

VIRGINIA: AT THE RECESSED MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD AUGUST 16, 2023 AT FIVE THIRTY O'CLOCK P.M. IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING, 197 MAIN STREET, TAZEWELL, VIRGINIA 24651

PRESENT: SHANNA PLASTER, CHAIRPERSON
ANDY HROVATIC, VICE-CHAIRPERSON
CHARLES STACY, MEMBER
MARGARET ASBURY, MEMBER
AARON GILLESPIE, MEMBER
C. ERIC YOUNG, COUNTY ADMINISTRATOR
CHASE D. COLLINS, COUNTY ATTORNEY
SUSAN JEWELL, EXECUTIVE ASSISTANT
MEMBERS OF THE PRESS: JIM TALBERT, CLINCH VALLEY
NEWS/PRESS; WARREN HINKLE, THE VOICE

ABSENT:

Chairperson, Shanna Plaster called the regular meeting to order and presided.

Supervisor Stacy led The Pledge of Allegiance to the United States flag followed by the invocation given by Supervisor Gillespie.

Chairperson Plaster 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.

County Administrator, Eric Young explained the purpose of the recessed meeting, which is to consider a flood study conducted about Tazewell County's flooding issues by First Earth/RES. He explained that the purpose of having the study done is to be able to reach out for grant opportunities to remediate causes of flooding in the County. Charles Westbrook will present excerpts of the study during the meeting and will participate in this meeting to answer any questions that might arise.

Upon motion of Supervisor Gillespie, seconded by Supervisor Hrovatic and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors agree to suspend Roberts Rules of Order to allow the Board to move about in the agenda as it becomes necessary in the meeting.

AGENDA APPROVED AS AMENDED

The Chairperson called for any additions to the agenda.

Upon motion of Supervisor Stacy, seconded by Supervisor Gillespie and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors approved the August 8, 2023 revised agenda with additions/deletions, a copy of which is available at the County Administration Office, 197 Main Street, Tazewell, Virginia 24651.

PUBLIC HEARINGS

The Chairperson announced the special presentation by First Earth/RES, the firm that prepared the flood study for the county.

County Administrator, Eric Young, explained that the study will be used to apply for grants to help alleviate flood issues in the county.

Public hearing regarding First Earth Flood Study

The Chairperson called to order a public hearing that was duly advertised according to law regarding the First Earth Flood Study

Now, the Chairperson called for public comments from the floor three times with regard to the public hearing.

Flora Horton Sinkford – 208 Blacksburg St., North Tazewell, VA 24630.

Ms. Sinkford spoke regarding the flooding difficulties experienced by the Blacksburg community.

Gertrude Taylor – 174 Blacksburg St., North Tazewell, VA 24630.

Ms. Taylor spoke regarding how a flooding situation affects the handicapped residents of the Blacksburg community.

Calvin Goddard – 163 Blacksburg St., North Tazewell, VA 24630.

Speaking on behalf of his brother, Cicero Goddard, Calvin Goddard stated that his family has seen flooding over the course of many years and feels there are several reasonable solutions to the flooding.

There being no further comments, the Chairperson declared the public hearing closed.

Charles Westbrook of First Earth/RES shared an online presentation with information pertinent to Tazewell County and its particular flooding situations. The presentation included pinpointing causes of flooding in particular areas of the County as well as possible solutions, estimated costs of those solutions and possible grants that may be available to help with those solutions. Because there were several citizens from the Blacksburg community present at the public hearing, the focus of the presentation was on that area so those citizens were able to contribute their thoughts as to possible solutions.

Mr. Young shared several public comments that were received online and asked that a copy of the printout of those comments be made a part of the minutes of these minutes. A copy is available at the County Administration Office, 197 Main Street, Tazewell, Virginia 24651.

Supervisor Stacy spoke about flood prevention in areas that might be better protected if some debris was cleaned out of some of the creeks. Dave White, Director of Operations explained that equipment cannot enter into creeks or rivers but the bucket of an excavator or other equipment is permitted to scoop debris.

Ms. Sinkford mentioned that the Corps of Engineers will assist if an invitation is extended to them. Supervisor Stacy asked Mr. Dunford to extend an invitation to the Corps of Engineers to come to a public meeting.

Supervisor Stacy and Supervisor Gillespie lead a discussion regarding eradicating the beavers in the Blacksburg community.

Upon motion of Supervisor Gillespie, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors approved adopting the flood study as presented as a flood remediation plan.

DEFERRED ITEMS AND NEW BUSINESS

County Attorney, Chase Collins recited the items on the agenda that were deferred from the August 8, 2023 meeting as well as new business for the current meeting.

The Chairperson added a request for funding to TRIAD through AASC.

