

Council Meeting Minutes

July 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 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; 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, LeeAnne Billings.

CALL TO ORDER

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

SPECIAL PRESENTATIONS

Chad Murray from State Farm came before council to present the Tazewell Police Department with a grant check of \$7,500.00 for a driving simulator to promote safe driving practices. Mr. Murray presented the check to Accreditation Manager Regina Coleman. Mayor Buchanan thanked Mr. Murray.

Mayor's Comments

Mayor Buchanan announced that the Commonwealth Transportation Board approved a grant for the Town of Tazewell to renovate the Tazewell Train Station at North Tazewell. The grant was for the amount of \$323,927.00. The funds will be available in October.

The Mayor also stated that the Tazewell Little League has a team that finished third in state and congratulated them.

Vice-Mayor Mullins stated that the Tazewell swim team was also doing well and it looks like they will win the Highlands Swim Association for the third year in a row.

APPROVAL OF MINUTES

Motion was made by Councilmember McReynolds, seconded by Councilmember Murray to approve the minutes of June 9, 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 Fox to approve the financial statements for June 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 Councilmember Murray, seconded by Councilmember Fox to approve the project reports for June 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 the construction is completed and the project should be completed by the end of the month.

ROUTE 61 UPDATE

Manager Day did not have an update on the Route 61 project.

LINCOLNSHIRE DAM

Manager Day gave an update on the Lincolnshire Dam project. He stated that the Town received a grant for the Dam of \$8,000.00. It will be a 50/50 match grant.

ROUTE 61 BRIDGE

Manager Day did not have an update on the Route 61 Bridge project.

CENTENNIAL AND A HALF

Manager Day stated next year will be the Town's 150 year anniversary and we needed to have a celebration. He would like to create a committee to plan this. Council will recommend names for the committee.

PAVING GRANT

Manager Day stated that he has worked with the council for the last three years to try and make decisions that would affect the community in a positive way and make it look good. We have received a revenue sharing grant for \$250,000.00. VDOT will match 50/50. This can be used for paving, sidewalks, etc. We will be paving Main Street and Fairground Road at a cost of \$249,000.00. Manager Day stated that he is proud of his staff and team that the Town had received just below one million dollars in grants this year.

ECONOMIC DEVELOPMENT COMMITTEE

Councilmember Brown gave an update. He stated that they have discussed Shop Tazewell Month, sidewalks at Lincolnshire, and paving down Maplewood. The shoulder of the road has been temporarily paved and when the water line project is complete it will be repaved. Also they have met with Tazewell Today who is working on getting signs on Route 16.

TRAIN DEPOT COMMITTEE

Vice-Mayor Mullins gave an update for the Train Depot Committee. He stated that the committee has held several open houses and have had many accomplishments. They have now gotten the Depot on the Virginia Landmark Registry in 2014 and it is now on the National Registry as of 2015. He stated that there has been a lot of hard work and over 1,000 volunteer hours put into this project and he is now pleased to announce that the Town has been awarded a grant from the Commonwealth Transportation Board approved for the amount of \$323,927.00 to allow restoration of the Depot.

PLANNING COMMISSION COMMITTEE

Councilmember Murray gave an update. He stated that the Planning Commission has welcomed new members and now has a new chair over the committee. The committee has been addressing the following issues: the denial of St. Teresa's zoning permit and the appeal process they have requested, the condemnation of the Dale property, and readdressing Campbell Lane and Dial Rock Road.

EMERGENCY SHELTER UPDATE

Fire Chief Josh Roberts stated that the Emergency Service Committee has been working on an emergency plan pertinent to the Town of Tazewell. They are working on issues such as notification, etc. He advised the council to look over the plan and if they have suggestions to let him know. Manager Day stated that the TazTown phone app could help notify people. Also, the emergency siren is still on the table however we need to have a plan in place how to handle the situation if it does go off. They hope to have a final plan by winter.

