

**VIRGINIA:** AT A RECESSED MEETING OF THE TAZEVELL COUNTY BOARD OF SUPERVISORS HELD AUGUST 18, 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 (present by phone)  
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  
(present by phone)

**ABSENT:** NONE

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

#### **AGENDA APPROVED AS AMENDED**

The County Administrator added the following items to Executive Session:

- A(1) Personnel matter regarding EMS
- A(1) Personnel matter regarding Animal Shelter

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 the August 18, 2020 as amended.

**APPROVED SUPERVISOR HYMES' MEETING ATTENDANCE VIA PHONE**

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 Supervisor Hymes' meeting via phone attendance for August 18, 2020.

**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:

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

- \$664.85 to Acct. 31020-1150 (received from CMCS)
- \$592.24 to Acct. 3120-5510 (received from County of Bedford)
- \$2,965.00 to Acct. 31020-6009 (received from Dominion Auto)
- \$1,000.00 to Acct. 31020-6010 (received from Chicago Motors)
- \$51.90 to Acct. 31020-6001 (received from Timothy Hass)

911 - Transferred the following amounts from the Contingent Expenditures and Grant Account No. 91050-7041 to the 911 Department Accounts as follows:

- \$1,040.00 CASH to Acct. 35600-8109-15 (donations received at Blueridge Jeep Club Poker Run fundraiser held on August 1, 2020)

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

- \$250.00 to Acct. 12210-6009 (received from Brushfork Recycling)
  - \$90.00 CASH to Acct. 12210-6009 (received from V H Holmes Sons Inc)
- Authorized \$500.00 from the Southern District Fund payable to the Tazewell Lions Club; attn. Bryan Warden. 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.

The County Administrator deferred the following agenda items:

- County Garage Update
  - CAMOIN 310 Marketing Economic Development Assessment
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## COVID LEAVE POLICY

The County Administrator provided to the Board copies of the newly drafted Covid Leave Policy. Mr. Young discussed dilemmas with employees going and being voluntarily tested for Covid-19 without VDH directing them to do so. He stated that some employees have gone to get tested for their own personal sense of safety, which is fine, but it causes an issue when they are told to go home and self quarantine until their test results come back and in some cases it may be up to ten days before results are in. Mr. Young stated if VDH notifies an employee that they may have been in contact with a Covid positive person and requires that they be tested, then that employee is off until their test results come back and no sick leave is to be charged. The employee will be off with pay; it is a federal law. Supervisor Hackworth created a scenario and asked what would happen if a wife contracted Covid and was quarantined for two weeks and then a month later someone else in the household who hadn't previously tested positive, did. He asked if the wife would have to be quarantined again. Based on Mr. Young's understanding, if the person had already had Covid and recovered, then VDH would not quarantine that person again just because another household member gets it. Mr. Young detailed another issue: if an employee goes to the doctor with a preexisting issue such as high blood pressure and the doctor writes them an excuse requiring them to stay home due to Covid concerns. The County still has to pay the employee and not charge them sick leave. The County Administrator made very clear that if an employee is simply afraid that they may have the virus or hear rumors that someone has it, it doesn't give the employee the right to go to VDH to get tested and get ten days off. Mr. Young stated if VDH, a healthcare professional, or the County hasn't asked that an employee be tested, then that employee is not excused.

Mr. Young believes that the County can reimburse itself with CARES money if an employee was quarantined by VDH. Another case in which the County can reimburse itself is if they have to hire overtime for other people to make up that workload. Chairman Stacy discussed rapid testing equipment that was purchased for Covid testing. He asked that the machines be mentioned in the Covid Leave Policy, encouraging employees to use rapid testing, stating that the reason the machines were purchased was to keep the County workforce at full capacity as best as possible, with accurate testing. The County Attorney noted the modification.

Mr. Young commented that the County health insurance pays 100% for the test but it does not pay 100% for the treatment. The employee's treatment is paid for just like any other illness they may get.

**APPROVED COVID-19 LEAVE POLICY SUBJECT TO RECOMMENDED REVISIONS**

Upon motion of Chairman Stacy, seconded by Supervisor Hackworth and adopted by a vote of 4 to 0, with Supervisor Hymes abstaining, the Tazewell County Board of Supervisors hereby approves the COVID-19 Leave Policy effective March 15, 2020 subject to the revisions with the recommendations of the Board adding language requiring the use of rapid test equipment that the County has purchased. A copy of the policy is on file in the County Administration Office, 197 Main Street, Tazewell, Virginia 24651.

