

VIRGINIA: AT THE RECESSED MEETING OF THE TAZEVELL COUNTY BOARD OF SUPERVISORS HELD NOVEMBER 17, 2020 AT FIVE 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
ARLENE MATNEY, DIRECTOR OF FINANCE
MEMBERS OF THE PRESS: JIM TALBERT, CLINCH VALLEY
NEWS/RICHLANDS NEWS PRESS

ABSENT: WHITNEY PARSONS, EXECUTIVE ASSISTANT

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

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

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.

AGENDA APPROVED AS PRESENTED

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 approves the November 17, 2020 agenda as presented.

MINUTES APPROVED AS WRITTEN

Upon motion of Supervisor Hymes, seconded by Supervisor Asbury and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves the September 1, 2020 and September 17, 2020 Tazewell County Board of Supervisors meeting minutes as written.

CONSENT CALENDAR

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 approves the following items presented as “Consent Calendar”.

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

- \$2,022.48 to Acct. 31020-6009 (received from VACORP for Brett Jacksons accident)
- \$1,244.40 to Acct. 31020-1150 (received from Cumberland Mountain Community Services)

EXECUTIVE/CLOSED MEETING – 5:06 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(7) Litigation for Justice Low Seam Mining, Inc. and Black River Coal

RETURN/CERTIFICATION/REPORT OF ACTION – 6:14 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: Five (5)

1. APPROVED THE AGREED ORDER FOR DISMISSAL

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 approves the Agreed Order for Dismissal on behalf of Tazewell County, Virginia in the matter of Black River Coal, LLC; Justice Low Seam Mining, Inc.; and Chestnut Land Holdings, LLC v. Tazewell County, Virginia; David R. Anderson, Tazewell County Commissioner of Revenue; and David T. Larimer, II, Tazewell County Treasurer (CL17000326-00), as presented in Executive Session. I further move that the Chairman be authorized to execute the Agreed Order for Dismissal on behalf of the Board. I further move that the County Attorney tender the executed Agreed Order for Dismissal to the Escrow Agent named in the Escrow Agreement, to be tendered to the Tazewell County Circuit Court as provided therein.

2. APPROVED THE ESCROW AGREEMENT

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 the Escrow Agreement as presented in Executive Session. I further move that the Chairman be authorized to execute the Escrow Agreement on behalf of the Board. I further move that the County Attorney tender the executed Escrow Agreement to the Escrow Agent named in the Escrow.

3. APPROVED THE AMENDMENT TO ESCROW AGREEMENT

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 approve the Amendment to Escrow Agreement as presented in Executive Session. I further move that the Chairman be authorized to execute the Amendment to Escrow Agreement on behalf of the Board. I further move that the County Attorney tender the executed Amendment to Escrow Agreement to the Escrow Agent named in the Escrow Agreement in the manner as provided therein.

4. APPROVES THE FACILITATION AGREEMENT AS PRESENTED

Upon motion of Supervisor Hackworth, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves the Facilitation Agreement as presented in Executive Session. I further move that the Chairman be authorized to execute the Facilitation Agreement on behalf of the Board. I further move that the County Attorney tender the executed Facilitation Agreement to the Escrow Agent named in the Escrow Agreement in the manner as provided therein.

5. APPROVES \$298,026.40 FROM CAPITAL CONTINGENCY TO THE RECREATION AND PARKS FACILITIES AUTHORITY OF TAZEWell COUNTY

Upon motion of Chairman Stacy, 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 authorize \$298,026.40 from the Capital Projects Fund - Contingency to the Recreation and Parks Facilities Authority of Tazewell County, Virginia for the express purpose of execution of a Deed of Easement for Recreational Trails between the Recreation and Parks Facilities Authority of Tazewell County, Virginia and James C. Justice Companies, Inc.

COVID-19 UPDATE

The County Administrator reported the most recent "dashboard" shows the risk scale for Tazewell County at 44. Anything over 10 is considered high. Bases on population, we have a 15.8% positivity rate. He reported that we are most likely in the worst shape we have been in averaging 22-24 positive cases per day. Yesterday VDH reported 35 new cases. Mr. Young requested several things and the board voted and approved his requests as follows.

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 approves The County Administrator's request to return to split shifts for county employees.

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 reinstatement of the attendance stipend for all maintenance & custodial workers at \$25 /day. This will begin on December 1, 2020 and remain in effect until further direction from the County Administrator.

The board also agreed with Mr. Young's recommendation to direct the IT department to establish GoToMyPC accounts for all department supervisors. This will enable work from home if necessary. This is a paid service and will be funded from the CARES Act Fund. The board

also agreed with Mr. Young's request to extend the time allowed for VACATION for those employees who are at risk of losing VACATION hours due to split shifts. Mr. Young requested a 60 day extension, which would allow calendar year 2020 vacation days to be taken through February of 2021. If the hours are not taken by then, the employee will lose those VACATION hours. The board approved this request

TAZEWELL COUNTY CARES UPDATE

Mr. Young stated that a request had been received from the Town of Bluefield for the same number of vehicles as had been requested from the Town of Tazewell and the Town of Richlands. Mr. Young would like to defer this request until closer to the end of the timeline for all funds to be spent so we can see how the virus continues in the coming weeks.

