that there were two avenues in which the Board may proceed: 1) Hold a Public Hearing on the issue whether to remove it, move it, contextualize it, or cover it. He clarified that if this avenue was taken the vote must occur within 30 days of the public hearing. 2) Make a motion that a petition be drafted and submitted to the Circuit Court of Tazewell County, Virginia to place that question on the ballot. He explained that should the Board make that motion subsequent to July 1, 2020 he would prepare a petition and file it with Tazewell County Circuit Court as long as he was within 81 days of the general election. He clarified that this was not a mandatory obligation prior to the public hearing and also wouldn't be binding by the Board. There was a lengthy discussion among the Board. They decided to wait until the end of the Board meeting to make a decision on the Recessed Meeting date.

PRESENTATION PROPOSED CHANGES TO TAZEVELL COUNTY BUDGET FY 2020-21

The County Administrator, Eric Young, presented changes from the proposed budget as advertised for FY20. A copy of Mr. Young's presentation is on file in the County Administrator's Office, 197 Main Street, Tazewell, Virginia 24651.

The County Administrator talked about the budget and its built in assumptions of what they thought would happen. One of the predictions they were told by the Commonwealth of Virginia was to expect a 24% decrease in sales tax revenue in April and May during the shutdown. The County was expected to lose \$250,000.00 in sales tax revenue. Instead in April 2020 the sales tax revenue was actually \$50,000.00 higher than in April 2019. He stated that they didn't know exactly why but suspected it was because most sales in Tazewell occur in Walmart, Dollar General, Lowes, grocery retailers, and other places that remained open. Travel was discouraged and most residents usually shop outside the County in Bristol, Christiansburg, or Mercer Mall but those outlets were unavailable. Another reason for the higher sales tax revenue may be the stimulus money that was received by numerous citizens.

Mr. Young stated that health insurance costs finished the year lower than expected in the FY20 budget. The reason was most likely due to elective procedures and doctor visits being deferred during the shutdown.

The County Administrator reported that the Regional Jail population dropped during the shutdown. Prior to the shut down it had risen by 18% in FY20. The drop at the end of the fiscal year saved the County \$275,000.00 for FY21.

Mr. Young said that previously the County balanced its budget by spending its \$500,000.00 reserves. He said earlier that day the budget committee decided that they were not going to spend its reserves and start working on building it. They made the decision that they would take the \$275,000.00 the County saved from the Regional Jail and put towards SVCC Scholarship funding.

Another change Mr. Young mentioned was that Tourism's budget was initially cut by \$68,000.00 but they decided they would restore \$30,000.00 back into their budget. They believe there will be a lot of opportunities for outdoor recreation. The budget committee also restored the Orphan Road Maintenance budget from \$0 to \$15,000.00. Mr. Young discussed the County's deficit during recent years with hopes of reversing the trend commenting they are slowly making progress.

MOTION FAILED – ADDING \$5,000.00 TO EACH DISTRICT FUND

Supervisor Hymes made a motion to add \$5,000.00 to each district fund. The motion failed for lack of a second.

BUDGET AMENDMENTS APPROVED

Upon motion of Supervisor Hackworth seconded by Supervisor Lester and adopted by a vote of 4 to 1, with Supervisor Hymes opposing, the Tazewell County Board of Supervisors hereby approves the Tazewell County Budget Amendments for FY21 as presented by the County Administrator and as compiled by the Tazewell County Budget Committee/Finance Office. A complete list of the budget amendments is on file in the office of the County Administrator, 197 Main Street, Tazewell, Virginia 24651.

ADDITIONAL BUDGET AMENDMENTS APPROVED - \$56,000.00 FROM FY19 BOND REVENUE ISSUE TOWARDS ROOFING THE COURTHOUSE

Upon motion of Supervisor Hackworth, 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 approves a further amendment to the FY21 proposed budget to allow \$56,000.00 from the FY19 bond revenue issue to use towards roofing the courthouse.

ADDITIONAL BUDGET AMENDMENTS APPROVED - \$60,000.00 SET ASIDE FROM BLUEFIELD, VA FIRE DEPARTMENT FOR COVERAGE OF EASTERN AND NORTHERN DISTRICTS

Upon motion of Supervisor Hackworth, 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 authorize the budget to include \$60,000.00 from Bluefield, Virginia Fire Department for coverage in the Eastern and Northern districts.

