

VIRGINIA: AT THE REGULAR MEETING OF THE TAZEVELL COUNTY BOARD OF SUPERVISORS HELD NOVEMBER 9, 2023 AT FOUR O'CLOCK P.M. IN THE TAZEVELL COUNTY ADMINISTRATION BUILDING, 197 MAIN STREET, TAZEVELL, VIRGINIA 24651

PRESENT: SHANNA PLASTER, CHAIRPERSON
ANDY HROVATIC, VICE-CHAIRPERSON
MARGARET ASBURY, MEMBER
CHARLES A. STACY, 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 with all other members present.

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

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.

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, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors approved the November 9, 2023 amended agenda with additions/deletions, a copy of which is available at the County Administration Office, 197 Main Street, Tazewell, Virginia 24651.

MINUTES APPROVED AS WRITTEN

Upon motion of Supervisor Stacy, seconded by Supervisor Hrovatic 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 minutes from the October 3, 2023 meeting. A copy is available in the County Administration Office, 197 Main Street, Tazewell, Virginia 24651.

CONSENT CALENDAR

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 approves the items listed in the table and the Warrants as presented in the "Consent Calendar. The County Administrator is authorized to issue warrants in accordance with this action and said warrants shall be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

DEPARTMENT REPORTS

Engineering – Kenneth Dunford

Mr. Dunford advised that no bids were received for the next phase of the library repair project. Chase Collins, County Attorney, advised that since procurement requirements have been met, it is appropriate for Mr. Dunford to negotiate with engineering firms for estimates and choose from those estimates and hire a firm to perform the remaining work.

Supervisor Hrovatic mentioned that residents on Indian Paint Road have concerns that the speed limit is too high since an additional one-mile portion of that road has been paved. He asked that Mr. Dunford adjust the speed limit to better suit the secondary road.

Supervisor Hrovatic also spoke regarding the flashing yellow signal lights near Claypool Hill that allow drivers turn after yielding to oncoming traffic. He stated that traffic accidents at intersections with those turn/yield lights have increased and asked Mr. Dunford to request VDOT to study the situation.

Supervisor Gillespie spoke about the VDOT work on Route 16 and asked Mr. Dunford if he had any information about the west Riverside Bridge on that route. Mr. Dunford offered to follow up with VDOT on this matter.

Supervisor Asbury spoke regarding handicap access to dumpsters at convenience stations and asked that the subject be revisited and Mr. Dunford offered to do so.

Supervisor Hrovatic asked whether Capital is officially operating the landfill at this time. Mr. Dunford confirmed that Capital is bringing in new equipment and the process is running smoothly so far.

Eric Young stated that the last invoice for Republic's services will need to be prorated because they vacated a day earlier than their contract called for.

Supervisor Plaster inquired about changing the name of Garnet Lane to Williams Drive/Lane. Mr. Collins advised that once the Addressing Department has confirmed there is no other street in the county road system by that name, a public hearing is required to change the name of the street. Mr. Young suggested notifying neighboring residents of the public hearing by certified letter.

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 a public hearing to change the name of Garnet Lane to Williams Drive/Lane upon confirmation that there is no other street in the county road system by that name.

SPECIAL PRESENTATIONS

Tammy Allison Resolution

Upon motion of Supervisor Gillespie, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors approved a resolution for Tammy Allison for service as the Clerk for the Circuit Court of Tazewell County. A copy is available in the County Administration Office, 197 Main Street, Tazewell, Virginia 24651.

Workforce Development Program

Erin (inaudible) of the Workforce Development Program described the program and reported on the assistance that the agency has been able to give to citizens of the county, including medical cost assistance, clothing for students and an automobile purchase/repayment program.

Supervisor Stacy asked whether funds from the opioid settlement might be used to donate to the Workforce Development Program. Mr. Young stated that the settlement guidelines may allow that.

ROBERT'S RULES OF ORDER SUSPENDED

Upon motion of Supervisor Plaster, 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.

ADMINISTRATIVE/FINANCIAL/COUNTY PROJECTS UPDATE

Nuisance abatement

Eric Young reported that the mobile homes that created the nuisance issue have been removed as part of the flood mitigation project and, therefore, the issue is resolved.

Landfill haul bill

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 ratify the payment for the Cedar Bluff haul bill of \$589.00 which has already been paid.

2024 meeting calendar

Mr. Young asked that this matter be addressed at a later date but that the January 2024 meeting be held on January 9 to avoid the holiday.

Upon motion of Supervisor Stacy, seconded by Supervisor Gillespie and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hold the January 2024 meeting on January 9 and that the entire 2024 meeting calendar be voted on at a later date.

