

Council Meeting Minutes

August 11, 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 Jack Murray

Councilmember David Fox

Councilmember Jerry McReynolds

Absent:

Councilmember Glenn Catron

Staff present were: Town Attorney, Brad Pyott; Town Manager, Todd Day; Treasurer, Sharon Davis; Police Chief, DeWitt Cooper; Fire Chief, Josh Roberts; 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 given by Town Manager Day.

SPECIAL PRESENTATIONS

Mayor Buchanan introduced Harris Pyott. Harris Pyott is with the boy scouts and he is with us to earn a Citizenship and Community Merit Badge.

APPROVAL OF MINUTES

Motion was made by Councilmember Fox, seconded by Councilmember Murray to approve the minutes of July 14, 2015. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

APPROVAL OF FINANCIAL STATEMENTS

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

Councilmember Brown, 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 July 2015. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, 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 project should be closed out Friday, August 14th. All that is needed to do so is the last pay off and it will close.

ROUTE 61 UPDATE

Manager Day stated that Town Attorney Brad Pyott was able to get this project up and running. It should go to ad in September.

LINCOLNSHIRE DAM

Manager Day gave an update on the Lincolnshire Dam project. He stated that the Town may be able to work around some of the restrictions we had with help from our engineers.

ROUTE 61 BRIDGE

Manager Day stated that this project is scheduled to go to ad in the next year.

SESQUICENTENNIAL CELEBRATION

Manager Day stated at the last meeting he would like to create a committee to plan this historic event. The committee members that are suggested are: Louise Leslie, Betty Byrd St. Clair, Susan Reeves, Donnie Yates, Jacob Duty, Betty Wallace, Mr. & Mrs. Bob and Jean Smith, Bob Buchanan, Susan Whitaker, Charlotte Whitted, Irma Mitchell, and Jerry McReynolds. Motion was made by Councilmember Murray to accept the proposed committee members. Motion was seconded by Councilmember Fox. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

Manager Day read a letter that will be sent to all the committee members regarding the planning of the Sesquicentennial Celebration. He stated the first meeting will be September 8th at 5:30pm in the American Legion Building. The projected amount to be spent will be \$10,000.00, including Fourth of July.

Executive Assistant, Robin Brewster stated that there was another name that needed to be added to the committee member list. We needed to add Edith Jackson to the committee list. Councilmember Murray made a motion to amend the committee list and add Edith Jackson to the committee. Motion was seconded by Councilmember Fox. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

ECONOMIC DEVELOPMENT COMMITTEE

Councilmember Brown stated that he was unable to attend the meeting and did not have an update. However, he stated that he was recently out at Lincolnshire Park and the park and trail around the lake looked great and stated that the Town employees were doing a great job at it.

TRAIN DEPOT COMMITTEE

Vice-Mayor Mullins gave an update for the Train Depot Committee. He stated that the committee held an open house the day of Main Street Moments and had a good attendance. Now they are just waiting to move forward with the grant. He thanked the Town staff for their help to setup for the press release, the setup of Main Street Moments and the Cruise In's.

PLANNING COMMISSION COMMITTEE

Councilmember Murray gave an update. He stated that the Planning Commission met at their regular meeting however they did not have a quorum and could not vote on anything. He stated that they discussed condemnation of properties and Art Meade discussed the Comprehensive Plan and the importance of it. The committee then realized that they need to study the plan and educate themselves to become more familiar with the plan.

EMERGENCY SHELTER UPDATE

Police Chief DeWitt Cooper gave an update on the Emergency Shelter. He stated that they had received some estimates on items needed for an emergency shelter. The emergency siren would cost \$100,000.00. The location would be the fire department. It is estimated that food expense would be \$10,000.00 for 200 people for 14 days. A generator is estimated at \$5,000.00-\$10,000.00. A Port-A-John cost depends on the restrictions and guidelines. If it lasts more than 14 days the emergency shelter would be in place. If it is below 14 days it would be considered a warming station. Councilmember Brown stated that it seems this issue needs better leadership. Councilmember Murray stated that this issue is no further along than it was a year ago and we needed the emergency committee back. He stated that Council could help and they need to work together to get something done. Councilmember Brown asked if the committee was still active since Chris Blankenship left. Councilmember Murray responded and said that they have not met and the Mayor decided it wasn't needed. Mayor Buchanan stated that he had discussed the matter with the Town Manager and it was decided that any issues or concerns could go through the manager and he could take it to the department heads. Manager Day stated that he apologized

