

Council Meeting Minutes
August 6, 2013

The Tazewell Town Council met at 7:00 a.m. in the Town Hall Council Chambers.

Present:	Absent:
Mayor A. D. Buchanan, Jr.	None
Vice-Mayor Chris Blankenship	
Councilmember Glenn Catron	
Councilmember Chris Brown	
Councilmember David Fox	
Councilmember Jack Murray	
Councilmember Terry Mullins	

Staff present were Town Manager, Todd Day; Clerk, Linda S. Griffith, Administrative Assistant, Robin Brewster; Town Attorney, Brad Pyott.

CALL TO ORDER

Mayor Buchanan called the meeting to order.

EXECUTIVE SESSION

RESOLUTION

Motion made by: Councilmember Murray	Resolution Number: ES080613
Motion Seconded by: Councilmember Fox	Meeting Date: August 6, 2013
Vote: All voted aye	Purpose: Legal Matter

CERTIFICATION OF EXECUTIVE SESSION

Whereas, the Tazewell Town Council has convened an executive session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, 2.1-344.1 of the Code of Virginia requires a certification by this Council that such executive session was conducted in conformity with Virginia Law;

Now Therefore, Be It Resolved, that the Tazewell Town Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive session to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive session were heard, discussed or considered by the Tazewell Town Council.

VOTE

Ayes: Councilmember Blankenship, Brown, Catron, Fox, Murray, Mullins

Nays: None

(For each nay vote, the substance of the departure from the requirements of the Act should be described.)

Absent during vote: Councilmember Catron

Absent during meeting: None

Clerk, Linda S. Griffith

With no further business, meeting was adjourned at 8:40 a.m.

Council Meeting Minutes
August 13, 2013

The Tazewell Town Council met at regular session at 7:00 p.m. in the Town Hall Council Chambers.

Present:

Mayor A. D. Buchanan, Jr.
Vice-Mayor Chris Blankenship
Councilmember Chris Brown
Councilmember Glenn Catron
Councilmember David Fox
Councilmember Jack Murray
Councilmember Terry Mullins

Absent:

None

Staff present were Town Manager, Todd Day; Clerk, Linda S. Griffith; Town Attorney, Brad Pyott; Executive Assistant, Robin Brewster; Police Chief, DeWitt Cooper and Zoning Administrator, Donald Pruitt, Jr.

PUBLIC HEARING – ZONING UPDATES

Mayor Buchanan called the public hearing to order.

The purpose of the public hearing is to receive public comments from members of the public regarding the proposed publication of two chapters of the town's Code of Ordinances addressing "land use regulations" Chapter 23, Zoning, 24, Subdivisions and 21 Zoning.

There were no public comments.

CALL TO ORDER

Mayor Buchanan called the meeting to order with the pledge of allegiance and invocation by Todd Day.

FLOODING – 101 COTTAGE HILL

Sheri Dorton, of 101 Cottage Hill, came before Council concerning flooding problems near her residence with a swamp that is full of mosquitos and cattle feces. Ms. Dorton stated that rain water is coming from the Consol property across the road.

Manager Day stated that the culverts are too small to carry the heavy rain water.

TIME WARNER CABLE – C.K. ALLEN

C. K. Allen, with Time Warner Cable, came before Council to answer any questions they may have with Time Warner Cable.

Councilmember Mullins asked Mr. Allen why the weather channel for Tazewell is coming from the Richland's area.

Mr. Allen stated the weather is coming from the Tazewell County Airport and that he would check about getting the weather from somewhere in Tazewell.

Councilmember Murray stated he had received complaints from customer that had purchased the package channels and a lot of the channels had been taken off.

Councilmember Mullins was also concerned about WDBJ – Roanoke advising he wanted to keep the channel.

PLANNING AND ZONING COMMISSION

Mayor Buchanan welcomed Art Meade and thanked him for all the hard work he had done with the Planning Commission and Zoning Board of Appeals.

APPROVAL OF MINUTES

Motion was made by Councilmember Fox, seconded by Councilmember Catron to approve the minutes of July 9, 2013 and July 30, 2013. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Mullins, aye; Councilmember Murray, aye.

FINANCIAL STATEMENTS

No financials were available for the month.

PROJECT AND ACTIVITY REPORTS

Motion was made by Councilmember Murray, seconded by Councilmember Fox to approve the project and activity reports. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Mullins, aye; Councilmember Murray, aye.

DRY TOWN SEWER PROJECT

Manager Day reported that the Dry Town Sewer Project construction is in progress as scheduled.

