

## **Council Meeting Minutes**

**April 14, 2015**

The Tazewell Town Council met in regular session at 7:30 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 Jack Murray

Councilmember Terry Mullins

Councilmember David Fox

Absent:

None

Staff present were: Town Attorney, Brad Pyott; Treasurer, Sharon Davis; Police Chief, DeWitt Cooper; Fire Chief, Josh Roberts; Rescue Squad Administrator, Syndee Saleem; Executive Assistant, Robin Brewster; Zoning, Building, Property Official, Chris Hurley; Town Clerk, LEEANNE BILLINGS.

### **CALL TO ORDER**

Mayor Buchanan called the meeting to order with the pledge of allegiance and invocation by Jerry McReynolds.

### **SPECIAL PRESENTATION TO POLICE DEPARTMENT**

The Tazewell Police Department was recognized by Mr. Donald Cromer with the Department of Motor Vehicles with the award of "High Seat Belt Use Rate 2014." One department per year is chosen to receive this award from the Department of Motor Vehicles and they chose Tazewell Police Department. Mr. Cromer said that everyone should be proud of our department and police chief. Mayor Buchanan recognized the police department for a job well done.

### **SPECIAL PRESENTATION OF THE MOBILE PHONE APP**

John Reeves presented the new Taz Town mobile phone app for Apple and Google operating systems. The app serves as two purposes, to inform citizens of general information, phone numbers, addresses, etc. and also provide as an alert system for those that download it and allow push notifications. It could be used for weather alerts or even to tell customers when their water will be off. Mayor Buchanan requested this information be put in the next newsletter and also

placed on the Town Facebook page. The councilmembers thanked Mr. Reeves and commended him for a job well done on this app and also for doing a good job on the Town website as well.

### **SPECIAL RECOGNITION OF KIM SANTOLLA**

Mayor Buchanan recognized Kim Santolla for her time served as a member of the Planning Commission. Although Mrs. Santolla will no longer be a member of the Planning Commission she will now serve as a member of the Town of Tazewell IDA Board.

### **SEXUAL ASSUALT AWARENESS MONTH**

Mayor Buchanan read the National Sexual Assault Awareness Month Proclamation before the attendees of the meeting. He then declared April 2015 Sexual Assault Awareness Month in the Town of Tazewell. Jennifer Bourne and Haley Slater with Clinch Valley Community Action thanked the mayor and council for doing so. They came before council and discussed a recent event they held, "Walk a Mile in Her Shoes." This event was held on April 12<sup>th</sup> and had several men in the community participate in the event and they raised over \$10,000.00. They thanked the Town for their support of the event.

### **APPROVAL OF MINUTES**

Motion was made by Councilmember Catron, seconded by Councilmember Fox to approve the minutes of March 10, 2015. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray aye; Councilmember Mullins, aye. Councilmember Fox, aye.

### **APPROVAL OF FINANCIAL STATEMENTS**

Motion was made by Vice-Mayor Blankenship, seconded by Councilmember Brown to approve the financial statements for March 2015. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Mullins, aye; Councilmember Fox, aye.

### **APPROVAL OF PROJECT REPORTS**

Motion was made by Councilmember Mullins, seconded by Councilmember Fox to approve the project reports for March 2015. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Mullins, aye; Councilmember Fox, aye.

### **ECONOMIC DEVELOPMENT COMMITTEE**

Councilmember Brown gave an update for the Economic Development Committee. He stated that the committee attended a meeting about the enterprise zone in Richlands. At this meeting there were members present from Richmond. Added to the enterprise zone were: Main Street,

Steeles Lane and the VDOT lot located on Riverside Drive. We discussed applying for grants and they suggested we apply soon.

