

Council Meeting Minutes

June 9, 2015

The Tazewell Town Council toured the Waste Water Treatment Plant at 6:00 p.m. prior to the meeting.

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 Terry Mullins

Councilmember Chris Brown

Councilmember Glenn Catron

Councilmember Jack Murray

Councilmember David Fox

Councilmember Jerry McReynolds

Absent:

None

Staff present were: Town Attorney, Brad Pyott; Town Manager, Todd Day; Treasurer, Sharon Davis; Police Chief, DeWitt Cooper; Fire Chief, Josh Roberts; Rescue Squad Administrator, Syndee Saleem; Executive Assistant, Robin Brewster; Public Works Director, Donny Pruitt; Zoning, Building, Property Official, Chris Hurley; Town Clerk, Leanne Billings.

CALL TO ORDER

Mayor Buchanan called the meeting to order with the pledge of allegiance and a moment of silence to remember Jeff White and the White family after Jeff's passing.

SWEARING IN OF NEWLY APPOINTED COUNCILMEMBER JERRY MCREYNOLDS

Circuit Court Clerk Tammy Allison, came before the council to swear in newly appointed Councilmember Jerry McReynolds.

SWEARING IN OF NEWLY APPOINTED VICE-MAYOR TERRY MULLINS

Circuit Court Clerk Tammy Allison, came before the council to swear in newly appointed Vice-Mayor Terry Mullins.

SPECIAL RECOGNITION OF JERRY MCREYNOLDS

Mayor Buchanan recognized Jerry McReynolds for his time as the Planning Commission Chairman. With his new position as councilmember, he will be leaving the Planning Commission. Mayor Buchanan thanked him for a job well done.

SPECIAL RECOGNITION OF MELISSA HURLEY

Mayor Buchanan recognized Melissa Hurley for her time employed at the Town of Tazewell as a COE student through Tazewell High School. He thanked her for good work and wished her best of luck for the future.

SPECIAL RECOGNITION OF DAVID HILTON

Mayor Buchanan recognized David Hilton for his time employed at the Town of Tazewell as a COE student through Tazewell High School. He thanked him for good work and wished him best of luck for the future.

APPROVAL OF MINUTES

Motion was made by Councilmember Catron, seconded by Councilmember Murray to approve the minutes of May 12, 2015. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

Motion was made by Councilmember Fox, seconded by Councilmember Murray to approve the minutes of May 19, 2015. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

APPROVAL OF FINANCIAL STATEMENTS

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

APPROVAL OF PROJECT REPORTS

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

DRY TOWN UPDATE

Manager Day gave an update on the Dry Town Sewer Project. He stated that the project will close out in June. The construction part of the project is finished and mainly all that is left is paperwork.

ROUTE 61 UPDATE

Manager Day gave an update on the Route 61 project. He stated that he has received an email from Marty Holloway and they have a date of September 1, 2015 as the start date.

LINCOLNSHIRE DAM

Manager Day gave an update on the Lincolnshire Dam project. He stated that at the moment we are waiting for a response from DCR to see what they say.

TRAIN DEPOT COMMITTEE

Vice-Mayor Mullins gave an update for the Train Depot Committee. He stated that they had not heard back from the Map 21 grant yet but should hear something by July 1st. He also stated that Tracie Lewis had fixed a packet for the Train Depot so that the Town could be considered for an award for trying to better our Town at the VML conference. Vice-Mayor Mullins said that Tracie did a wonderful job and the packet looked great. Manager Day also complimented her for her work. Mayor Buchanan stated that Tracie does a great job and the packet was very nice.

PLANNING COMMISSION COMMITTEE

Councilmember Murray gave an update. He stated that the Planning Commission is still working on the condemnation of properties within the Town.