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**PUBLIC HEARING – PROPOSED RESOLUTION OF SUPPORT FOR VIRGINIA COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR COVID-19 RESPONSE**

The County Attorney reported that Mrs. Warden submitted an application for a Community Improvement Grant authorized by DHCD. The amount the application was submitted for was \$800,000 and is intended to provide economic and financial relief for any Tazewell County businesses impacted by Covid-19. Mr. Young recalled Ms. Regina Sayers attending a previous Board meeting and speaking on behalf of the Chamber of Commerce offering to help administer the grant. He stated that the Chamber formed a committee to vet the applications and then they will forward those recommendations to the IDA. The IDA will then make the decision to approve grantees.

The Chairman called to order a public hearing that was duly advertised according to law regarding the 2020 COMMUNITY DEVELOPMENT BLOCK GRANT VIRGINIA FUNDING OPPORTUNITIES FOR COVID-19 RESPONSE TAZEWEEL COUNTY, VIRGINIA.

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.

The County Attorney stated that the grant requires two separate public hearings and that the second hearing is scheduled for September 1, 2020. He informed that the Board is not in a position to adopt the Resolution until the latter meeting. A notice of the public hearing will be advertised in the local newspapers.

The Chairman asked that this matter be moved to the September agenda.

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**EXECUTIVE/CLOSED MEETING – 4:18 P.M.**

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 enters into an Executive/Closed meeting, pursuant to Virginia Code Section 2.2-3711:

- A(1) Personnel matter regarding County Administrator
- A(1) Personnel matter regarding EMS
- A(1) Personnel matter regarding Animal Shelter
- A(29) Contract negotiations regarding Merchant McIntyre

**RETURN/CERTIFICATION/REPORT OF ACTION – 5:22 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)

**RENEWED MERCHANT MCINTYRE ASSOCIATES**

Upon motion of Supervisor Lester, 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 renew its contract with Merchant McIntyre Associates, commencing August 15, 2020 and terminating August 14, 2021.

## **TRANSFERRED PERSONNEL TO WORK ON CARES ACT ADMINISTRATION**

Upon motion of Supervisor Lester, 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 the County Administrator to transfer personnel to work exclusively on CARES Act administration.

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## **APPOINTMENTS**

### **TOURISM DEVELOPMENT COMMITTEE**

Chairman Stacy tabled his appointment to find a replacement for Michael Brown.

### **CUMBERLAND MOUNTAIN COMMUNITY SERVICES BOARD**

Supervisor Hymes tabled his appointment to find a replacement for Jelicia Reed.

### **THE CROOKED ROAD BOARD OF DIRECTORS**

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 appoints Tourism Director, A.J. Robinson to serve as a member of the Crooked Road Board of Directors. This appointment replaces Charlotte Whitted who no longer lives in the area.

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## **CONSIDERATION OF IDA RECOMMENDATIONS FOR ALLOCATION OF TAZEWELL COUNTY CARES PHASE I BUSINESS ASSISTANCE GRANTS**

The County Administrator explained how the County deployed CARES Act money in three phases. In phase I, funds were distributed to the county and towns based on population with the other portion of the money being distributed for healthcare and business recovery. Mr. Young explained that the IDA solicited applications and the County received them. The IDA discussed and considered the applications and made recommendations. He asked that the Board look over their recommendations that were provided to them in their agenda packet. Mr. Young recalled at the previous meeting that the Board decided they wanted to make the final decision about application funding. The IDA came up with about \$101,000.00 of grants that they recommended approving. They asked that the remaining \$30,000.00 be rolled into the \$1,000,000.00 that the Board earmarked for business recovery, with a portion of that being spent on advertisements

because the IDA felt like they didn't receive a large number of applicants. The IDA is also asking that the Board spend some portion of the funds to advertise for the next program.

Mr. Young discussed IDA's CARES Act Grant Request in more detail. Some of the applications were not approved, one of them being an author. The IDA did not feel like a good argument had been made as to why they were not able to compose their book due to quarantine. Mr. Young stated if a business applied and was located in a town instead of the County their applications were deferred to their respective towns. Chairman Stacy recommended that they be clearer with applicants regarding this process. The Board reviewed IDA's recommendations and discussed them in great detail. Supervisor Lester commented that he would like to have copies of the applications that were submitted.

The Board tabled further discussion until the September meeting.

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#### **AUTHORIZED \$428,663.83 TOTAL IN CARES ACT FUNDING REQUESTS**

The County Administrator reported that as a part of the first half (\$3,500,000.00) of CARES Act funds, the Board earmarked \$2,000,000.00 towards public health and preparedness as Covid response money going forward. At the last meeting the Board approved \$1.68 million of these funds for various local government and human service agencies. Mr. Young presented to the Board a budget from the Department of Emergency Management for what they feel like is necessary for both the function of our government and the function of government of our courthouse to be prepared in the event we have a wide outbreak of Covid cases.