### **TRAIN DEPOT COMMITTEE**

Councilmember Mullins gave an update for the Train Depot Committee. He stated that there have been two grants filed and we may hear from them very soon. Councilmember Brown stated that he spoke with Andy Necessary who has the Southwestern Virginia Music Academy located on Railroad Avenue and the Barter Theater has contacted him about coming to his business and they may also want to incorporate the Train Depot in their visit.

### **PLANNING COMMISSION COMMITTEE**

Councilmember Murray gave an update for the Planning Commission Committee. He stated that they are still working on zoning and it will be discussed further in tonight's agenda.

### **EMS COMMITTEE**

Vice-Mayor Blankenship gave an update on the EMS Committee. He stated that they discussed the possibility of a new rescue squad. Also, Fire Chief Josh Roberts is starting the process to get a new ladder truck but it will take some length of time to do. He also congratulated Chief Cooper and the police department on the award for High Seat Belt Use Rate 2014.

### **SEWER NON-CONNECTION FEE**

Town Attorney Brad Pyott gave an update regarding the sewer non-connection fee. He stated that it is mandatory for customers to hook up to the Town sewer if it is available to them. The penalty for Town residents that do not hook up to Town sewer needs to be determined. He has prepared at the Town Manager's request, a draft of a sewer non-connection fee that the Town could begin imposing to those residents that are able to hook up to Town sewer but have not. He also stated there may be issues out of resident's control of why they have not hooked up such as, gravity-going uphill, the length of house to the sewer line, and financial ability.

### **AREA TO BE ZONED**

Chris Hurley, Zoning, Building, Property Official, gave an update on the proposed zoning changes for the Town. The Planning Commission has finalized the proposed zoning map. Proposed changes include: Your Grate Escape from R2 to B2; the Simmons property on Steeles Lane to B2; Bland Street from R3 to R1. Councilmember Brown questioned the zoning for Steeles Lane. He questioned why is it being zoned B2 and also asked does Simmons own all that property up there that is being rezoned. Mayor Buchanan then asked is it in Town. It was determined that this area is in town limits. Councilmember Brown brought up the concern, would this zoning district limit the types of business that could come there in the future, such as another industrial business. It was suggested that they would have the option to go to the industrial park. Councilmember Murray stated that if that situation ever occurred they could

revisit the issue and possibly rezone it again. Councilmember Catron suggested that they table this topic until the Town Manager is able to discuss this with them.

### **GUIDELINE FOR DONATION REQUEST**

Executive Assistant Robin Brewster discussed donation requests brought to the Town. The Town previously had no structure over donations. Now there is a guideline form that can be used to help direct council in what amount of a donation they can approve. The guideline sets out an amount to be donated given the number of participants. Motion was made by Councilmember Brown and seconded by Councilmember Fox. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Mullins, aye; Councilmember Fox, aye.

### **PUBLIC HEARING REQUEST FOR MULLINS PROPERTY**

Town Attorney Brad Pyott gave an update on the Mullins property. He stated that a tentative public hearing should be set for May 12<sup>th</sup> at 7:15 p.m. pending that we have the description and map number for the property from the owner at that time. Motion was made by Councilmember Brown and seconded by Vice-Mayor Blankenship. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Mullins, aye; Councilmember Fox, aye.

### **PUBLIC HEARING REQUEST FOR BUDGET**

Town Attorney Brad Pyott stated that a public hearing for the budget also needed to be set. The public hearing for the first reading of the budget will be held May 12<sup>th</sup> at 7:00 p.m. Motion was made by Councilmember Brown and seconded by Vice-Mayor Blankenship. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Mullins, aye; Councilmember Fox, aye.

### **PLANNING COMMISSION MEMBER RECOMMENDATION**

Mayor Buchanan stated that the Planning Commission needs to add two members. He asked if anyone had any recommendations, and stated that the person must be a Town resident to serve on the board. At the time, there were no suggestions and he asked that if anyone had any suggestions to email them to the Town Manager. Mayor Buchanan asked Executive Assistant Robin Brewster to email the councilmembers a list of who currently served on the board.