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 defers request to fund the purchase and/or approval of the purchase of said vehicles until a later date.

SMALL BUSINESS ASSISTANCE ROUND TWO

The County Attorney advised Supervisor Hackworth to refrain from taking part in any discussion concerning the business assistance grant funding. Supervisor Hackworth has multiple businesses and applications had been submitted and therefore were being considered for funding. Supervisor Hackworth excused himself from participating in discussions concerning business assistance grant funding and also proceeded to excuse himself from the remainder of the meeting.

Mr. Young began discussions by reiterating the motion to table discussions for the business assistance applications from the November 1st meeting to a recessed meeting, which was set for November 17th. The board felt not enough information was provided at the November 1st meeting to make decisions on award amounts. Mr. Young explained the IDA went back and listed the rules pertaining to the applications and explained how they applied them. Each application was assigned a number, which would determine what the award was based on. This formula will make it easy to calculate the number for which the award was based on. The formula considered the number of employees as well as other factors.

Mr. Young felt like the town grants were small, (referring to the awards previously given directly to the towns to be disbursed and awarded as they saw fit) so the IDA went back and made up the difference for some of those businesses who did not get at least \$1,000 from the towns. If the "employee number" was left blank on the application, staff went back and called to

verify the number and adjustments were made. Painted Peak Brewing Co. was one of those who received an adjustment.

Chairman Stacy wanted to hold some CARES Act money back as a reserve in the event businesses had questions /complaints about the amount of funding they were awarded. Mr. Young stated that they were already over the budget that had been approved for small business assistance. Mr. Young felt like the board could approve another \$50,000 of CARES Act funds for this purpose provided the "rules" set forth by the IDA were applied correctly. Chairman Stacy feels that so many businesses are out there, it's hard to judge how many would want to appeal. Mr. Young said once you "walk through the process" with them they will still get the same amount. He doesn't think you will have a lot to gain by filing an appeal, unless you have a large number of employees. Mr. Young would not recommend breaking away from the "rule" process created by the IDA.

Supervisor Hymes stated it looked a lot better and he thought they did a good job.

Mr. Young will compile a letter of explanation (cover letter), Mr. Collins will provide a letter with information about the rules of what you can and cannot do with the money. Both will be included with the check once Ms. Harmon has them ready to be mailed.

Supervisor Lester asked how this money would be reported on the taxes of the recipients. Ms. Harmon explained it would be reported on a 1099 distributed from the IDA, per Emily Viers with Robinson, Farmer & Cox Associates. After said discussion, the following motion was made:

Upon motion of Chairman Stacy, seconded by Supervisor Asbury and adopted by a vote of 4 to 0, with Supervisor Hackworth abstaining and all other members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approve the business assistance payments as presented by staff, with the additional \$34,230.27 over and above the initial \$500,000, for a total of \$534,230.27.

Chairman Stacy asked how much money had been put back out to businesses thus far. Mr. Young said thus far \$900,000 had been earmarked, with \$400,000 approved for large businesses not considered in the initial \$500,000 for small business assistance. After said discussion, the following motion was made:

Upon motion of Supervisor Lester, seconded by Supervisor Asbury and adopted by a vote of 4 to 0, with Supervisor Hackworth abstaining and all other members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approve an additional \$25,000 for the small business assistance appeal process.

Mr. Young stated the supervisors could let businesses in their respective districts know that the Economic Development staff would be calling to notify them that the board has

approved the distribution of the checks and give them a timeline as to when they can expect to receive payment.

Supervisor Asbury also thanked Mr. Young and the IDA staff and stated she thought they had done the best job they could do.

The Chairman directed that a copy of the rules presented to the Board and the grant distribution spreadsheet be made a part of the minutes. A copy of which is hereby incorporated and on file at the County Administrators Office, 197 Main Street, Tazewell, VA 24651.

APPOINTMENTS

CUMBERLAND MOUNTAIN COMMUNITY SERVICES BOARD

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 appoints *April Morefield* to serve as a member of the Cumberland Mountain Community Services Board with a term commencing immediately and expiring on December 31, 2021. This appointment replaces the unexpired term of Jelicia Reed who resigned from the Board on July 9, 2020.

ENTERPRISE ZONE COMMITTEE

Tabled until the December 1, 2020 meeting at the request of Chairman Stacy.

TOURISM DEVELOPMENT COMMITTEE

Tabled until the December 1, 2020 meeting at the request of Chairman Stacy.

WIRELESS SERVICE AUTHORITY

Tabled until the December 1, 2020 meeting at the request of Chairman Stacy

APPROVED A ONE TIME COST OF LIVING STIPEND FOR ALL COUNTY EMPLOYEES

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 approve a onetime 2% of salary (or \$500, whichever is more) stipend for all county employees. For sheriff's deputies these funds and this stipend will not be in addition to the \$500.00 per state funded position received from the State.

In addition to the 2 % stipend the board also approved the following motion:

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 authorize a transfer in the amount of \$20,000 to be put into the Sheriff's Department budget for whatever purpose he chooses.

BOARD CONCERNS

Tabled until the December 1, 2020 meeting at the request of Chairman Stacy.

RECESS

Now, there being no further business to be transacted, and 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 adjourned the meeting.

Charles A. Stacy, Chair

By: ALM

Adjourn time: 6:55 p.m.