SECOND READING OF THE PROPOSED 2015-2016 BUDGET

Mayor Buchanan read the proposed budget for the second time. Motion to accept the proposed budget as is was made by Councilmember Brown and seconded by Councilmember Catron. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye. (See Minute Attachment A)

FIRST READING FOR E-SUMMONS ORDINANCE

Town Attorney Brad Pyott stated that the General Assembly passed that traffic summons could be done electronically with a new E-Summons program. There would be a charge of \$5.00 for this service. That charge would be paid to the Treasurer's office to cover the cost of the system. He then presented the first reading of the E-Summons ordinance. The second reading will be read at the July meeting. (See Minute Attachment B)

FIRST READING OF MANDATORY SEWER CONNECTION ORDINANCE

Town Attorney Brad Pyott read the first reading of the Sewer Connection Ordinance. The Town currently did not have one in place for sewer however it did for water. The second reading will be at the July meeting. (See Minute Attachment C)

FIRST READING OF SEWER NON USER PENALTIES ORDINANCE

Town Attorney Brad Pyott read the first reading of the Sewer Non-Connection Fee Ordinance. Under this ordinance the Town will have the authority to charge up to a \$1,000.00 penalty per day, at manager's discretion. The second reading will be at the July meeting. (See Minute Attachment D)

HILL STUDIO PROPOSAL

Councilmember Brown stated that the Tazewell Today Group had contacted Hill Studio to assist with the improvement of Main Street. Tazewell Today has received donations of \$10,000.00 from the Ratliff Foundation and also donations from the private sector. Councilmember Brown would like to ask for the Town to donate \$15,000.00 to the revitalization of Main Street. He also stated that this is the only time he has ever seen citizens come together this determined and this passionate to help build our Town. Motion to donate the funds was made by Councilmember Murray and seconded by Councilmember Catron. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

Mayor Buchanan applauds Tazewell Today and Councilmember Brown thanked Fred Harman and the Ratliff Foundation.

2015 PAVING

Manager Day asked for an extension on paving. The bid opening will be on Thursday, June 11th. He will send out an email as to who the lowest bidder is. Motion to give extension was made by Councilmember Fox and seconded by Councilmember Murray. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

INDEPENDENCE DAY CELEBRATION DISCUSSION

Independence Day Celebration will be held on July 3, 2015.

VACATION OF ROAD IN INDUSTRIAL PARK DISCUSSION

Manager Day stated that the Planning Commission would like to recommend the closure of an alley in the industrial park. He also stated that the land owned around it is owned by the same person requesting the closure. Motion was made by Councilmember Brown to close the alley and seconded by Councilmember Fox. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

HOLY FAMILY WORSHIP ON TAZEWELL AVENUE UPDATE

Holy Family Worship tore down a house beside their church on Tazewell Avenue. They would like to rebuild however their plans do not meet the setback requirements of our zoning codes. They were denied a zoning permit. They would like to appeal to the Board of Zoning Appeals.

CONDEMNATION OF PROPERTY ON 409 HOTEL AVENUE

Zoning, Building, Property Official, Chris Hurley discussed the property condition of 409 Hotel Avenue. He stated the house is on stilts and has not been lived in for over a year. The Planning Commission has been discussing this issue and there will be more information presented at the next council meeting.

MISCELLANEOUS

The vacancies on the Planning Commission were discussed. It recommended that Edith Jackson and Charity McDaniel fill the vacancies. Motion was made to accept the recommendations by Councilmember Brown and seconded by Councilmember Fox. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

PUBLIC COMMENT

Renee McAvoy of 102 West Riverside Drive came before Council to discuss the women's shelter at Clinch Valley Community Action. She stated that she lives across from this location and the ladies that stay over there are disruptive. Also, it was stated that at times there have been occasions where the police have had to be called and at one point she was propositioned for prostitution by someone she believes to be a visitor of this shelter. She has tried to discuss this matter with Clinch Valley Community Action and has not gotten any results. She wants to know if it can be relocated or operated in a better manner. Manager Day stated that we would look into this and do proper due diligence.

Tammy Smith of 103 East Riverside Drive came before Council to discuss the women's shelter at Clinch Valley Community Action. She has stated that she has asked for extra police patrol and she feels that it is a safety issue for the shelter to be located where it is at a busy intersection and it is not safe for the kids that stay there also. She would like to see the shelter moved to a more

secluded area for the safety of the ones that stay there but also because she too has witnessed incidents regarding this shelter. She also stated that there are several buildings in that area that are unsightly and unkept and stated that North Tazewell needs to be taken into consideration and needs to be heard. She thanked David Fox for his interest and being concerned for that area. Mayor Buchanan stated that we will go through the proper channels to address this situation. Councilmember Brown advised Mrs. Smith to talk to Fred Harman that there are some great ideas for the North Tazewell area.