ORDINANCE ADOPTED APPROVING THE FY2020-21 BUDGET ORDINANCE, ADOPTING LOCAL TAX LEVIES, AND BUDGET FOR THE COUNTY OF TAZEWEILL, VIRGINIA FOR FISCAL YEAR BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021, TO BE EFFECTIVE ON JULY 1, 2020 AT 12:01 A.M. AS HEREBY AMENDED:

Now, after a public hearing on the proposed budget was held in accordance with applicable Codes, on June 2, 2020 and which public hearing was advertised in local newspapers having general circulation within Tazewell County, with said certificate of publication on file in the office of the County Administrator, 197 Main Street, Tazewell, Virginia, and following approval of the amendments to the aforementioned budget by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, and upon motion of Supervisor Hackworth, seconded by Supervisor Lester and adopted, the Tazewell County Board of Supervisors hereby adopts an “Ordinance Adopting Local Levies and Budget for the County of Tazewell County, Virginia for Fiscal Year Beginning July 1, 2020 and Ending June 30, 2021 As Hereby Amended.” A copy of the complete budget ordinance as hereby amended and has hereby adopted in its amended form is on file in the office of the County Administrator, 197 Main Street, Tazewell, Virginia 24651.

APPROVAL OF LOCAL TAX LEVIES, FOR CURRENT YEAR, CALENDAR YEAR 2020

Upon motion of Supervisor Hackworth, 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 the Local Tax Levies for current year, Calendar Year, 2020.

ANNUAL APPROPRIATION FOR ALL GENERAL COUNTY AGENCY BUDGETS

Upon motion of Supervisor Asbury, seconded by Supervisor Hackworth 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 an annual appropriation for the operation of all General County Agency budgets, for fiscal year beginning July 1, 2020 and ending June 30, 2021 effective July 1, 2020 at 12:01 a.m.

BUDGET TRANSFERS/APPROPRIATIONS

Upon motion of Supervisor Asbury, 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 approves budget transfers/appropriations as may be necessary from surplus accounts, etc. to close all such accounts for the fiscal year ending June 30, 2020

CATEGORICAL FUNDING FOR TAZEWell COUNTY SCHOOL BOARD BUDGET, FY20-21

Upon motion of Supervisor Hackworth, 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 Categorical Funding for the Tazewell School Board Budget FY20-21, contingent upon the new breakdown of monies being included in the funding amounts.

PUBLIC HEARING SET TO CONSIDER AN ORDINANCE AMENDING THE LOCAL TAX BILLING SCHEDULE

Supervisor Hackworth said that the County currently has a tax deadline by December 5th every year. He stated that by billing constituents one time a year it created hardships for them. One issue it causes is that most of the funding for the County doesn't come in until after October, creating a cash flow problem. Supervisor Hackworth said that Mr. Larimer was also in favor of changing local tax billing schedules to half of the bill due in June and the second half of the bill due in December.

Upon motion of Supervisor Hackworth, 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 the County Attorney to advertise for a public hearing in September to consider an ordinance to amend the local tax billing schedules to half of the bill due in June and the second half of the bill due in December.

COVID-19 UPDATE

The County Administrator reported that VDH sent a press release to the County today regarding antibody testing. Antibody testing reveals whether or not a person has had the virus. He explained that with this type of testing the numbers may start to increase but he didn't want the public to panic because it may be someone who has recovered and no longer contagious. Mr. Young stated that there's a possibility of a second wave in cases because other places in the country were experiencing another wave.

CONTINUES LOCAL STATE OF EMERGENCY DUE TO CORONAVIRUS

Upon motion of Supervisor Asbury, seconded by Supervisor Hackworth 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 extends the previously declared State of Emergency due to COVID-19 until August 4, 2020.

CARES ACT FUNDING

Mr. Young discussed CARES Act funding that the County received to help with responding to the COVID crisis. He requested that the Board appoint two committees; one committee to advise the Board on how to spend CARES money and another committee to advise the Board on how to assist businesses with remaining funds. Mr. Young reached out to Dr. Mulkey with Clinch Valley Medical Center and Alicia Bales from Tazewell Carilion Hospital and both have agreed to serve. Mr. Young would also like to include Dave White, Coordinator of Emergency Management; Barry Brooks, EMS and Fire Director; Supervisor Maggie Asbury; and the town managers on the COVID Preparedness Committee.

COVID PREPAREDNESS COMMITTEE APPOINTMENTS

Upon motion of Supervisor Hackworth, 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 appoint Dr. Peter Mulkey, Alicia Bales, Dave White, Barry Brooks, Supervisor Maggie Asbury, and each of the town managers to serve as members of the COVID Preparedness Committee.

COVID BUSINESS ASSISTANCE COMMITTEE APPOINTMENTS

The County Administrator asked that town managers be included on the COVID Business Assistance Committee. Mr. Young discussed plans to distribute funds fairly amongst each town. He suggested that an IDA representative be on the committee. Supervisor Lester recommended that a member of the Chamber of Commerce and someone who works in workforce development be involved.

Upon motion of Supervisor 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 appoint town managers, Supervisor Mike Hymes, an IDA representative, Lori Stacy, and a member from the workforce development group to the COVID Business Assistance committee.

