

VIRGINIA: AT THE REGULAR MEETING OF THE TAZEVELL COUNTY BOARD OF SUPERVISORS HELD FEBRUARY 6, 2024 AT FOUR O'CLOCK P.M. IN THE TAZEVELL COUNTY ADMINISTRATION BUILDING, 197 MAIN STREET, TAZEVELL, VIRGINIA 24651

PRESENT: ANDY HROVATIC, CHAIRPERSON
AARON GILLESPIE, VICE-CHAIRMAN
KYLE CRUEY, MEMBER
CHUCK PRESLEY, MEMBER
SHANNA PLASTER, 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:

MINUTES

Chairman, Andy Hrovatic called the regular meeting to order and presided with all other members present.

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

Chairman Hrovatic 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.

County Administrator, Eric Young, requested that an item be added to Executive Session: (A3) Property disposition in the Town of Tazewell.

Upon motion of Supervisor Presley, 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 approved the February 6, 2024 amended agenda with additions/deletions, a copy of which is available at the County Administration Office, 197 Main Street, Tazewell, Virginia 24651.

ROBERT'S RULES OF ORDER SUSPENDED

Upon motion of Supervisor Plaster, seconded by Supervisor Presley 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.

MINUTES APPROVED AS WRITTEN

Upon motion of Supervisor Plaster, 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 approves the minutes from the January 9, 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 Presley 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.

Consent Calendar

(All items on the consent calendar are considered to be routine matters. The following items may be enacted by one motion, with the concurrence of the Board of Supervisors, a member may request that an item be removed for further discussion)

- A. Approval of Warrants
- B. County Departments - Transfer the following amounts from the Contingent Expenditures and Grant Account No. 91050-7041 to various department accounts as shown on the attached table.
- C. Ratify poll to transfer \$1,000.00 from contingency to the tourism budget to be used as replacement for a cut made to previous budget
- D. Approval of (4) Banc of America Leasing/Capital, LLC refunds
- E. Approval of IFTA refund for J&S Transport in the amount of \$11,373.80

DEPARTMENT REPORTS

Engineering – Kenneth Dunford

Library

Mr. Dunford advised that he still has not received an estimate from the company he had previously spoken with. He advised he will continue to attempt to find a contractor to complete the work.

Cartwright Road

VDOT wishes to “discontinue” Cartright Road in the Northern District due to insufficient number of households on the road. Mr. Dunford asked the Board to consider this request.

SPECIAL PRESENTATIONS

Resolution supporting current fence ordinance

Supervisor Gillespie read the proposed resolution in support of the current fence-out ordinance.

Upon motion of Supervisor Gillespie, 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 approves a resolution in support of the current fence-out ordinance.

ADMINISTRATIVE/FINANCIAL/COUNTY PROJECTS UPDATE

Consider junkyard fee increase

Chase Collins, County Attorney, announced that the Planning Commission recommends that there be no junkyard fee increase.

AASC

Mr. Young advised he will speak with AASC Director, Brian Beck, regarding the number of tires they wish to dispose of at no charge and how to best approach the task.

Mary Eddie Drive

Following a public hearing and a public comment period which ended at 11:59pm on 5 February 2024, having received no public comment regarding the matter, Mr. Collins advised that Garnet Lane in the northwest district of the county is now eligible to become renamed as Mary Eddie Drive.

Upon motion of Supervisor Plaster, seconded by Supervisor Cruvey 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 changing the name of Garnet Lane to Mary Eddie Drive.

Consider a public hearing to approve Comprehensive Plan

Mr. Young explained that the county is required to adopt a Comprehensive Plan every five years and that the Planning Commission had approved a proposed plan for 2024.

Upon motion of Supervisor Gillespie, seconded by Supervisor Presley 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 holding a public hearing to approve the 2024 Comprehensive Plan as proposed by the Planning Commission.

Solar Ordinance

Mr. Young asked to pass on this subject until after Executive Session.