Animal Shelter

Chase Collins advised that the shelter board met in October and will meet again in January to renew the bylaws of the organization.

The Chairperson ordered this matter deferred until the December 2023 meeting.

Labor of Love – use of fairgrounds

Mr. Young explained the Mission's request for use of the fairgrounds for food distribution. He recommended that the Board donate to Labor of Love a deposit of \$750.00 which would be held until July 2024 and refunded at that time if no damage or additional cleanup resulted from its use. Supervisor Stacy asked why the Board would donate a deposit. The consensus of the Board was that they pay the deposit as anyone else. Mr. Young advised he would send a contract/letter to Labor of Love outlining the usage requirements.

TCSO/ACO vehicle purchase

The Chairperson ordered that this matter be deferred until the December 5, 2023 meeting.

TCSO weapon upgrade

Mr. Young explained that TCSO has requested approval to trade/purchase/upgrade the weapons currently in use by its officers, which requires Board approval because technically the weapons are county property.

Chase Collins pointed out the quotes offered by several FFL gun dealers meet the county's small purchase procedures.

Upon motion of Supervisor Plaster, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors approve the trade/purchase/upgrade of TCSO weapons as described in the agenda.

DHCD flood relief applications

The County Administrator advised that approximately 13 applications for DHCD flood relief have been submitted and explained the application process.

School facilities

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

Library construction

The Chair noted that this matter was addressed in Mr. Dunford's engineering report.

Fair Association financial report

The Board reviewed the financial report submitted by the Fair Association.

Burn Ban

Mr. Young advised that the State has recommended a burn ban be in place beginning immediately and lasting through December 5, 2023

Upon motion of Supervisor Gillespie, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors approve a burn ban be instituted through December 5, 2023. A copy of the resolution is available in the County Administration Office, 197 Main Street, Tazewell, Virginia 24651.

Flood mitigation

The Chairperson directed this matter be addressed following executive session.

Surplus vehicles

Upon motion of Supervisor Stacy, seconded by Supervisor Hrovatic and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors approve the surplus of a 2011 Ford F150 (VIN 1FTFX1EF8BFB666159) and of a 2014 Ford Explorer (VIN 1FM5K8B88EGC02435) with the understanding that both be examined to see if either is suitable for use at Cavitts Creek park.

EXECUTIVE/CLOSED MEETING – 5:05 pm

Upon motion of Supervisor Stacy, seconded by Supervisor Gillespie and adopted by a vote of 5 to 0, with all members present and voting 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(29) Contract negotiations w/ Town of Bluefield – Fire Protection Services
- ▶ A(5) Project Bonanza
- ▶ A(3) Fairground use agreement regarding horse shows
- ▶ A(1) Personnel in Administration at Cavitts Creek Lake
- ▶ A(1) Personnel in Maintenance at Cavitts Creek Lake
- ▶ A(29) Contract negotiations with top ranked engineering firm, SEH for fire station design
- ▶ A(29) Contract negotiations with Gigabeam regarding Tannersville wireless internet
- ▶ A(29) Consider modifying landfill construction contract for winter shut down
- ▶ A(29) Evaluation of proposals from school facilities engineers
- ▶ A(29) Negotiations regarding easement acquisition for Pocahontas ATV trail
- ▶ A(5) Location of a potential new business: Project Vespene
- ▶ A(5) Potential expansion of an existing industry: Project SEC

RETURN/CERTIFICATION/REPORT OF ACTION – 7:05 pm

The Board of Supervisors returned to public session and Supervisor Stacy 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: Five (5)

ACTION FOLLOWING EXECUTIVE SESSION

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

Landfill

Upon motion of Supervisor Gillespie, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby move that the Tazewell County Board of Supervisors approve the portion only of the change order request from Republic Services, Inc. to split the landfill cell construction into two phases (Cell 5A-1 and Cell 5A-2), so as to complete a usable portion of the landfill cell prior to Winter 2023 as detailed in a letter for Stoddard Pickrell – Environmental Manager for Republic Services, Inc., dated November 8, 2023.

Pursuant to said request, this motion only authorized additional compensation of up to \$45,000.00 for cell design by Schnabel Engineering as submitted with the above-reference letter dated November 8, 2023. No other additional compensation to the contractor for work described in the above-referenced letter dated November 8, 2023 is authorized at this time.

And upon further motion that the Tazewell County Board of Supervisors defer consideration of the portion of the change order request pertaining to additional compensation for rock removal until such matter may be more thoroughly reviewed by Administration.