COVID PREPAREDNESS COMMITTEE APPOINTMENT

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 appoint Regina Sayers, Executive Director of AASC as a member of the COVID Preparedness Committee.

The County Administrator stated that the County has \$3,550,000.00 in CARES Act funding. Mr. Young recommended that they set \$1,000,000.00 aside and be prepared in case a COVID outbreak occurs in the fall. He then recommended setting aside another \$1,000,000.00 to divide it up and reimburse government and human service agencies as much as possible for what they spent thus far. Mr. Young then advised that they should take the third million and use it towards helping with business assistance, leaving \$550,000.00 left over.

Mr. Young requested that the Board authorize him to take \$550,000.00 from the CARES Act funding and deploy it to each of the towns based on their population to reimburse them for expenses they've had thus far and to also prepare for anything they need to buy right now going forward. Mr. Young proposed that they distribute \$100,000.00 in reimbursement funds to the towns and ourselves based on our relative populations. Richlands would receive \$13,000.00; Bluefield \$12,000.00; Town of Tazewell \$10,000.00; Cedar Bluff \$3,000.00; Pocahontas \$1,000.00; and Tazewell County \$61,000.00. He clarified that this would not cover the costs that we are out but that it is something quickly. For preparedness funds he would allocate \$150,000.00 based on populations. Richlands would receive \$19,500; Bluefield \$18,000.00; Tazewell \$15,000.00; Cedar Bluff \$4,500.00; Pocahontas \$1,500.00; and Tazewell County \$91,500.00. This would provide them quick cash if they needed to purchase PPE, hand sanitizer, ultraviolet lighting, or other materials and equipment to prevent the spread of the illness. Mr. Young then discussed his plans for critical business response. He proposed distributing \$100,000.00 to assist restaurants because they were directly asked to shut their dining areas down. Mr. Young said he would distribute the funds based on the number of restaurants in each of those corporate limits in Tazewell County. Mrs. Robinson is working with the VDH to get a count of the restaurants through licensure. Mr. Young stated that retail businesses would be handled the same way and that the Board would allocate \$100,000.00 for immediate relief for businesses other than retail establishment or restaurants based upon population.

Upon motion of Supervisor 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 adopt the PROPOSED ALLOCATION OF CRITICAL CARES RELIEF FUNDING guidelines with the modification that it includes the businesses that received PPE and would be allowed under the CARES Act to receive funding that the towns could disperse to them as well. A copy of the guidelines as adopted is available at the County Administrator's Office, 197 Main Street, Tazewell, Virginia 24651.

APPOINTMENTS

TOURISM DEVELOPMENT COMMITTEE

Chairman Stacy tabled his appointment to find a replacement for Michael Brown. Supervisor Hackworth also tabled his appointment to find a replacement for Adrienne Cordle.

WIRELESS SERVICE AUTHORITY

Upon motion of Supervisor Hymes, seconded by Chairman 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 reappoints Mike Watson, 112 Huffard Drive, Bluefield, Virginia 24605 and Sam Kinder, 1129 Laurel Creek Lane, Broadford, Virginia 24316 as members of the Wireless Service Authority, with a term continuing and expiring on June 30, 2024 (four (4) year term).

REDISTRICTING COMMITTEE – CENSUS 2020

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 appoints Pete Davis, P.O. Box 561, North Tazewell, Virginia 24630 and Brad Aires, 51 College Drive, Bluefield, Virginia as members of the Redistricting Committee, with terms commencing on August 1, 2020 and expiring December 31, 2021.

FULLER PEERY BUILDING WILL REMAIN UNRENTED DUE TO CORONAVIRUS CONCERNS

Mr. Young stated that the Fuller Peery building at the fairgrounds would remain unrented until at least August 7th.

VEHICLE/DIESEL FUEL BID AWARDED TO JAMES RIVER SOLUTIONS

Upon motion of Supervisor Hackworth, 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 awards the 2020-21 Fuel Bid for Vehicle-Diesel Fuel for Tazewell County, Virginia, effective July 1, 2020 to June 30 2021 to James River Solutions, P.O. Box 1335, Charlotte, NC 28201 – based on prices submitted in a bid received on June 12, 2020 at 1:00 p.m. A copy of the bid prices as awarded is on file in the office of the County Administrator, 197 Main Street, Tazewell, VA 24651.

RATIFIED POLL FOR CLOSING COUNTY OFFICES ON JUNE 19TH AT 11:30 A.M.

Upon motion of Supervisor Hymes, seconded by Supervisor Hackworth 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 ratify poll closing County Offices on June 19th at 11:30 A.M.