for this matter not being any farther along than it was and he takes full responsibility. He assured Council that this will be taken care of and he will see to it. Councilmember Brown stated it was his understanding that Chris Blankenship wanted a warming station, and questioned why we were now considering an emergency shelter. Manager Day stated that we needed to step up and get what we need. He recommended tabling this issue until the September meeting and stated that there would be something clear set out by then. Councilmember Murray asked if we need to reinstate the emergency committee. Manager Day stated it was up to Council. There were issues brought up in the emergency committee that still have not been addressed such as vehicle upkeep and maintenance and he has never denied any emergency department any kind of service that would serve for the best interest of this locality and the citizens they provide service to. But it is up to Council if they want the emergency committee to meet again. Councilmember Murray then stated he rescinds his request.

SECOND READING OF AMENDED HUNTING ORDINANCE

Town Attorney Brad Pyott discussed the Amended Hunting 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 Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

Councilmember Murray made a motion to pass the Amended Hunting Ordinance. Councilmember Fox seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

Town Attorney Brad Pyott stated that this ordinance would go into effect in 30 days.

WATER METER REPLACEMENT BIDS

Manager Day stated that we held a bid opening and had been working with lenders, engineers, etc. We need to have a public hearing to accept grants for this project. He stated that two companies bid on this project. The companies were H D Supply and Match Point. The lowest bid was \$549,000.00 from Match Point and it was well below the estimated \$800,000.00. Councilmember Fox made a motion to accept the bid from Match Point. Councilmember Murray seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

WELCOME SIGN PROPOSAL

Manager Day stated that we are currently trying to get funding for the Welcome to Tazewell sign. We have received an estimate from Swope Construction of \$35,000.00. Vice-Mayor Mullins made a motion to accept the bid from Swope Construction. Councilmember Murray

seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

REVISED POLICY UPDATE-OUTSIDE EMPLOYMENT

Manager Day stated that he, Town Attorney, Brad Pyott and Executive Assistant, Robin Brewster had discussed this issue and prepared a document which has been given to the council to review. He also stated that the personnel manual needed to be updated and he would like to table this issue for a couple months to further review and update.

CUT DOWN TREE IN MINI PARK

Mayor Buchanan stated that the pine tree in the mini park is hanging over the side walk and is growing out into the road. Manager Day stated that we could remove the tree. He also said that trimming the tree would not leave it cosmetically attractive. Councilmember Murray made a motion to remove the tree. Councilmember Fox seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye. Mayor Buchanan asked if we should wait until after Christmas time and use the tree for the tree lighting. It was then stated that we always bring in a tree for the tree lighting anyway.

BOARD OF ZONING APPEALS MEMBER

Executive Assistant Robin Brewster stated that Board of Zoning Appeals Member Bill Weeks has recommended Ted Keen, owner of Ntelos, serve on the board. Councilmember Brown made a motion to accept the recommendation. Vice-Mayor Mullins seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

PUBLIC HEARING APPROVAL FOR WATER METER

Manager Day stated that there needed to be a public hearing to notify the public that the Town would be receiving free money for the meter project. Councilmember Fox made a motion to hold a public hearing. Councilmember Murray seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye. The public hearing will be held September 8th at 7:15 p.m.

TRICK OR TREAT

Mayor Buchanan stated that Halloween is on Saturday, October 31st. Councilmember Brown made a motion to hold Trick or Treating on Saturday, October 31st. Councilmember Murray seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

Councilmember Fox stated that he thinks we should have holidays on the holidays.

CAMPAIGN SIGN DISCUSSION

Manager Day stated that the Planning Commission recommended that political signs could not be put up until 45 days prior to an election and council voted in favor of their recommendation. He stated that the Town is having challenges with this ordinance. We have mailed each candidate a letter reminding them of this ordinance and also stated that we are working with Dennis Lee and he has contacted the General Assembly to gather more information on issue. Each time we receive a complaint about a yard sign we send a letter to the home owner and make them aware of the ordinance. If the sign is on Town right of way we remove the sign.