Fairground use agreement regarding horse shows

Upon motion of Supervisor Gillespie, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby allocates up to \$50,000.00 from contingency to match improvements to the Tazewell County fairgrounds to be made by Tazewell Horse Show, LLC and to waive up to three (3) years' rental fees for that organization for consideration for the proposed upgrades.

Project Bonanza

Upon motion of Supervisor Asbury, seconded by Supervisor Hrovatic 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 authorize up to \$200,000.00 from the Capital Projects fund for the Tazewell County IDA Project Bonanza.

School facilities

Upon motion of Supervisor Hrovatic, seconded by Supervisor Plaster 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 resolves the following with respect to school facilities

1. The commission of a ten-year plan to construct three (3) K-8th grade facilities, one in each of the three school districts, each of which shall replace at least three existing schools and complete the procurement of an engineering firm to assist with the plan;
2. To authorize Tazewell County Public Schools to apply to the Virginia Board of Education School Construction Assistance Program for a grant of \$15m and financing from the State Literary Loan Program for School Construction in an amount not to exceed \$30m to pay for the first of the three schools;
3. To commit, that if the school board is awarded the grant this Board will approve the financing and fund the annual debt service to pay for the remainder of the cost of the new school in excess of the amount of the grant on the conditions that the new school facility shall replace at least three existing school facilities within the same current school district;
4. To commit to dedicate such new coal severance tax revenues from the 2025 Coronado mind expansion as may be necessary to fund the debt service on school facility construction and that, should construction be delayed, such revenues be escrowed in reserve until such time as they are needed to fund school construction;

5. To direct the County Administrator to work with Tazewell County Public Schools, the architects retained and Davenport Financial to prepare a financing schedule such that the debt service may be incorporated into the FY25 budget;
6. That a resolution entitled “A Resolution in Support of Application to the Virginia Board of Education School Construction Assistance Program” be approved, dated November 9, 2023 and authorize the Chairperson and County Administrator to execute the resolution and whatever documents may be necessary to make such application.

A copy of said resolution is available in the County Administration Office, 197 Main Street, Tazewell, Virginia 24651.

Park maintenance at Cavitts Creek

Upon motion of Supervisor Plaster, 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 amend the Park Maintenance Crew Leader position to Admin I with the new title of “Park Manager” and that the Board change the staff position from Admin III to Admin IV.

The County Attorney announced that the following items will be moved to Second Executive/Closed Session later in this meeting:

- ▶ A(29) Contract negotiations w/ Town of Bluefield – Fire Protection Services
- ▶ A(29) Contract negotiations with top ranked engineering firm, SEH for fire station design
- ▶ A(29) Contract negotiations with Gigabeam regarding Tannersville wireless internet
- ▶ A(29) Negotiations regarding easement acquisition for Pocahontas ATV trail

Upon motion of Supervisor Gillespie, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby move the above four (4) items to be discussed during Second Executive Session during this meeting.

County Administrator, Eric Young, spoke regarding the school resolution, stating that Davenport Financial Services reviewed the debt capacity of the County and the anticipated revenues from Coronado Coal. He explained that revenue increase, the large number of grant and other funding opportunities offered by the state along with the County’s eligibility make this a unique time to begin the pursuit of funding for new schools.

SPECIAL PRESENTATIONS

Skills USA Resolution

Upon motion of Supervisor Stacy, seconded by Supervisor Gillespie 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 approved a resolution for Tazewell County students that won in the Skills USA competition. A copy of said resolution is available in the County Administration Office, 197 Main Street, Tazewell, Virginia 24651.

CITIZENS COMMENTS – SCHEDULED

Michael Mitchem – speed problem on Big Branch Road – Mr. Mitchem was not present at the meeting.

Robert Carlson – Lakewood Road, Tazewell, Virginia – spoke in opposition to the proposed solar project

Luther Vandyke – 191 Pine Street, Tazewell, Virginia – spoke in opposition to the proposed solar project

UNSCHEDULED CITIZEN COMMENTS

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

PUBLIC HEARINGS

Ordinance regarding EMS Loyalty Incentive Program

County Administrator, Eric Young, explained the particulars of the proposed ordinance.

The Chairperson called to order a public hearing that was duly advertised according to law regarding a public hearing regarding an ordinance for an EMS Loyalty Incentive Program.

Now, the Chairperson called three times for public comments from the floor and being none, the hearing was closed.

Mr. Collins read the specific details of the Ordinance. Mr. Young pointed out that there was an error in the wording. He stated the intent was not to bonus overtime hours worked but part time hours worked.

Upon motion of Supervisor Gillespie, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors approved the Ordinance, after an amendment to the Ordinance to provide that part time EMS employees who have worked at least 300 hours in a quarter will receive a \$300.00 bonus for that quarter.