DSS originally wrote Mr. Young requesting an additional \$58,000.00 for overtime. Mr. Young explained the reasoning for their request. They had been mandatorily shut down and put on split shifts in the spring, and then the State told them they needed to make up that ground and process the benefit request. DSS is ordering their personnel to work overtime to cover that ground. Since the letter, Mr. Taylor has been back in contact and advised Mr. Young that the State will now pay \$54,000.00 of the bill, leaving a remainder of only \$4,000.00 owed. Mr. Young spoke with Judge Hurley earlier that day about conducting jury trials and court. The Supreme Court of Virginia had concerns about the County's ventilation system. Our courthouse does not have a dedicated ventilation system for the court and jury; they are separate from the rest of the courthouse. He explained that they will have to purchase filters and that they were in the process of getting prices on them to use with the HVAC. They are also requiring disposable masks for witnesses, jurors, attorney's, and court staff. The County Administrator added to the list: \$4,000.00 for DSS overtime pay and \$20,000.00 for additional disposable face shields for courts.

**TAZEWELL DIRECTOR OF EMERGENCY MANAGEMENT REQUEST FOR CARES FUNDS****Cleaners**

Hand Sanitizer 4 Gals	\$ 114.40	X 100case	= \$11,440.00
Gloves Med 100 Box	\$ 9.16	X 200boxes	= \$ 1,832.00
Gloves Large	\$ 9.16	X 200boxes	= \$ 1,832.00
Disinfectant Spray 12cnt	\$58.32	X 50cases	= \$ 2,916.00
Virex II 84.5 oz	\$75.70	X 20casse	= \$ 1,514.00
SNIPER Disf pallet	\$4,800	X 2 Pallets	= \$ 9,600.00
Pro techs (90day disf) 5gal	\$575.00	X 45ea x 5gal	= <u>\$25,875.00</u>

**SUBTOTAL \$ 55,009.00****Mask**N95 Mask Prof Multi Valved  
kn95Mask

Face Mask Disposable Masks (Depending on Availability)

Face Shields 100 count

**SUBTOTAL \$100,000.00****Emergency Funds***Funds for Quarantined Families for Food and Medical Supply Distribution**Budgeted Amount Recommended**AASC/ CVCA/ DSS/ Food Pantries***SUBTOTAL \$ 60,000.00****Telework**IT equipment for County Administration and Emergency Management  
10 Lap Tops at \$2,500.00 EA.**SUBTOTAL \$ 25,000.00****Hands Free Upgrades for Public Bathrooms**EZ Flush \$184.73 X 125 = \$22,352.33  
Touch-less bathroom Faucet \$442.33 X 135 = \$59,714.55

Zurn Sensor Flush Valve \$415.35 X 20= \$ 8,307.00

Hands free hand dryers \$370.45 X 15= \$ 5,556.75

**SUBTOTAL \$95,930.63****MISC. OUTBREAK RESPONSE PREPAREDNESS**

Tyvek suits \$20.00 X 50= \$1000.00

Tyvek Booties \$10.00 X 50= \$ 500.00

Digital Thermometer \$60.00 X 100= \$6,000.00

Plexiglass \$300.00X20 = \$6,000.00

Plexiglass Frame \$120.00x20 = \$2,400.00

Crowd Control Barriers \$212.97 X 25 = \$5,324.25

Disinfectant Sprayer \$999.99 X 5 = \$4,999.95  
Signage \$2,500.00**SUBTOTAL \$ 28,724.20****SUPPLEMENTAL APPROPRIATIONS TO OUTSIDE AGENCIES**Sohpie 2 COVID019 Rapid Test Kits and materials  
for each hospital, Bluefield College, and AASC \$10,000.00 each  
\$40,000.00.**SUBTOTAL \$ 40,000.00****GRAND TOTAL \$ 404,663.83**



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 following amounts to be paid from CARES Account No. 202-091400-5604-3: \$404,663.83 to the Director of Emergency Management to purchase items requested as shown in list presented to the Board; \$4,000.00 for overtime pay at the Department of Social Services; and \$20,000.00 to purchase additional disposable face shields for courts.

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## **AUTHORIZED VDOT TO CONDUCT SPEED/SAFETY STUDY ALONG WITTEN VALLEY ROAD**

The County Attorney stated that the majority of Witten Valley does not have a marked speed limit, meaning that the speed limit is 55mph. This is not safe for several of the communities along that road. Mr. Collins requested that a Resolution be passed to conduct a speed and safety study along Witten Valley Road.

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 a Resolution to have VDOT conduct a Speed/Safety Study along Witten Valley Road. A copy of the Resolution is on file in the County Administration Building, 197 Main Street, Tazewell, VA 24651.

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## **APPOINTMENT**

### **TOURISM DEVELOPMENT COMMITTEE**

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 appoints Nick Koontz, P.O. Box 1307, Richlands, Virginia 24641 to serve as a member of the Tourism Development Committee, with a term commencing immediately and expiring on June 30, 2022. This appointment fills the expired term of Adrienne Cordle.