SECOND READING FOR E-SUMMONS ORDINANCE

Town Attorney Brad Pyott discussed the E-Summons Ordinance and prepared to read it for the second time. Vice-Mayor Mullins made a motion to suspend the reading and move to a vote. Councilmember Murray seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

Councilmember Catron made a motion to pass the E-Summons Ordinance. Councilmember Fox seconded the motion. 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)

In order for the Town to begin using the E-Summons method now, the council must pass this as an emergency ordinance. Councilmember Murray made a motion to pass as an emergency ordinance. Councilmember Fox seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

The E-Summons Ordinance will be effective July 15, 2015.

SECOND READING OF MANDATORY SEWER CONNECTION ORDINANCE

Town Attorney Brad Pyott discussed the Sewer Connection Ordinance and prepared to read it for the second time. Councilmember Murray made a motion to suspend the reading and move to a vote. Councilmember Fox seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

Councilmember Murray made a motion to pass the Sewer Connection Ordinance. Councilmember Fox seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye. (See Minute Attachment B)

The Mandatory Sewer Connection Ordinance will be in effect in 30 days.

SECOND READING OF SEWER NON USER PENALTIES ORDINANCE

Town Attorney Brad Pyott discussed the Sewer Non-Connection Fee Ordinance and prepared to read it for the second time. Vice-Mayor Mullins made a motion to suspend the reading and move to a vote. Councilmember Murray seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

Councilmember Murray made a motion to pass the Sewer Non-Connection Fee Ordinance. Councilmember McReynolds seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

(See Minute Attachment C)

VACATION OF ROAD IN INDUSTRIAL PARK DISCUSSION

Manager Day stated that council has reviewed this request. In a letter from the Commissioner of Revenue's office, it stated that the value of the land is \$6,402.16. Costs including advertising, legal fees, but not limited to, will be forwarded to owner, Ed Reynolds.

FIRST READING OF AMENDED HUNTING ORDINANCE

Town Attorney Brad Pyott discussed hunting in town. Due to a conflict with the Virginia Inland Game and Fisheries laws and the current Town Ordinance for hunting, the Town needs to amend the current ordinance. The new ordinance should state that the hunter will need to have permission from the property owner and the property owner will then have to approach the Town for permission for the hunting permit. Town Attorney Brad Pyott then read the first reading of the Amended Hunting Ordinance and stated the second reading will be at the August meeting.

EVALUATION OF BIDS-POCAHONTAS WATER PROJECT

Manager Day stated that the water line coming by Tazewell High School mainly goes through North Tazewell. The North Tazewell tank is offline and has been for about four years. We have a recommendation from the engineer for the fall excavating of \$187,000.00. Manager Day is requesting a motion to move forward on this project. Councilmember Brown made the motion to move forward with the fall excavating. Councilmember Catron seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

REVISED POLICY UPDATE

Manager Day stated that a concern has been brought to his attention. There are some employees that have side jobs other than their primary job at the Town. The concern is that the employee will work their second job and come to their primary job here at the Town and not be able to perform their job to the best of their ability due to being tired, etc. from their other jobs. Manager Day has asked Town Attorney Brad Pyott to look into this. The recommended a policy change states that an employee shall obtain written approval from their department head if they wish to have a second job. The employee must understand that the Town of Tazewell is their primary employment and that we will not accept excuses because of their other job. The situation would then be the responsibility of the department head to address if there were problems of job performance. Manager Day encouraged the council and town attorney to review the update and they could discuss it at a later time.

LAW CHANGES EFFECTIVE JULY 1ST

Town Attorney Brad Pyott stated the General Assembly had recently changed/added some traffic laws in Virginia and the Town needs to adopt these laws so our officers can enforce them. Town Attorney Brad Pyott read the ordinance to adopt state law. Councilmember Fox made a motion to pass the ordinance. Councilmember Murray seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

In order for the Town to begin enforcing the new laws the council must pass this as an emergency ordinance. Councilmember Fox made a motion to pass as an emergency ordinance. Councilmember Murray seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