The County Administrator requested to defer Items 2, 3 and 4 in the Administrative section to the September 12, 2023 agenda.

Upon motion of Supervisor Hrovatic, seconded by Supervisor Asbury and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors approved deferring Items 2, 3 and 4 in the Administrative section of the agenda until the September 12, 2023 meeting.

Eric Young inquired as to whether the meeting will proceed using the current agenda, then add the new items at the end of the meeting or weave the new items into the meeting as they come about. Supervisor Hrovatic commented it would be best to address new items after the public portion of the agenda has been addressed.

Upon motion of Supervisor Gillespie, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors approved additions to the agenda.

ROBERT'S RULES OF ORDER

Upon motion of Supervisor Gillespie, seconded by Supervisor Hrovatic and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors approved suspending Robert's Rules of Order for the purpose of moving about the agenda as is necessary.

ADMINISTRATIVE

Supervisor Gillespie asked whether the issue of the Cove Community Center will be addressed at this meeting or whether it will be addressed at the September 12, 2023 meeting. Mr. Collins advised that the matter will be addressed at this meeting.

TRIAD funding request

Supervisor Asbury stated that through some research and conversations with TRIAD representatives, it was determined that the Board can donate to TRIAD through AASC.

Upon motion of Supervisor Asbury, seconded by Supervisor Plaster and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors approved a donation in the amount of \$500.00 as indicated below.

\$100.00	Northern District funds
\$100.00	Eastern District funds
\$100.00	Southern District funds
\$100.00	Northwestern District funds
<u>\$100.00</u>	Western District funds
\$500.00	Total

Burkes Garden Community Association funding request

Upon motion of Supervisor Gillespie, seconded by Supervisor Plaster and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors approved a donation in the amount of \$320.00 from Southern District funds to the Burkes Garden Community Association for the purpose of building maintenance and toilet maintenance.

Southwest Virginia Jeep Invasion funding request

Mr. Collins noted that the Southwest Virginia Jeep Invasion group is not designated as a non-profit organization and therefore the Board is prohibited from donating to the organization.

The Chairperson directed that this matter be deferred until the September 12, 2023 meeting.

SWCC Festival of the Arts funding request

Mr. Collins advised that the SWCC Educational Foundation is a 501(c)(3) and has requested \$2500.00 for the Festival of the Arts program.

The Chairperson directed that this matter be deferred until the September 12, 2023 meeting.

Tazewell Youth Football League funding request

The Chairperson directed that this matter be addressed later in this meeting.

Appointments:

Keep Tazewell Clean Committee

The Chairperson directed that this matter be deferred until the September 12, 2023 meeting.

Enterprise Zone

The Chairperson directed that this matter be deferred until the September 12, 2023 meeting.

Tazewell County Fire/Rescue Board

The Chairperson directed that this matter be deferred until the September 12, 2023 meeting.

Tourism

The Chairperson directed that this matter be deferred until the September 12, 2023 meeting.

Road Viewers

Upon motion of Supervisor Stacy, seconded by Supervisor Plaster and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby reappoint Curtis Gillespie to serve on the Road Viewers Committee.

Upon motion of Supervisor Gillespie, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, the Tazewell County Board of hereby reappoint Russell Stowers to serve on the Road Viewers Committee.

Clinch River Valley Initiative – resignation of John Absher

The Chairperson directed that this matter be deferred until the September 12, 2023 meeting.

RDA – consider rescinding appointment of James Gibson

Mr. Collins stated that James Gibson was appointed in 2022 and was sent an appointment letter, but hasn't been sworn.

Upon motion of Supervisor Hrovatic, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors approved rescinding James Gibson's appointment to the RDA.

Cove Community Association

Mr. Collins reminded the Board that a public hearing regarding the Cove Community Association was held on August 8, 2023 at which time, there were no public comments. He stated that the Cove Fire Department is on the parcel of land that the BOS is considering conveying to the Cove Community Association.

Supervisor Stacy asked if this matter has been addressed by the ESC considering that one of the County's fire department's is being proposed. Mr. Collins advised that it is feasible to convey only the portion of the fire department parcel that contains the ingress and egress to the community center. Supervisor Gillespie stated that the issue of ingress and egress is the most important of the request by the Cove Community Association. He asked that a conveyance be made sooner rather than later for the portion of the fire department parcel that contains the ingress and egress to the community center and address the remainder of the fire department parcel at a later date. Mr. Collins showed the parcels on the county GIS to demonstrate how those are situated.

Supervisor Stacy asked for more time to gather additional information as this request would relinquish ownership of one of the County's fire departments to the Cove Community Association, which could jeopardize fire service to that community.