Legal Aid

Mr. Yong reported that Joey Carrico from Southwest Virginia Legal Aid visited with Mr. Young recently and requested that the county support their application to the Regional Opioid Abatement Program for funding to help fund legal aid position to help persons released from incarceration to navigate fines and other personal issues to assist them get back on their feet.

Chairman Hrovatic recommended that the issue be placed on the agenda for discussion at the upcoming Opioid Committee meeting.

Miner's Park

Mr. Young asked the Board to approve a transfer of \$12,500.00 from the Miner's Park budget to the Cavitts Creek Park budget for the purpose of completing the bathhouse and picnic shelter there.

Upon motion of Supervisor Gillespie, seconded by Supervisor Presley 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 transferring the amount of \$12,500.00 from the Miner's Park budget to the Cavitts Creek Park budget for the purpose of completing the bathhouse and picnic shelter.

Outside Funding Requests:

Legacy Hospice/Palliative Care funding request

The Chairman directed that this matter be deferred until the March 5, 2024 meeting.

Tazewell Little League Baseball/Softball, Inc. funding request

The Chairman directed that this matter be deferred until the March 5, 2024 meeting.

Dorothy White/Southern Graces Catering, LLC funding request

The Chairman directed that this matter be deferred until the March 5, 2024 meeting.

Diamond Dawg Baseball, Inc. funding request

The Chairman directed that this matter be deferred until the March 5, 2024 meeting.

Tazewell Football Booster Spring Banquet funding request

The Chairman directed that this matter be deferred until the March 5, 2024 meeting.

SPECIAL PRESENTATION

The County Administrator showed a budget presentation outlining the current budget situation in the County. Mr. Young advised the Board that, based on the new assessment, the real estate tax rate necessary to fund all budget requests would be \$0.64 per \$100.00 of value. He further explained the budget committee that identified #2m in budget cuts such that the County could function on the current rate of \$0.58. He advised that any but to the rate would require additional, deeper cuts. He advised the Board that, without more cuts, reserve funds would be exhausted in three (3) years. Mr. Young advised considering a personal vehicle tax ratio reduction and implementing a meals tax.

Following Mr. Young's presentation, the Chairman announced that questions/comments would be entertained from the audience, moving from left to right in the room as follows:

- An unidentified gentleman spoke regarding property values.
- Tamara Neo – asked about what might happen if the county becomes bankrupt. Mr. Young explained the process of events that would take place should that occur.
- Laura Mollo – asked about district capital and district discretionary funds. Supervisor Gillespie described the projects that his district has paid for from the Southern district capital improvement fund.
- An unidentified man spoke about increased real property assessment, lack of available jobs.
- An unidentified man asked what the Board plans to do about the financial situation of the county. Mr. Young commented that there will have to be changes in the services that are provided to the citizens of the county.
- An unidentified man asked about the \$20.00 charged per vehicle added to the personal property tax bill. Mr. Young explained the vehicle tax enacted in 2018.
- An unidentified woman asked if the citizens paying both county and town real property taxes will be subject to higher town real property taxes. Mr. Young explained that real property inside each town will be assessed and that each town will set their own real property tax rate.
- An unidentified man commented regarding social security income, lack of jobs.
- An unidentified woman commented that she is a widow with only social security income whose real property assessment increased 52% without having seen the inside of her home and stated that no improvements were made even though repairs are needed. Mr. Young recommended that she follow the appeal process.
- An unidentified man asked why the real estate assessor wasn't in attendance at the meeting to answer questions. Mr. Young informed him that the public hearing is for the tax rate rather than reassessment.

The Chairman called the meeting back to order.

- An unidentified man spoke regarding the budget increase request and suggested that TCSO review their budget for areas that could be cut.