ROUTE 61 PROJECT

Manager Day reported that Attorney Pyott stated he was working on the easements for Route 61 project. Manager Day also stated that the Route 61 Project has been approved by the Governor.

LINCOLNSHIRE DAM

Manager Day reported the Town has received a grant in the amount of \$25,000 for the repairs to the Lincolnshire Dam from the Ratliff Foundation.

SIDEWALKS ON MAIN STREET

Councilmember Blankenship requested to remind Street Maintenance to mark the handicap parking spaces on Main Street.

SALT FOR SNOW REMOVAL

Manager Day reported he was able to purchase salt from CNX for \$45 per ton instead of paying \$120 per ton to VDOT for snow removal.

LINCOLNSHIRE FISHING

Manager Day advised he had spoken with VML concerning the liability to the Town with leaving Lincolnshire Park open 24 hrs. for fishing. Manager Day stated that VML advised it was up to the locality to make the decision and there would be no extra cost for the liability insurance.

Motion was made by Councilmember Fox to open the park at night time, seconded by Councilmember Murray.

Councilmember Brown questioned to close the park at night time or for 24 hours.

Councilmember Fox stated that the police could do extra patrolling at Lincolnshire Park.

Vice-Mayor Blankenship stated he was concerned about the teenagers hanging out at the park.

Chief Cooper stated that the officers couldn't walk all the way back of lake, what if an emergency comes up while at the back of lake.

Councilmember Murray and Councilmember Fox resended their vote until the next meeting.

HISTORICAL PLAQUES

Tracie Lewis presented quotes for historic plaques to be placed on the historical building.

Councilmember Mullins stated he preferred the larger plaques.

Councilmember Mullins thanked Ms. Lewis for her time spent on a Sunday afternoon to present the quotes to the Tazewell County Historical Society.

Councilmember Mullins also thanked Irma Mitchell for helping get donations for the plaques.

Motion was made by Councilmember Murray, seconded by Councilmember Brown to proceed with purchasing the large plaques at \$176 for the Historical Building. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Mullins, aye; Councilmember Murray, aye.

REAL ESTATE TAX UPDATE

Leeanne Billings updated Council on the delinquent real estate tax submission for collections and stated the County will be submitting taxes also to help with the cost of collections.

NON-CONFORMING USE PERMIT – 508 EAST FINCASTLE TURNPIKE

Donald Pruitt, Zoning Administrator, presented a request to allow a non-conforming use permit for 508 East Fincastle Turnpike for Terry Long. The Planning commission met and approved a two foot variance for 508 East Fincastle.

Motion was made by Vice-Mayor Blankenship, seconded by Councilmember Brown to approve the non-conforming variance for 508 East Fincastle Turnpike. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Mullins, aye; Councilmember Murray, aye.

ELDERLY TAX EXEMPTION

Leeanne Billings, Accounting Clerk, presented an elderly tax exemption for approval by Council. The elderly tax exemption for anyone 65 years or older with a gross income of \$25,000 or less to receive a reduced rate on their real estate taxes. Ms. Billings stated the annual exemption would cost the town a loss of revenue for approximately \$5,300 for 38 taxpayers.

Motion was made by Councilmember Fox, seconded by Councilmember Mullins to approve the elderly tax exemption. On vote, Councilmember Fox, aye, Councilmember Mullins, aye; Councilmember Catron, nay; Councilmember Brown, nay; Councilmember Murray, nay; Vice-Mayor Blankenship, nay. Motion failed.

LAND USE EXEMPTION

Leeanne Billings, Accounting Clerk, presented a land use exemption to Council for approval for property used as agriculture, this would involve approximate 23 properties.

No action was taken by Council on the land use exemption.

TOWN DECALS

Leeanne Billings, Accounting Clerk, presented a proposal to Council for a “Forever Decal” to our Town residents for the lifetime of a vehicle for \$10. If the Town went with the “Forever Decal” this would save \$18,820. The implementation of the “Forever Decal” would cause a revenue loss in the first year of implementation.

After discussion, Motion was made by Councilmember Murray, seconded by Councilmember Fox to table until the next meeting.

Motion was made by Vice-Mayor Blankenship, seconded by Councilmember Fox to have a lifetime decal for each vehicle. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Mullins, aye; Councilmember Murray, aye.

APPOINT TOWN MANAGER – NON-VOTING MEMBER OF PLANNING COMMISSION

Attorney Pyott stated that Council needed to appoint Manager Day as a non-voting member to the Planning Commission. Attorney Pyott advised that the Town Manager be a voting member is a conflict of interest.