Mayor Buchanan stated that he appreciated the Appalachian Agency for Senior Citizens holding a banquet. He said they have been in business for 40 years and they do a lot for the seniors.

Mayor Buchanan reminded everyone about Back of the Dragon at the Fairground on June 13th.

Mayor Buchanan reminded everyone about the Varmit Marathon June 13th.

Mayor Buchanan reminded everyone of the Cruise In on June 20th.

Mayor Buchanan reminded everyone of the fireworks on July 3rd.

RESOLUTION

Motion made by: Councilmember Brown

Resolution Number: ES150609

Motion Seconded by: Councilmember Murray

Meeting Date: 15 June 09

Vote: All voted Aye

Purpose: Personnel

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, 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

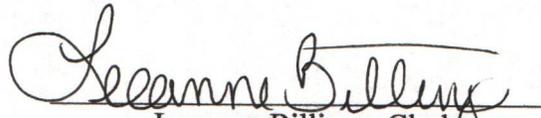
Ayes: Councilmember Catron, Brown, Mullins, Murray, Fox, McReynolds

Nays: None

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

Absent during vote: None

Absent during meeting: None


Leanne Billings, Clerk

EXECUTIVE SESSION ADJOURNMENT

Motion was made by Councilmember Fox and seconded by Councilmember Catron to adjourn the executive session in which they discussed personnel. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

ADJOURNMENT

The meeting adjourned in recess at 8:46 p.m. until July 14th at 7:30 p.m. Motion to recess was made by Councilmember Catron, seconded by Councilmember Fox. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Mullins, aye; Councilmember Fox, aye.



**TOWN OF TAZEWELL
APPROPRIATION ORDINANCE
July 1, 2015 - June 30, 2016**

BE IT ENACTED BY THE TOWN OF TAZEWELL, VIRGINIA, that the following sums of money are hereby appropriated for the necessary functions of the Municipal Government of the Town of Tazewell for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

GENERAL FUND

Estimated Revenues:

Property Taxes.....	\$ 862,000.00
Other Local Taxes	\$1,484,000.00
Permits.....	\$ 2,000.00
Use of Money & Property.....	\$ 6,500.00
Fines	\$ 51,000.00
State Revenue	\$1,359,788.03
Refuse Collections Revenue	\$ 401,000.00
Recreation Department Revenue	\$ 40,400.00
Rescue Squad Revenue.....	\$ 520,000.00
Donations.....	\$ 26,639.00
Miscellaneous Revenue	\$ 283,715.50

TOTAL PROPOSED GENERAL FUND REVENUES \$5,037,042.53

Proposed Expenditures:

Town Council.....	\$ 67,100.00
Town Attorney.....	\$ 46,800.00
Administration	\$ 398,063.40
Police Department	\$1,087,104.67
Fire Department.....	\$ 88,746.00
Sanitation.....	\$ 228,783.18
Recreation Department	\$ 163,152.52
Rescue Squad	\$ 465,795.53
Treasurer's Department	\$ 77,526.27
Bookkeeping.....	\$ 26,433.34
Zoning/Property Maintenance	\$ 67,826.63
Vehicle and Heavy Equipment	\$ 139,708.68
Street Department.....	\$1,538,790.66
Miscellaneous	\$ 66,576.00
American Legion Building	\$ 17,250.00
Planning Commission.....	\$ 8,400.00
Community Development & Donations.....	\$ 103,201.00
Capital Expense.....	\$ 445,784.65

TOTAL PROPOSED GENERAL FUND EXPENDITURES \$5,037,042.53

WATER FUND

Estimated Revenues:

Interest	\$ 30.00
Revenue from Meter Sales.....	\$1,115,000.00
Town Revenue from PSA Meters.....	\$ 200,000.00
Revenue from Penalty Meter Sales.....	\$ 3,000.00
Water Tap Fees.....	\$ 2,500.00
Service Charges	\$ 3,000.00
New Meters	\$ 800,000.00
Pocahontas Project.....	\$ 272,598.00
Miscellaneous Revenues.....	\$ 500.00

TOTAL PROPOSED WATER FUND REVENUES \$2,396,628.00

Proposed Expenditures:

Water Purchases - PSA.....	\$ 480,000.00
Water Administration	\$ 176,446.14
Water Distribution	\$ 423,665.09
Vehicle and Heavy Equipment	\$ 14,541.59
Miscellaneous Water Fund	\$1,301,975.18