Dave White, Director of Operations, stated he feels like the fire department building is a liability to the County. Mr. Young recommended that the Cove Community Association might agree to a long-term lease if the fire department parcel is conveyed to them. Supervisor Gillespie shared that it is feasible that the fire department parcel be subdivided to only convey the portion of that parcel to the Cove Community Association that contains the ingress and egress.

Upon motion of Supervisor Gillespie, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors agree to defer this matter until the September 12, 2023 meeting.

BOARD CONCERNS

Supervisor Gillespie

Pro-Life Committee

Supervisor Gillespie stated he plans to meet with Henry Johnson to discuss Mr. Johnson's tour of a pregnancy crisis center.

Solar Ordinance

Supervisor Gillespie stated that he would like to have further discussions with the solar company and with DEQ as well.

Mr. Young informed the Board that it is possible to conduct a joint public hearing with the Planning Commission regarding the solar ordinance and suggested that October is adequate time for advertising.

Upon motion of Supervisor Gillespie, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approve holding a joint public hearing with the Board of Supervisors and the Planning Commission in October to review and propose a solar ordinance for adoption.

Fairgrounds update/cleaning suggestions

Supervisor Gillespie asked that this matter be deferred until the September 12, 2023 meeting.

Back of the Dragon

Supervisor Gillespie stated that he would like to see VDOT, Smyth County and Tazewell County work together to have better information for riders on the Back of the Dragon regarding keeping the route clean of garbage, keeping the route clear of gravel and providing weather and other information for riders.

Mr. Young advised that both Smyth and Tazewell Counties are in the Bristol VDOT District and suggested that contact begin with that office.

Burkes Garden Community Association

Upon motion of Supervisor Gillespie, seconded by Supervisor ___ and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approve a donation in the amount of \$320.00 to the Burkes Garden Community Association from the Southern District discretionary funds for the purpose of building and toilet maintenance. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

Supervisor Stacy

EMS Endowment

This item is deferred until the September 12, 2023 meeting.

GHS storage building

Upon motion of Supervisor Stacy, seconded by Supervisor Plaster and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approve a donation in the amount of \$1500.00 from Eastern District funds to assist with the purchase of an equipment storage building for sports equipment. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

Supervisor Plaster***Cedar Bluff Festival***

Upon motion of Supervisor Plaster, seconded by Supervisor Hrovatic and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approve the amount of _____. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

RHS Cheerleaders

This matter is deferred until the September 12, 2023 meeting.

Supervisor Hrovatic

Supervisor Hrovatic stated he did not have any concerns at the time.

Supervisor Asbury***Pencil sketches***

Upon motion of Supervisor Asbury, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approve the purchase of pencil sketches as gifts for 2024 graduating seniors from Personalized Drawings as indicated below. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

\$ 922.50 from Northern District funds for GHS Seniors

\$ 922.50 from Eastern District funds for GHS Seniors

\$ 287.50 from Northwestern District funds for RHS Seniors

\$ 287.50 from Western District funds for RHS Seniors

\$ 575.00 from Southern District funds for THS Seniors

\$2995.00 Total

Tazewell County EMS

Upon motion of Supervisor Asbury, seconded by Supervisor Plaster and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approve the transfer of \$15,000.00 from the former Pocahontas FD to the fire budget for AV/B FD for the purchase of a high flow jet fan for their apparatus at the cost of \$3888.00. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action.

Banner Renewal

Upon motion of Supervisor Asbury, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approve Supervisor Asbury's request to rescind her request for approval at the August 8, 2023 meeting for the funding of 2 banners in the amount of \$150.00 each (one placed at GHS and one placed at THS football fields). The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

Tazewell Bulldog Radio

Upon motion of Supervisor Asbury, seconded by Supervisor Gillespie and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves a clarification for the purpose of \$750.00 from Northern District funds and \$750.00 from Southern District funds for advertising approved at the August 8, 2023 meeting. Said advertising will reflect the entire BOS and not only Supervisor Asbury and Supervisor Gillespie. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

ADMINISTRATIVE

Clifffield School and Pisgah School properties

Eric Young explained that the IDA has a buyer for these properties.

Upon motion of Supervisor Hrovatic, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves the sale of the Clifffield School property and the Pisgah School property.

Supplemental funding or Victim/Witness office

The County Administrator advised that the Commonwealth's Attorney notified him that state budget cuts affected the Victim/Witness office and Mr. Plaster asked for \$10,000.00 to help support the program.

Upon motion of Supervisor Gillespie, seconded by Supervisor Stacy and adopted by a vote of 4 to 0, with Chairperson Plaster abstaining, the Tazewell County Board of Supervisors hereby approves supplemental funding in the amount of \$10,983.00 from contingency for supplemental funding for the Victim/Witness program.