Motion was made by Councilmember Murray, seconded by Councilmember Fox to appoint Manager Todd Day as a non-voting member to the Planning Commission and amend the Town Charter through the General Assembly. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Mullins, aye; Councilmember Murray, aye.

APPOINTMENT PLANNING COMMISSION VACANT SEAT

Motion was made by Councilmember Catron, seconded by Councilmember Fox to appoint Benny Moore to the Planning Commission to fill the seat of Beverly Smith. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Mullins, aye; Councilmember Murray, aye.

APPOINTMENT TO BOARD OF ZONING APPEALS

Motion was made by Councilmember Catron, seconded by Councilmember Fox to appoint Benny Moore to the Board of Zoning Appeals. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Mullins, aye; Councilmember Murray, aye.

ECONOMIC DEVELOPMENT

Motion was made by Councilmember Catron, seconded by Councilmember Brown to appoint Chris Wearmouth and Tony Roop to Economic Development. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Mullins, aye; Councilmember Murray, aye.

STREET PAVING FY14

Manager Day presented the street paving for FY14 for Council approval for the following streets: Valleyview Street, Market Street, Dial Rock Road (to railroad tracks), Dogwood Road to Tazewell Square Apartments, Steeles Lane, Marion Avenue, Sunnyside Drive, Adria Road to exit to Fairground Road.

Motion was made by Councilmember Murray, seconded by Councilmember Fox to approve the street paving for 2014. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Mullins, aye; Councilmember Murray, aye.

NEIGHBORHOOD WATCH UPDATE

Chief Cooper updated Council on the request for the Neighborhood Watch Program and stated the citizens were only interested and focused on one group of citizens. Their issues were concerning the Hispanic citizens in the neighborhood. Only 11 citizens returned the surveys that were interested in the Neighborhood Watch Program. Chief Cooper stated that citizens in Tazewell needed to be educated about the Neighborhood Watch Program and the details of the program.

Chief Cooper suggested involving the whole Town of Tazewell not just Fairground Road area.

ORDINANCE – DISCHARGING FIREARMS

§18-10 Discharging Firearms - Generally

BE IT ORDAINED by the Council of the Town of Tazewell, Virginia that it hereby enacts the following amendment to Ordinance §18-10 regarding the discharge of firearms in the corporate limits of the Town:

Section 18-10 Discharging Firearms - Generally

- a) It shall be unlawful for any person to discharge any gun, pistol, rifle, shotgun, cannon, or other firearm within the corporate limits of the Town. A violation of this section shall constitute a Class One (1) misdemeanor.
- b) This section shall not apply to the following:
 - 1. Any law enforcement officer in the performance of his official duties;
 - 2. Any person whose willful act is otherwise justifiable or excusable at law in the protection of his life or property; or
 - 3. Any person authorized to kill any animal(s) pursuant to Virginia Code §29.1-529 (Cum. Supp. 2013).

Motion was made by Councilmember Fox, seconded by Councilmember Murray to adopt Section 18-10 Discharging Firearms in the Town of Tazewell. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Mullins, aye; Councilmember Murray, aye.

AMENDMENT TO EXISTING HUNTING ORINANCE ORDINANCE

Amendment to Existing Ordinance §18-3 Hunting in Town

BE IT ORDAINED by the Council of the Town of Tazewell, Virginia that it hereby enacts the following amendment to Ordinance §18-3 regarding hunting in the corporate limits of the Town:

Section 18-3 (amended)

It shall be unlawful for any person to hunt with firearms or other weapons at any time

within the Town, unless specifically enumerated herein.

Bow and arrow hunting shall be permitted each year within the corporate limits of the Town of Tazewell during an approved Virginia Department of Game and Inland Fisheries Urban Archery Deer Season. In addition to the urban archery season, archery deer hunting is also allowed during the early archery deer season, the general firearms deer season, and the late archery deer season. Licensed archer deer hunters must abide by all applicable sections of the Virginia Code and Virginia Hunting Regulations (including bag limits and tagging / checking requirements), in addition to abiding by the following terms and conditions:

- 1) Applicant shall possess a valid Virginia Hunting permit or license;
- 2) Applicant shall apply for a Town Archery Hunting Permit from the Chief of Police, which application shall include:
The tax map parcel number(s) of the tract(s) upon which hunting will occur;
Written permission (attached to application) from all of the owners of the tract(s) so designated;
- c) Applicant's certification that the boundary upon which hunting will occur contains a minimum of five (5) acres of land;
- 3) Once a Permit is obtained, applicant shall hunt from an elevated stand located a height of no less than twelve (12) feet from the ground;

Applicant shall be prohibited from hunting within one hundred (100) yards of any school or residence property.