### **AIRSOFT ACTIVITIES AT LINCOLNSHIRE PARK**

Executive Assistant Robin Brewster stated that the airsoft activities that were scheduled to be held on May 23<sup>rd</sup> would need to be changed to October 17<sup>th</sup>. Motion was made by Councilmember Fox and seconded by Councilmember Catron. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Mullins, aye; Councilmember Fox, aye.

## **BACK OF THE DRAGON ANNUAL DONATION REQUEST**

Mayor Buchanan stated that the Town had received a donation request from the Back of the Dragon. Last year's donation was \$5,000.00. This donation includes money for advertising, not limited to only that day. Councilmember Murray stated that last year we did make a financial donation of \$5,000.00 but we also supplied manpower to the event. Councilmember Catron stated that this is a good event for Tazewell to host and it could be the single most important marketing event. Councilmember Murray stated he would like to see financial statements. Vice-Mayor Blankenship stated that it was a community event and not just an individual's event. At this time Mayor Buchanan asked if anyone would like to make a motion, Councilmember Murray made the motion and Councilmember Fox seconded the motion. Councilmember Brown then stated that he too would like to see a financial statement and Councilmember Murray withdrew his motion. After discussion among the councilmembers regarding the financial statements of for Back of the Dragon, motion was made by Councilmember Brown for the Town to donate \$5,000.00 to Back of the Dragon upon receipt of financial statements, Councilmember Fox seconded the motion. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Mullins, aye; Councilmember Fox, aye.

## **RURAL DEVELOPMENT RESOLUTION**

Mayor Buchanan read the following resolution (see minute attachment A) approving United States Department of Agriculture, Rural Development to provide funding to the Town of Tazewell for the police vehicle purchase project. Motion was made by Councilmember Fox and seconded by Councilmember Catron. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Mullins, aye; Councilmember Fox, aye.

## **CODE OF CONDUCT FOR NEW POLICE CRUISERS**

Mayor Buchanan read the Code of Conduct for New Police Cruisers (see minute attachment B) and called for a vote to accept the Code of Conduct for New Police Cruisers. Motion was made by Councilmember Murray and seconded by Councilmember Brown. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Mullins, aye; Councilmember Fox, aye.

## **CONDEMNATION OF HOMES**

Chris Hurley, Zoning, Building, Property Official, gave an update on the condemnation of houses. He stated that the house at 105 Lyons Avenue was in the process of being torn down. It is being torn down by Terry Sizemore. Other addresses that are being discussed for condemnation are the property on Rail Road Avenue with the map number 094A 3A 0046 and 141 Coral Drive with the map number 075A 0044. Motion was made by Councilmember Murray and seconded by Councilmember Fox. On vote, Vice-Mayor Blankenship, aye; Councilmember

Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Mullins, aye; Councilmember Fox, aye.

### **APPROVAL OF FIREWORKS ON JULY 3<sup>RD</sup>**

Executive Assistant Robin Brewster stated that in order for the Town to sign the firework contract council needed to approve the date and price. The contract states that the date will be July 3<sup>rd</sup> and the cost will be \$5,500.00. Also, it was stated that the reason the Town fireworks are held on July 3<sup>rd</sup> is because we get a discount for doing it early, the company's rate for fireworks on July 4<sup>th</sup> is \$10,000.00. Also discussed was why that company had to shoot them off. The state of Virginia changed the laws pertaining to fireworks and before this happened there were members of Tazewell Fire Department that were certified to do so however since the law changed no one on the fire department is certified. The suggestion was then made to Fire Chief Josh Roberts that someone on the department get certified. Motion was made by Councilmember Fox and seconded by Councilmember Murray. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Mullins, aye; Councilmember Fox, aye.

### **BUDGET WORK SESSION**

Executive Assistant Robin Brewster announced that there will be a budget work session held on May 5<sup>th</sup> at 5:30 p.m. in the Town Hall Council Chambers.