TOTAL PROPOSED WATER FUND EXPENDITURES \$2,396,628.00

SEWER FUND

Estimated Revenues:

Sewer Metered Sales	\$1,126,914.85
Sewer Unmetered Sales.....	\$ 12,000.00
Sewer Penalty	\$ 6,000.00
Sewer Tap Fees.....	\$ 1,500.00
PSA Sewer Fees Baptist Valley.....	\$ 12,000.00
PSA Sewer Fees Adria	\$ 5,500.00
PSA Debt Retirement	\$ 36,000.00
Sewage Disposal Fees.....	\$ 35,000.00
Miscellaneous Revenues.....	\$ 500.00
Leachate Revenue.....	\$ 30,000.00

TOTAL PROPOSED SEWER FUND REVENUES \$1,265,414.85

Proposed Expenditures:

Wastewater Administration	\$ 122,845.31
Wastewater Plant.....	\$ 715,360.69
Sewer Collection.....	\$ 409,320.26
Vehicle and Heavy Equipment	\$ 10,888.59
Miscellaneous Sewer Fund	\$ 7,000.00

TOTAL PROPOSED SEWER FUND EXPENDITURES \$1,265,414.85

BE IT FURTHER ORDAINED that the following taxes be levied, and the following charges and fees are hereby established, for the fiscal year beginning July 1, 2015, in order to raise the necessary funds appropriated:

Real Estate Tax	\$0.25 per \$100 of assessed value
Personal Property Tax	\$0.60 per \$100 of assessed value
Utility License Tax	1/2 of 1% gross receipts
Bank Franchise Tax	\$0.80 on each \$100 of taxable value of shares of stock
T. V. Cable Franchise	3% of all gross receipts
Contractor's License	\$20 minimum \$0.15/\$100 of all gross receipts
Retail Merchants	\$20 minimum \$0.15/\$100 of all gross receipts
Financial, Real Estate & Professional Service	\$20 minimum \$0.15/\$100 of all gross receipts
Repair, Personal & Business Service	\$20 minimum \$0.15/\$100 of all gross receipts
Wholesale Merchant	\$20 minimum \$0.05/\$100 of all gross receipts
Transient Occupancy Tax	5% of all gross receipts
Decals	\$10.00 per decal per vehicle
Meals Tax	\$0.07 per \$1.00 of gross sales
Cigarette Tax	\$.10 per pack
Building (Zoning) Permits	\$20.00
Peddler's License	\$100 per 24-hour period
Mobile Home Fee	\$2 per rental space
Return Check Fee	\$20.00

Residential Refuse Pick-Up Rates

<i>In Town - 1 Pick-Up per Week</i>	\$13.00
<i>In Town - Extra Pick-Up</i>	\$34.00
<i>Out of Town – 1 Pick-Up per Week</i>	\$20.00
<i>Out of Town – Extra Pick-Up</i>	\$52.00

**Commercial Refuse Pick-Up Rates
(Dumpster Rates)**

<i>2 Cubic Yard Dumpster</i>	\$ 8.00 per pick-up
<i>4 Cubic Yard Dumpster</i>	\$11.50 per pick-up
<i>6 Cubic Yard Dumpster</i>	\$14.50 per pick-up
<i>8 Cubic Yard Dumpster</i>	\$17.50 per pick-up

(Non-Dumpster Rates)

<i>5 pick-ups per week</i>	\$45.00 per month (12 cubic feet per pick-up)
<i>4 pick-ups per week</i>	\$42.00 per month (12 cubic feet per pick-up)
<i>3 pick-ups per week</i>	\$33.00 per month (12 cubic feet per pick-up)
<i>2 pick-ups per week</i>	\$26.00 per month (12 cubic feet per pick-up)
<i>1 pick-ups per week</i>	\$18.00 per month (12 cubic feet per pick-up)

* Non-Dumpster rates are subject to an additional \$1.25 per month for each additional 4 cubic feet (approximately 1-30 gallon can) refuse collected per pick-up.