Issued Permits shall be valid for one season, as described hereinabove, only.

Failure to obtain a valid permit to bow and arrow hunt within the corporate limits of the Town, or to observe any other requirement of this Ordinance, shall result in immediate forfeiture of the permit and any hunting privileges associated therewith, and/or a fine not to exceed \$500.00.

Motion was made by Councilmember Catron, seconded by Councilmember Brown to amend the existing hunting ordinance in the Town of Tazewell. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Mullins, aye; Councilmember Murray, aye.

SUPPORT FOR CANCER STUDY

Vice-Mayor Blankenship requested that Town Council support t for the Cancer Study by Tazewell County, due to the high rate of cancer in the area.

Motion was made by Councilmember Catron, seconded by Councilmember Fox to pass the Resolution of Support for the Caner study for Tazewell County. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Mullins, aye; Councilmember Murray, aye.

INTERNET BILL PAY UPDATE

Treasurer, Linda S. Griffith updated Council on the internet bill pay online through the Town of Tazewell website. Mrs. Griffith stated the testing is being done for security.

LINE OF CREDIT

Treasurer, Linda S. Griffith reported to Council stating she has spoken to National Bank concerning a lien of credit for \$350,000 and should know something by the first of the week.

THS FOOTBALL TEAM – PRE-GAME MEAL

Motion was made by Councilmember Catron, seconded by Councilmember Fox to feed the THS Football Team up to \$350. On vote, Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Mullins, aye; Councilmember Murray, aye.

Councilmember Blankenship abstained from voting due a conflict of interest.

CPPC – RESOLUTION

Motion was made by Councilmember Fox, seconded by Councilmember Mullins to approve the CPPC Resolution Disaster Mitigation Act of 2000 to receive Hazard Mitigation Grant Program to receive grants and non-emergency disaster assistance. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Mullins, aye; Councilmember Murray, aye.

PUBLIC HEARING

Motion was made by Councilmember Murray, seconded by Councilmember Catron to hold a public hearing to hold a joint public hearing with Planning Commission and Board of Zoning. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Mullins, aye; Councilmember Murray, aye.

Zoning Administrator, Donald Pruitt stated the issue had been resolved and no Public Hearing needed to be hold.

ADOPTION PROVISIONS OF VIRGINIA STATE CODE

BE IT ORDAINED by the Council of the Town of Tazewell, Virginia, that Section 16-2, Adoption of State Law of Article I, of Chapter 16, of Motor Vehicles and Traffic Ordinance of the Town of Tazewell, be, and the same hereby is, amended as follows:

Section 16-2 - Adoption of State Law

Pursuant to the authority of §46.2-1313 of the Code of Virginia of 1950, as amended all of the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 and in Article 2 (§18.2-266, et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, except those provisions and requirements, the violations of which constitute a

felony, are hereby adopted and incorporated in this Chapter and made applicable within the Town of Tazewell. References to “Highway of the State” contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the Town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this Chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the Town of Tazewell, to violate or fail neglect or refuse to comply with any provision of Title 46.2, or of Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia which is adopted by this Section; and the Council of the Town of Tazewell does hereby adopt and impose the same penalties for the violation of any provision or requirement hereby adopted as imposed for a similar offense under Title 46.2 or under Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, subject only to any limitation of the Charter of the Town of Tazewell.

Due to the amendment of Title 46.2, or Article 2 of Chapter 7 of Title 18.2 of the Virginia Code effective July 1, 2013 and this ordinance be passed as an emergency Ordinance and that it be in effect from the date of its passage. Motion was made by Vice-Mayor Blankenship, seconded by Councilmember Brown to adopt the Ordinance as an emergency measure to be in effect from the date of its passage. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Mullins, aye; Councilmember Murray, aye.

DRY TOWN SEWER – IRMA MITCHELL

Irma Mitchell questioned why Vista Street wasn’t included in the Dry Town Sewer Project. Mrs. Mitchell stated this property is a beauty shop and needed to be on the sewer.

Manager Day advised Mrs. Mitchell that the sewer would not pump up hill and doesn’t allow for the sewer to gravity flow. Manager Day stated he would look at the property.

SPECIAL PRESENTATION

Fire Chief, Josh Roberts presented Manager Day with a Tazewell Bulldog shirt for the upcoming THS Bulldog games.

ADJOURNMENT

With no further business to come before Council, Mayor Buchanan adjourned the meeting.