### **CLERK RECOMMENDATION**

Mayor Buchanan stated that Manager Day would like to recommend Leeanne Billings for the position of Town Clerk. Motion was made by Councilmember Catron and seconded by Councilmember Murray. On vote, Vice-Mayor Blankenship, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Mullins, aye; Councilmember Fox, aye.

### **MISCELLANEOUS**

Councilmember Brown wanted to remind everyone that the Spring Expo will be held May 16<sup>th</sup> at the Tazewell County Fairgrounds. There will be bounce houses, a zip line, and a 5K Mountain Mudder.

The first Cruise In and Music on Main will be held on May 16<sup>th</sup>.

Councilmember Murray gave an update on some old business. He stated that the properties at 603, 605 and 607 Fairground Road will all be vacant soon and that the owner would not rent them again but try to sell the property instead.

## **PUBLIC COMMENT**

Patricia Martin of 869 East Fincastle, came before council to discuss the ordinance that was passed concerning political signs in the Town of Tazewell. Ms. Martin stated that at the council meeting when this ordinance was passed Councilmember Brown and Vice Mayor Blankenship was absent. She stated that she was very disturbed that her first amendment right was taken away. She stated that it is not fair that residents of the county can display their signs in their yard and town residents cannot until 45 days before the election. Ms. Martin would like the council to reconsider this ordinance. Mayor Buchanan stated that the ordinance was brought before them by the Planning Commission and he would ask them to reconsider and if they choose to do so then council would be able to vote on the matter again. Therefore, Mayor Buchanan is referring this issue back to the Planning Commission.

Grat Atkinson of 220 East Pine Street, came before the council and asked what was going to be done because of Vice Mayor Blankenship establishing residency in Richlands, Virginia. Mayor Buchanan stated that members of the Town Council must live within the town limits of Tazewell and all members are residents of the Town of Tazewell at this moment and we would need legal proof that a councilmember is living outside of the town limits. Vice Mayor Blankenship stated that he would be getting a copy of the Virginia High School League rules and submitting them to his attorney to see what he legally had to do for his son to attend Richlands High School. He may be able to establish a residency in Richlands but maintain a primary residence in the Town of Tazewell. However, if he must move to Richlands in order for his son to attend high school there in order to have better opportunities then he would have to resign and will do so at that time.

## **ADJOURNMENT**

The meeting adjourned in recess at 8:45 p.m. until the budget work session to be held on May 5<sup>th</sup> at 5:30 p.m.

CODE OF CONDUCT

No employee, officer or agent of the owner shall participate in the selection, award, or administration of a contract supported by Rural Development funds if a conflict of interest, real or apparent, would be involved.

The above Code of Conduct was approved at a meeting held on April 14, 2015, and 6 members of the Town Council were present which represents a quorum. A vote was held on this resolution and the resolution was adopted by a vote of 6 yeas and 0 nays with 0 abstaining.

TOWN OF TAZEWELL

5-7-15

Date

A. Donald Burt Jr



**RESOLUTION OF GOVERNING BODY OF  
TAZEWELL, VIRGINIA**

The governing body of Tazewell, Virginia consisting of 7 members, in a duly called meeting held on the 14<sup>th</sup> day of April 2015, at which a quorum was present, RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America. United States Department of Agriculture, Rural Development (the Government) to provide funding for the police vehicle purchase project, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that Todd Day or Dewitt Cooper be authorized to execute on behalf of the Town Council, the above-referenced agreements and to execute such other documents including, but not-limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the required documents, is hereby entered into the permanent minutes of the meeting of the Town Council of Tazewell, Virginia.

Attest:

Leanne H. Bittner

By G. David Bush

**CERTIFICATION**

I hereby certify that the above resolution was duly adopted by the Town Council of Tazewell, Virginia at a duly assembled meeting on the 14 day of April 2015.