Water Rates

0-2,000 gallons	\$23.00 minimum
over 2,000 gallons	\$ 6.60 per each 1,000 additional gallons

Sewer Rates

0-2,000 gallons	\$27.25 minimum
over 2,000 gallons	\$ 7.00 per each 1,000 additional gallons

Out of Town Water Rates

0-2,000 gallons	\$34.65 minimum
over 2,000 gallons	\$ 8.45 per each 1,000 additional gallons

Out of Town Sewer Rates

0-2,000 gallons	\$40.65 minimum
over 2,000 gallons	\$ 9.15 per each 1,000 additional gallons

Access Fees [As indicated or cost plus 10%, whichever is greater; multi-family rates based on Equivalent Dwelling Units (EDUs) - includes an access fee, meter and lateral fee.]

Inside Town:

<i>WATER</i>	<i>SEWER</i>
3/4" - \$ 540	4" - \$540
1" - \$ 700	6" - \$700
1-1/2" - \$ 920	
2" - \$1,140	

Outside Town:

150% of Town rates or cost plus 10%
(whichever is greater)

<i>WATER</i>	<i>SEWER</i>
3/4" - \$ 810	4" - \$ 810
1" - \$1,050	6" - \$1,050
1-1/2" - \$1,375	
2" - \$1,700	

Reconnect Fee: \$30.00

Introduced and read for the first time, this 12th day of May, 2015.

A. Donald Burt
mayor

Leanne H. Belter
Clerk

Read for the second time and approved, this 9th day of June, 2015.

A. Donald Burt
mayor

Leanne H. Belter
Clerk

ORDINANCE

NOTICE is hereby given that on Tuesday, June 9, 2015, at 7:30 p.m., in the Council Chambers of the Municipal Building for the Town of Tazewell, located at 201 N. Central Avenue, Tazewell, Virginia, the Tazewell, Virginia Town Council will have the first reading of the following ordinance during this regular scheduled Council meeting:

Section 10-6. Assessment for Electronic Summons System

- a) Upon conviction of a defendant for the violation of any criminal or traffic ordinance of the Town, the Town may assess against the defendant a fee of \$5.00, in addition to any other court cost, in order to provide for the costs associated with implementation and maintenance of an electronic summons system.
- b) The assessment shall be collected, upon conviction, by the Clerk of the General District Court and remitted to the Town Treasurer.
- c) The assessment shall held by the Town Treasurer, subject to disbursement by the Town Council to the Tazewell Police Department solely to fund software, hardware and associated equipment costs for the implementation and maintenance of the electronic summons system.

ORDINANCE

NOTICE is hereby given that on Tuesday, June 9, 2015, at 7:30 p.m., in the Council Chambers of the Municipal Building for the Town of Tazewell, located at 201 N. Central Avenue, Tazewell, Virginia, the Tazewell, Virginia Town Council will have the first reading of the following ordinance during this regular scheduled Council meeting:

Section 22-104. Connection to treatment works required. (Amended)

- a) The owner of any house, building or property which is used for commercial, industrial and/or residential purposes, abutting on any street, alley or rights-of-way in which there is or may be located a sewer connected to the treatment works of the Town, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly to the proper sewer in accordance with the provisions of this article, within one hundred eighty (180) days after the date of this article.
- b) This section shall not apply to any person or entity served by a privately constructed, owned, operated and maintained sewer and treatment facility which discharges directly to a natural outlet in accordance with the provisions of this article and applicable state and federal laws.
- c) Any person or entity who qualifies for exempt status as set forth in subsection b. above shall be required to pay a frontage fee, a connection fee, and a monthly non-user fee to the Town in an amount which shall not be more than that proportion of a minimum monthly user charge as debt service compares to the total operating and debt service costs of the system for the Town.

PROPOSED AMENDED ORDINANCE

NOTICE is hereby given that on Tuesday, June 9, 2015, at 7:30 p.m., in the Council Chambers of the Municipal Building for the Town of Tazewell, located at 201 N. Central Avenue, Tazewell, Virginia, the Tazewell, Virginia Town Council will have the first reading of the following ordinance during this regular scheduled Council meeting:

Section 22-196. Penalties.

Any user who violates an order of the Town or who fails to comply with any provisions of this article and the orders, rules and regulations and permits issued hereunder may be assessed a penalty of up to one thousand dollars (\$1,000.00) per day per violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Town may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person or entity found to have violated this article or the orders, rules, regulations, and permits issued hereunder.