CITIZENS COMMENTS – SCHEDULED

The following individuals spoke regarding Tazewell County real property reassessments:

- ▶ Laura Mollo, Richlands, Virginia
- ▶ Tamara Neo, Tazewell, Virginia
- ▶ Rod Shrewsbury
- ▶ John Minton – replaced by Tony Cordle

- ▶ A.R. Beavers
- ▶ Robert Carlson – spoke regarding the proposed solar project (made part of record)
- ▶ Gene Bailey
- ▶ Elmena Repass, 4706 Witten Mill Rd., North Tazewell, Virginia
- ▶ Morgan Earp, 1618 6th Street, Richlands, Virginia
- ▶ Michael Clark, 314 Fincastle Lane, Bluefield, Virginia
- ▶ Jack Long, 207 Glenway Drive, Tazewell, Virginia
- ▶ Ed Smith, 165 West Street, Pounding Mill, Virginia
- ▶ Chad Estep, 1201 Cresswood Drive, Richlands, Virginia
- ▶ Buddy May, 105 Mayapple Road, Richlands, Virginia
- ▶ Janet Cordle, 140 Goldie Avenue, Cedar Bluff, Virginia
- ▶ Donnie Linkous, Bluefield, Virginia
- ▶ Edna Honeycutt, 164 Kennedy Drive, Pounding Mill, Virginia
- ▶ Tom Chaffins, 228 Wintercreek Drive, Bluefield, Virginia
- ▶ David Scruggs, 601 Fairway Street, Bluefield, Virginia
- ▶ Travis Bandy, Rogic Rd, Pounding Mill, Virginia

A recording of public comments is available online at www.tazewellcountyva.org.

PUBLIC HEARINGS

Public hearing to establish 2024 real estate tax rate

The Chairman called to order a public hearing that was duly advertised according to law regarding a public hearing to establish the real property tax rate for 2024.

Now, the Chairman called for public comments from the floor.

- ▶ Tim Hass, North Tazewell, Virginia
- ▶ Tamara Neo, Tazewell, Virginia
- ▶ Laura Mollo, Richlands, Virginia
- ▶ William Osborne, Tannersville, Virginia
- ▶ Kenneth Richmond, Bluefield, Virginia
- ▶ John Keen, Pleasant Valley Estates, Cedar Bluff, Virginia
- ▶ Bruce (inaudible), North Tazewell, Virginia
- ▶ Keith Spencer, North Tazewell, Virginia
- ▶ Morgan Earp, Richlands, Virginia

The Chairman called a second and third time for additional public comments from the floor.

Supervisor Cruey stated that he feels the Board is responsible for doing everything possible to give the citizens tax relief.

The Chairman recommended that the Board refrain from a vote on the tax rate and look at areas in which the budget might be trimmed. Supervisor Gillespie agreed with the recommendation.

The Chairman closed the public hearing.

County Administrator, Eric Young reminded the audience that budget cuts will be painful and encouraged everyone to return for the budget meeting in June and to follow the process as it unfolds. Mr. Young also advised those present to follow the assessment appeals process to conclusion if they were not dissatisfied with their assessment.

County Attorney, Chase Collins pointed out the possibility to adjust the elderly exemption for real estate tax relief so the qualifying threshold is lower. He also proposed deferring taxes for the elderly until the probate process. He also pointed out that the Board of Supervisors can operate only as the General Assembly permits it to operate.

UNSCHEDULED CITIZEN COMMENTS

The Chairman called for unscheduled citizen comments. No one asked to speak.

EXECUTIVE/CLOSED MEETING – 8:10 pm

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, 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(5) Potential expansion of existing business: CRFP
- ▶ A(29) Contract negotiations with Pure Salmon on Jonah Water Project
- ▶ A(5) Project Bonanza
- ▶ A(3) Property acquisition regarding ATV trail easements
- ▶ A(29) Discussion regarding Energix siting agreement
- ▶ A(29) Contract discussions regarding possible solid waste disposal agreement
- ▶ A(29) Discussion regarding engineering contract for Springville FD design
- ▶ A(3) Property disposition in Town of Tazewell

RETURN/CERTIFICATION/REPORT OF ACTION – 10:29 pm

The Board of Supervisors returned to public session and Chairman Hrovatic 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: Three (3)

ACTION FOLLOWING EXECUTIVE SESSION

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

Solar facilities siting agreement

Upon motion of Supervisor Presley, 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 approves the Tazewell County, Virginia solar facility siting agreement, subject to the modifications request in executive session and further subject to final legal review and that the Chairman, County Administrator and County Attorney be empowered to execute the same upon final review.