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## **BOARD CONCERNS**

### **SUPERVISOR HACKWORTH**

**PUBLIC HEARING SET TO RECONSIDER AN ORDINANCE REGARDING  
AUTOMOBILE GRAVEYARDS AND JUNKYARDS**

Supervisor Hackworth recalled concerns at a previous meeting about Raven becoming populated with junkyards that aren't officially labeled as one. The original complaint came from a gentleman who stated a car garage was being used as a junkyard with several of the vehicles being inoperable. The garage has also been selling parts. Supervisor Hackworth previously asked if the Ordinance regarding junkyards could be amended to ask garages to install a privacy fence or structure that would hide inoperable vehicles if they were going to be sitting idle for an undetermined amount of days. The County Attorney read Section 10-187 of the Tazewell County Code of Ordinances, "Any automobile graveyard or junkyard established in the county after July 22, 1987, shall be screened by natural objects, plantings that provide year round coverage, fences or other appropriate means so as not to be visible from the main travelled way of the highway, or otherwise removed from site". When reviewing the Ordinance, Mr. Collins discovered that there wasn't any penalty listed. He asked if the Board wished to hold a public hearing to put into place a penalty regarding the Ordinance.

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 and directs the County Attorney to advertise for a public hearing on September 1, 2020 to reconsider an ordinance to permit licensing and regulating the maintenance and operation of automobile graveyards and junkyards pursuant to Chapter 6 of Title 33.1-348 of the 1950 Code of Virginia, as amended. A copy of the ordinance is on file in the office of the County Administrator, located at 197 Main Street, Tazewell, Virginia 24651.

### SUPERVISOR LESTER

#### LANDFILL COMPLAINTS

Supervisor Lester notified Mr. Young of complaints regarding the landfill and one of the transfer stations. Mr. Young spoke with Mr. Dunford earlier that day and was notified that someone had been tampering with the valve on the leachate tank and turning it off. He commented that they were looking into putting a lock on it.

#### DISCUSSION ON VIRGINIA CODE SECTION 15.2-915(E)

As a member of the Virginia Citizen's Defense League, Supervisor Lester informed the Board about a Resolution regarding Section 15.2-915(E) of the Code of Virginia. Supervisor Lester stated that eighteen other counties in Virginia have passed a resolution declaring that their local governments will not regulate or prohibit the otherwise legal purchase, possession, or transfer of firearms or ammunition. He asked if this Resolution would even be necessary since

the Board previously declared Tazewell County to be a Second Amendment Sanctuary. Mr. Collins explained the code language stating that an Ordinance would need to be adopted before anything would take affect but that the Board may consider passing the Resolution to stand in solidarity with these jurisdictions.

Supervisor Lester tabled this discussion until a later meeting.

### SUPERVISOR ASBURY

#### **LADY RED DEVIL SOFTBALL TEAM – UPGRADE SEWER SYSTEM**

#### **\$4,000.00 NORTHERN**

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 authorizes the amount of \$4,000.00 from the Northern District Fund, payable to the Lady Red Devil Softball Team, P.O. Box 805, Bluefield, West Virginia 24701; attn: Tom Wimmer. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action at such time as may be necessary and appropriate and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia 24651.

### SUPERVISOR HYMES

#### **YUKON ROAD CONCERNS**

Supervisor Hymes discussed receiving a call from a resident of Chairman Stacy's district. The gentleman lives on Yukon Road and has had multiple pets ran over due to speeding neighbors. The man has called the Sheriff's Office but they were unable to do anything about it because there isn't any speed signs posted. Supervisor Hymes commented that they are unable to put up any signs because the County doesn't have the right-of-way. Mr. Young explained that they would need a dedication of public right-of-way, acceptance of road, and to make it a public road. Until this is done, law enforcement will not have any jurisdiction to give anyone a ticket.

### COUNTY ADMINISTRATOR

#### **TEMPORARY TAX REASSESSMENT FOR DRY FORK RESIDENTS**

Mr. Young spoke with David Anderson, Commissioner of Revenue, regarding residents of the Dry Fork area and what could be done to help them out after the recent flooding event. Mr.

Anderson informed that if the residents contacted his office they could provide them with a temporary reassessment and reduce their taxes since they lost their bridge due to flooding.

#### COVID-19 RISK FACTOR

Mr. Young reported that the risk factor of contracting Covid-19 on August 4, 2020 was an 8.7 on a ten point scale. As of August 17, 2020 the risk factor had declined to 4.9.

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#### ADJOURN

Now, there being no further business to be transacted and 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 adjourns this meeting to September 1, 2020 at 4:00 p.m.

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Charles A. Stacy, Chair

By: WP

Adjourn time: 6:28 p.m.