Previous surplus bids

Mr. Young shared that there were two ambulances sold with the previous surplus items and these ambulances were never paid for nor retrieved.

Mr. Collins explained that the buyer's representative came and asked for keys to the ambulances and none could be produced, the buyer didn't retrieve them and nothing further was heard from the buyer. He suggested a motion to reject the bids on those ambulances so they can be readvertised and sold.

Upon motion of Supervisor Stacy, seconded by Supervisor Gillespie and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby rejects all previous bids on the two ambulances previously advertised for sale as salvage/surplus.

Additional items for surplus list

Mr. Young shared that there are multiple items stored at the landfill that are suitable for surplus.

Upon motion of Supervisor Stacy, seconded by Supervisor Gillespie and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves to include the two ambulances in the advertisement for the upcoming surplus sale as well as new additions to the list as attached.

Firefighter Insurance

Mr. Young recommended changed the firefighter and EMS insurance firm Harfford to VFIS effective September 1, 2023. There will be a small savings of approximately \$100.00 per year, with better coverage that with Hartford.

Upon motion of Supervisor Stacy, seconded by Supervisor Plaster and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves changing the firefighter and EMS insurance provider from Hartford Insurance to VFIS.

Four County Transit contract with AASC

Mr. Young explained that the annual contract with AASC for the Four County Transit is up for renewal at a cost of \$74,000.00.

Upon motion of Supervisor Stacy, seconded by Supervisor Gillespie and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby approves renewal of the Four County Transit contract with AASC at a cost of \$74,000.00 under the same terms as the previous contract. A copy of the contract is available in the County Administration Office, 197 Main Street, Tazewell, Virginia 24651.

Baptist Valley Convenience Station

According to Mr. Young, the lease agreement regarding the Baptist Valley Convenience Station has been settled upon for \$4,000.00 per year beginning July 1, 2023 through 2025.

EXECUTIVE/CLOSED MEETING – 5:10 pm

County attorney, Chase Collins, announced the following items to be addressed in Executive Session for this meeting:

- A(1) Personnel – County Administrator Contract Revision
- A(1) Personnel – County Attorney Annual Evaluation
- A(1) Personnel – Building Inspector's Office
- A(7) Possible litigation regarding Joshua Brown

Upon motion of Supervisor Gillespie, seconded by Supervisor Plaster and adopted by a vote of 5 to 0, in favor thereof, the Board invites all persons necessary to conduct business in this session and enters into an Executive/Closed meeting, pursuant to Virginia Code Section 2.2-3711:

**Executive/Closed Meeting – Pursuant to Virginia Code
Section 2.2-3711:**

- ▶ A(3) Property acquisition at Cavitts Creek
- ▶ A(3) Property disposition at Wardell
- ▶ A(29) Evaluation of design proposals for Springville fire station
- ▶ A(29) Contract negotiations with Capital Waste Management for landfill management
- ▶ A(3) Baptist Valley Transfer Station site lease
- ▶ A(5) Project Fab 2
- ▶ A(5) Project Frazier
- ▶ A(29) Contract negotiations with Merchant McIntyre regarding Federal Grant Writing and Lobbying Contract

RETURN/CERTIFICATION/REPORT OF ACTION – 6:07 pm

The Board of Supervisors returned to public session and Supervisor Gillespie read the following certification:

**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: Five (5)

Nays: None (0)

Absent: None (0)

Absent during vote: None (0)

Report of Action: One (1)

ACTION FOLLOWING EXECUTIVE SESSION

The Chair asked if there was any action following Executive Session.

Upon motion of Supervisor Asbury, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors approved the Employment Agreement between the Board and County Administrator, C. Eric Young, as presented in Executive Session and authorize the Chairperson to execute the same on behalf of the Board. A copy is available at the County Administration Office, 197 Main Street, Tazewell, Virginia 24651.

UNSCHEDULED CITIZEN COMMENTS

The Chairperson called for unscheduled public comments. There were none.

OTHER BUSINESS

Mr. Young asked that any comments received electronically in regard to the flood study presentation be made a part of the minutes.

Upon motion of Supervisor Asbury, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby directs that any comments received electronically in regard to the flood study presentation be made a part of the minutes. A copy is available at the County Administration Office, 197 Main Street, Tazewell, Virginia 24651.

Tazewell Little League

Upon motion of Supervisor Gillespie, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors approves a donation of \$100.00 from Southern District funds to Tazewell Little League to cover the expense of rental fee at Nuckolls Hall for the purpose of a fundraiser.

ADJOURN

Upon motion of Supervisor Stacy, seconded by Chairperson Gillespie and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors is hereby adjourned until September 12, 2023 at 4:00pm.

a copy teste:

Shanna Plaster, Chairperson