Mr. Collins announced that all comments received from the public regarding the proposed solar facility were very much appreciated and shared revisions that were made to the siting agreement as follows:

- (1) Energix agrees to conduct, at their own expense, fire training at least once per calendar year upon the county's request;
- (2) Energix will provide insurance coverage in the amount of \$1m per occurrence, with a \$20m umbrella that will take care of any damage to personal/private property as a result of accidents/malfunctions that might occur; and
- (3) Energix will pay a general maintenance bond in the event that landscaping is not appropriate due to damage to any solar panels at the site.

Solar Ordinance

Upon motion of Supervisor Cruey, 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 approve the conveyance of parcel number 94B4A0067-

0067A at 209 Main Street, Tazewell, Virginia to the IDA of Tazewell County and hereby authorize the Chairman to endorse a deed to effect the transfer.

ADMINISTRATIVE/FINANCIAL/COUNTY PROJECTS UPDATE

Appointments:

Library Board

The Chairman directed that this matter be deferred until the March 5, 2024 meeting.

Fire/Rescue Board

The Chairman directed that this matter be deferred until the March 5, 2024 meeting.

RDA

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 Scarlett May to serve on the RDA.

New River Highlands

The Chairman directed that this matter be deferred until the March 5, 2024 meeting.

Workforce Initiative

The Chairman directed that this matter be deferred until the March 5, 2024 meeting.

Equalization Board

The Chairman directed that this matter be deferred until the March 5, 2024 meeting.

SWCC local board

The Chairman directed that this matter be deferred until the March 5, 2024 meeting.

BOARD CONCERNS

Supervisor Presley

Financial plan

Supervisor Presley advised that he would like to develop a long-term budget plan for five, ten and twenty years. He also asked for information regarding a possible meals tax being imposed.

Bluefield bridge

After discussion, the Chairman directed that this matter be deferred until the March 5, 2024 meeting.

Supervisor Plaster

RHS Wrestling building

The Chairman directed that this matter be deferred until the March 5, 2024 meeting.

Supervisor Cruey

Upon motion of Supervisor Cruey, 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 approves a donation in the amount of \$650.00

from Northern District funds to the Town of Pocahontas for the purpose of Va Tech student study.

Bookmobile

Supervisor Cruey stated that in light of budget difficulties, he prefers this matter be placed on hold while the library looks for grant opportunities to fund the book mobile.

Supervisor Gillespie

Upon motion of Supervisor Gillespie, 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 approves a donation in the amount of \$1250.00 from Southern District funds to the Clearfork Fire Dept for the purpose of a grant match for the purchase of an extraction device.

Upon motion of Supervisor Gillespie, 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 approves a donation in the amount of \$250.00 from Southern District funds to THS for the purpose of assisting with the DECA competition travel expenses.

Supervisor Hrovatic

None

OTHER BUSINESS

Upon motion of Supervisor Plaster, seconded by Supervisor Presley 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 proposed solar ordinance and that the ordinance become effective 1 April 2024.

Mr. Collins explained that the lack of zoning in Tazewell County leaves project similar to the solar facility open to interpretation and lacking in restrictions. The ordinance places restrictions upon each facility and also requires that any applicant for a large-scale solar facility have a siting agreement.

ADJOURN

Upon motion of Supervisor Plaster, 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 March 5, 2024 at 4:00 pm.

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Andy Hrovatic, Chairman