Ordinance regarding Circuit Court Clerk bonus

County Administrator, Eric Young expressed concern that the money for the proposed clerk's bonus would come from the technology portion of the budget within the TCCC, and he is uncomfortable draining that account for bonuses, explaining that even though it may not be necessary to purchase computers each year, for example, when it does become necessary, the funds would have been depleted by using it for bonuses.

The Chairperson called to order a public hearing that was duly advertised according to law regarding a public hearing regarding an ordinance for Circuit Court Clerk bonuses.

Now, the Chairperson called three times for public comments from the floor and being none, the hearing was closed.

Upon motion of Supervisor Hrovatic, seconded by Supervisor Asbury and adopted by a vote of 4 to 1, with all members present and Supervisor Stacy voting nay, the Tazewell County Board of Supervisors hereby deny the ordinance for Circuit Court Clerk bonuses.

ADMINISTRATIVE/FINANCIAL/COUNTY PROJECTS UPDATE

Flood mitigation applications

Mr. Young showed a chart of flood mitigation grants for multiple studies that the County can apply for, explained each and inquired of the Board which, if any, they wish to apply for. The Board discussed which projects were higher or lower priority. After some discussion of each, the Board decided to apply for grant funding for all the studies proposed.

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 application for all available flood mitigation grants: RES BMP Design/Construction, Blacksburg St./Mill Dam Study, Bottom Road Study, Fire-Rescue Station 3 Study and Bluefield Area Study.

Other

Safer Streets Grant

Mr. Young stated that the County will most likely be awarded the grant for the study. He said the two areas he suggests to look at are (1) the turn off of Rt. 460 at Springville on to the road where Lawrence Brothers is located and (2) the crossover intersection at Crab Orchard Historic Museum.

Outside funding requests:

Mistletoe Mnt Christmas Relief

The Chairperson directed that this matter be deferred until the December 5, 2023 meeting.

Rotary Club of Tazewell

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 approves a donation in the amount of \$100.00 from Southern District funds to the Rotary Club of Tazewell for Nuckolls Hall rental for the purpose of their poinsettia fundraiser.

Appointments:

Library Board

The Chairperson directed that this matter be deferred until the December 5, 2023 meeting.

Planning Commission

Upon motion of Supervisor Hrovatic seconded by Supervisor Plaster and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby appoint Lance Wimmer to the Planning Commission of Tazewell County.

CRVI

The Chairperson directed that this matter be deferred until the December 5, 2023 meeting.

Fire/Rescue Board

The Chairperson directed that this matter be deferred until the December 5, 2023 meeting.

RDA

The Chairperson directed that this matter be deferred until the December 5, 2023 meeting.

Equalization Board

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 appoint Ramona Simmons to serve on the Equalization Board.

Upon motion of Supervisor Gillespie seconded by Supervisor Plaster and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby appoint Eric Whitesell to serve on the Equalization Board.

Upon motion of Supervisor Gillespie seconded by Supervisor Plaster and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby rescinds Supervisor Gillespie's previous appointment of Sandy Addair to the Equalization Board.

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 appoint Sandy Addair to serve on the Equalization Board as an alternate.

Upon motion of Supervisor Asbury seconded by Supervisor Hrovatic and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby reappoints Ken Franklin to serve on the Equalization Board.

The Chairperson directed that the final alternate appointment be deferred until later in the meeting.

VASAP

Upon motion of Supervisor Hrovatic seconded by Supervisor Stacy and adopted by a vote of 4 to 0, with the Chairperson abstaining, the Tazewell County Board of Supervisors hereby reappoints James Christopher Plaster to serve on the VASAP Board.

BOARD CONCERNS

Supervisor Gillespie

None.

Supervisor Asbury

Supervisor Asbury discussed the annual chaos regarding employees requesting that the Board grant Good Friday as a holiday for the County. She asked that the Board consider using Good Friday as a holiday in exchange for Election Day.

The Chairperson directed that this matter be deferred until the December 5, 2023 meeting.

Supervisor Stacy

Band instrument donation

Upon motion of Supervisor Stacy, seconded by Supervisor Gilesie 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 donation in the amount of \$500.00 from Eastern District funds to Graham High School for the purchase of band instruments for student use.

Consider donation to Town of Bluefield/Warhawk Park improvements

Upon motion of Supervisor Stacy, seconded by Supervisor Asbury and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves a donation in the amount of \$5,000.00 from Eastern District funds to the Town of Bluefield for the purpose of purchasing play equipment for Warhawk Park.

Coyote/beaver bounty w/ pre-tag application

The Chairperson directed that this matter be deferred until the December 5, 2023 meeting.