CONDEMNATION OF PROPERTY ON 409 HOTEL AVENUE

Zoning, Building, Property Official, Chris Hurley discussed the property condition of 409 Hotel Avenue. He stated that all parties, the county inspector, fire chief, police chief, town manager and himself have signed off on the paperwork. He showed the council pictures of the property and discussed the complaints that we have had over this property. The Planning Commission has recommended to take this to council and condemn this property. Councilmember Murray made a motion to proceed. Councilmember Brown seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

STREET NAME CHANGES/ADDITIONS

Zoning, Building, Property Official, Chris Hurley stated that the Planning Commission has recommended street names be changed as follows. The apartments at Campbell Lane shall now be named Cadet Lane, Hokie Lane, and Pride Lane. Councilmember Murray made a motion to

accept the new street names. Councilmember Fox seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

The Planning Commission also recommends the area the is currently named Dial Rock Road that is from the entrance of the Dial Rock subdivision to in front of David Nichols office be renamed Professional Drive. Councilmember Murray made a motion to accept the new street name. Councilmember Brown seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

ESTABLISHING TOURISM ZONES

Town Manager Day stated that he had received a packet to improve tourism and economic growth. He is requesting council give authority to look further into this. Councilmember Brown made the motion to do so. Councilmember Murray seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

DONATION REQUEST TO HELP SPONSOR CELEBRATION OF ARTS

Town Manager Day has received a request from Vickie Boothe with Between Friends to help sponsor the Celebration of Arts. He stated that she has recently moved to Main Street and has asked the Town to help with traffic control and for Town support. Councilmember Fox made a motion to donate \$500.00 to the Celebration of Arts. Vice-Mayor Mullins seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

VDOT RESOLUTION

Manager Day stated that the Town has received money for primary extension and in order to continue with that project VDOT needs a resolution to allow the Town Manager to sign on behalf of the Town Council. Mayor Buchanan read the resolution. Councilmember Murray made a motion to accept the resolution. Councilmember McReynolds seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

MISCELLANEOUS

Town Manager Day stated that the Planning Commission welcomed Susan Reeves as Chair and welcomed new member Charity McDaniel as Vice-Chair.

Mayor Buchanan stated that the Town needs a new member for the Board of Zoning Appeals and asked for suggestions.

Mayor Buchanan stated that there will be a ribbon cutting for the Dawg Pound Diner and A Beautiful Mess both located in the four way shopping center, on Thursday, July 16 at 1:00pm and 2:00pm.

PUBLIC COMMENT

Tammy Smith of 103 East Riverside Drive came before Council to discuss some of the buildings in North Tazewell, such as the Acme Building and Deskins Warehouse and the old bowling alley. She has asked for an inspection of the buildings but does not know if it has been done yet. She also discussed the women's shelter at Clinch Valley Community Action. 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 ones that stay there. She would like to see the shelter moved.

Town Manager Day has started the process to look into this issue. Chief Cooper has spoken to Clinch Valley Community Action also. Councilmember Murray stated that he has not noticed as much activity there when he goes to the post office.

Councilmember Brown stated in regard to the buildings she is concerned about, the Economic Development Committee is looking into those buildings. They are looking at the river area for things to happen. Manager Day said that Ms. Smith's drive and excitement is what North Tazewell needs. Councilmember Brown invited her to come to the Economic Development meetings.

MISCELLANEOUS CONCERNS

Councilmember Fox is concerned about the grass around town. He stated that the sidewalk areas need trimmed. Manager Day advised him to make a list of places that needed cut and stated that the grass cutting is not perfect but the company will be back to work on it in the morning.

Councilmember Murray is concerned about the intersection of Tazewell Avenue and Fincastle. There used to be a traffic light there and now there are just stop signs. He was there waiting to pull out and someone pulled out in front of him. He said that people cannot see well when coming from Tazewell Avenue going to Fincastle and that is an issue. Manager Day stated he will check into that. VDOT has funding for projects like this. Councilmember Brown stated that at the traffic light at four way, there needs to be a left hand turn lane.

Mayor Buchanan reminded everyone of Main Street Moments events starting on July 23rd and a cruise in to follow on Saturday evening.

ADJOURNMENT

The meeting adjourned at 8:44 p.m. until August 11th at 7:30 p.m.

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.