AUTHORIZED COUNTY ADMINISTRATOR TO RETAIN FIRM TO REPRESENT EMPLOYEE HEALTHCARE PLAN IN PARDUE PHARMA BANKRUPTCY

The County Administrator explained that the Board of Supervisors was suing Pardue Pharma with many other localities for governmental costs that we have had based on their abuse of marketing of drugs. He stated this case pertains to the health care plan and explained that Perdue Pharma was supposed to give rebates back but have now declared bankruptcy. Then the County received a notice from them that they also intend to bankrupt debt they owe to our health insurance plan. This is a different separate claim. USI recommended a firm for the County to use to represent the County Employee Health Insurance Plan on a contingency basis.

Upon motion of Chairman Stacy, 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 authorizes the County Administrator to retain a firm to represent the employee healthcare plan in the Pardue Pharma Bankruptcy.

DECLARED SERVICE WEAPON OF DEPUTY LONG SURPLUS AND THE AUTHORIZATION TO SELL IT TO HIM

Upon motion of Supervisor 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 declares the service weapon of Deputy Long surplus and selling the same to him pursuant to Section 59.1-148.3 of the Code of Virginia.

EXECUTIVE/CLOSED MEETING – 8:50 P.M.

Upon motion of Supervisor Lester, seconded by Supervisor Hackworth 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 County Administrator Annual Evaluation

- A(1) Personnel regarding the Tourism and Community Development Department

RETURN/CERTIFICATION/REPORT OF ACTION – 10:16 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

SUPERVISOR HYMES

Supervisor Hymes asked that a letter be sent to Bluefield Regional Hospital asking them to not eliminate their services. He commented that Princeton wouldn't be able to handle all of our residents.

Supervisor Hymes has received complaints regarding motorcycles passing on double yellow lines along Rt. 16, Back of the Dragon. He recommended the Sheriff placing a deputy over there occasionally to stop this from happening.

SUPERVISOR ASBURY**OUTDOOR PLAQUE FOR “SETH ALLISON” NAMING AT PAVILLION #2 AT BOISSEVAIN PARK****TRANSFER FUNDS TO EMERGENCY MANAGEMENT****\$300.00 NORTHERN**

Upon motion of Supervisor Asbury, 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 authorizes the amount of \$300.00 to be transferred from the Northern District Fund to an Emergency Management Account; contact: Barry Brooks.

SUPERVISOR HACKWORTH**LANDFILL EMPLOYEES CONCERNS**

Supervisor Hackworth mentioned speaking with John from Santek the day before. John had mentioned to him that some of Santek’s employees who were originally employed by the County were giving them some trouble. Santek had concerns that if those employees were to be punished that the Board of Supervisors may be upset. The landfill has had several complaints from residents regarding some of the employees being rude to them. Supervisor Hackworth spoke to John on behalf of the Board and told him that if they had any former employees of Tazewell County who were not doing their job that they should get rid of them and that they should have the full backing of the Board. The County Administrator stated that Santek wasn’t asked to keep the employees but asked that they hire them and give them a fair chance.

RAVEN CAR GARAGE CONCERNS

Supervisor Hackworth received a call from Mr. Sam Barnett about a garage located in Raven near the supermarket. He had stated that the garage was brining in a lot of junk cars and making it a chop shop and selling stuff out of there. It is becoming an eyesore. Hackworth mentioned calling Mr. Young and Mr. White about the concern. Mr. White went down to the garage and stated there wasn’t much they could do about it. Mr. Collins was then contacted and asked to send the Junk Yard Ordinance to Supervisor Hackworth. Hackworth asked Mr. Collins to come up with an ordinance that would require the garage to place the car(s) behind a fence or blind if it was going to sit there longer than thirty days or whatever time frame would be decided so that it isn’t visible from the road. Mr. Barnett complained that some of these vehicles have been sitting in the same spot for about three years. Mr. Young mentioned that the County did have an Automobile Graveyard Ordinance that is separate but allows three inoperable vehicles on an owner’s property but the fourth vehicle would deem the property as an automobile

graveyard. He said they have given the garages a break on that because by definition the vehicles they have are probably non operable. Mr. Young mentioned trying to figure out a way to track the amount of time the vehicles have been sitting down there. Possibly drive by and take down the VIN#'s of the vehicles and then drive by in a month and see if they are still sitting in the same location. Mr. Young said they would look into a solution and present it at the August meeting.

RECESS

Now, there being no further business to be transacted and upon motion of Supervisor Hymes, 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 recesses this meeting to Tuesday, July 7, 2020 at 4:00 p.m.

NOTE: The recessed meeting for July 7, 2020 at 4:00 p.m. was postponed due to coronavirus and public health concerns. A Special Called meeting was then scheduled for Tuesday, July 21, 2020 at 4:00 p.m.

Charles A. Stacy, Chair
By: WP
Adjourn time: 10:35 p.m.