Prorated personal property tax issue

Supervisor Stacy inquired as to why personal property taxes are not pro-rated. Mr. Young stated he will speak with the Commissioner of the Revenue to determine whether the taxes can be pro-rated.

The Chairperson directed that this matter be deferred until the December 5, 2023 meeting.

Water/Sewer on Slade Road

The Chairperson directed that this matter be deferred until the December 5, 2023 meeting.

EMS overtime one time per month payment

The Chairperson directed that this matter be deferred until the December 5, 2023 meeting.

EMS Endowment

The Chairperson directed that this matter be deferred until the December 5, 2023 meeting.

Workers' Compensation for firefighters

The Chairperson directed that this matter be deferred until the December 5, 2023 meeting.

DSS building issues

Supervisor Stacy inquired as to the basis for complaints he has received regarding the DSS building. Mr. Young advised that the heating/cooling/HVAC issues stem from the fact that the HVAC units were initially installed on top of the building and then completely enclosed, preventing maintenance and/or repair to the 22 units that supply the building. A hatch has now been installed into the enclosure and two units are being repaired/replaced.

VFW application for orphan road

The Chairperson directed that this matter be deferred until the December 5, 2023 meeting.

EMT pay raise

Supervisor Stacy stated that part time EMT employees are upset because they haven't yet received their pay increase to which they were told they were entitled to when the EMT pay scale was changed in January 2023. Mr. Young explained that full time employees only received a pay increase, which was part of changing the "pay scale" to bring salaries in line with increases in minimum wage that had recently been made. Supervisor Stacy asked that the part time EMT employees be compensated in accordance with the increase they were told they were to receive. Mr. Young advised that further investigation should be done into who incorrectly notified those employees that they were to receive a pay increase. Mr. Collins also advised that in order to increase their pay retroactively requires a public hearing for the same.

Supervisor Stacy initiated a motion for a public hearing in December, seconded by Supervisor Asbury, but, following further discussion by the Board, both were rescinded.

The Chairperson directed that this matter be deferred until the December 5, 2023 meeting.

Supervisor Hrovatic

None.

Supervisor Plaster

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 appoint J.R. Absher to serve as an alternate on the Equalization Board.

Upon motion of Supervisor Plaster, seconded by Supervisor Hrovatic 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 donations in the amount as indicated below to Richlands Police Department for the purpose of assisting with the Shop with a Cop Program.

\$1000.00 from Northwestern District funds

\$1000.00 from Western District funds

\$2000.00 Total

SECOND EXECUTIVE/CLOSED MEETING – 8:55 pm

Upon motion of Supervisor Stacy, seconded by Supervisor Gillespie and adopted by a vote of 5 to 0, with all members present and voting 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(29) Contract negotiations w/ Town of Bluefield – Fire Protection Services
- ▶ A(29) Contract negotiations with top ranked engineering firm, SEH for fire station design
- ▶ A(29) Contract negotiations with Gigabeam regarding Tannersville wireless internet
- ▶ A(29) Negotiations regarding easement acquisition for Pocahontas ATV trail

RETURN/CERTIFICATION/REPORT OF ACTION – 10:00 pm

The Board of Supervisors returned to public session and Supervisor Stacy 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: Two (2)

ACTION FOLLOWING EXECUTIVE SESSION

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

Negotiations regarding easement acquisition for Pocahontas ATV trail

Upon motion of Supervisor Asbury, seconded by Supervisor Gillespie 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 move that the Tazewell County Board of Supervisors approve amending the Easement Facilitation Agreement with Justic Coal Companies to agree to pay Justice an additional \$182,407.19 in the event Poca Land Company dedicates a permanent easement for Tazewell County and Spearhead trails to use their property in and around Pocahontas, being the parcels named in the agreement, which have been used only with revocable permission since 2015, on the condition that any payments to Justice must first be applied to any back taxes Justice owes Tazewell County. The Board discussed which projects were higher or lower priority.

Contract negotiations w/ Town of Bluefield – Fire Protection Services

Upon motion of Supervisor Stacy, seconded by Supervisor Hrovatic 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 move that the Board approve *Amendment #1 for Fire and EMS Services* under the terms and conditions as discussed in Executive Session, whereby the County would pay \$100,000.00 to the Town of Bluefield in exchange for the Town of Bluefield extending the term of the agreement until June 30, 2027 and authorize the Chairperson and County Administrator to endorse the same.

ADJOURN

Upon motion of Supervisor Hrovatic, seconded by Supervisor Gillespie 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 until the next regular meeting on December 5, 2023 at 6:00 pm.

a copy teste:

Shanna Plaster, Chairperson