RECYCLING BIN DISCUSSION

Manager Day stated that per the property owners request the recycling bins had to be removed. The Town is currently looking for a new location they can be placed. Manager Day stated that he is considering Lincolnshire Park. There is currently a dumpster located in the southeast corner of the parking lot and if we would place the recycling bins there we could put fencing around it to house the bins. The Town would work with Lusk to determine a pick up schedule. Manager Day asked the council if they had any ideas. Councilmember Brown stated that he thinks the issue with the property owners is that some people set trash out by the bins and it makes their property look bad. He also commented on the trash dumpsters behind Town Hall and said that he has drove by several times and they are over flowing and have trash sitting beside them. Manager Day stated that it was difficult to have someone watch it all the time however there are employees that come out and empty the dumpsters on weekends and that it is a customer friendly service and he does not feel comfortable removing them so he will look into having someone check the dumpsters more frequently on the weekends.

MISCELLEANOUS

Manager Day stated that Tazewell Today has been asked to organize the Christmas Parade and Tree Lighting Event this year and they have agreed to do so.

Mayor Buchanan read a letter from Congressman Morgan Griffith's office that said they will hold a lunch event at V & V restaurant on August 19th. If anyone would like to go you must RSVP by Friday.

Mayor Buchanan reminded everyone of the Cruise In Saturday night (August 15th) on Main Street and also the first Movies on Main event that will be held Sunday (August 16th) at 8:30 pm.

Mayor Buchanan reminded everyone of the Festival of Arts event that will be held on August 29th on Main Street.

PUBLIC COMMENT

Jess Perry of Riverside Drive, North Tazewell, Virginia, came before council to discuss the hunting ordinance. He questioned bird hunting and using a shot gun. Manager Day stated that the use of firearms to hunt in town is illegal. He stated that bow hunting in town is allowed. Councilmember Fox asked if we could look into agricultural shooting. Mr. Perry asked what to do about coyotes. Town Attorney Brad Pyott stated that it is his right to protect his property. Manager Day stated that we would check into agricultural shooting.

Farley Beavers of 106 Vista Drive, North Tazewell, Virginia, came before council to discuss why his street has not been paved. Manager Day stated that it is a gravel road about ¼ of a mile long and one house back there and it is commercial zoned.

MISCELLEANOUS CONCERNS

Mayor Buchanan stated that the Veterans Day Parade will on November 8th and the committee has presented a funding request. Councilmember Murray asked what kind of funds do they need. Councilmember Fox stated that it is growing every year and getting better each year. Councilmember Brown asked if there was funding in the budget for this already. Manager Day said yes there was.

RESOLUTION

Motion made by: Councilmember Murray

Resolution Number: ES150811

Motion Seconded by: Councilmember Brown

Meeting Date: 15 August 11

Vote: All voted Aye

Purpose: Personnel & Legal Negotiations

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 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: Catron

Absent during meeting: Catron


Leeanne Billings, Clerk

Councilmember Brown made a motion for the council to give Manager Day permission to pursue negotiation for possible real property requisition. Councilmember McReynolds seconded the motion. On vote, Vice-Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

ADJOURNMENT

The meeting adjourned at 9:05 p.m. until September 8th at 7:15 p.m.

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, bow and arrow deer hunting is also allowed during the early archery deer season, the general firearms deer season, and the late archery deer season. Licensed bow and arrow deer hunters ("Hunter") must abide by all applicable sections of the Virginia Code and Virginia Hunting Regulations (including bag limits and tagging / checking requirements), with the property owner(s) ("Owner") and the Hunter abiding by the following additional terms and conditions:

- 1) Hunter shall possess a valid Virginia Hunting license;
- 2) Owner shall apply for a Town Bow and Arrow Private Property Hunting Permit ("Permit") from the Chief of Police, which application shall include:
 - a) The tax map parcel number(s) of the tract(s) upon which hunting will occur (with tax map attached);
 - b) The name, address and telephone number of any Hunter utilizing a subject parcel for bow and arrow hunting; and
 - c) The Owner'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, Owner shall provide Hunter with a copy of said Permit, which Hunter shall keep on his/her person when hunting on the subject property;
- 4) Hunter shall hunt from an elevated stand located at a height of no less than twelve (12) feet above the ground;
- 5) Hunter is prohibited from hunting within one hundred (100) yards of any school or residence property; and
- 6) Issued Permits shall be valid for any of the three (3) deer seasons as described hereinabove, but shall expire at the end of the last day of the last season, whichever season is the last to occur, regardless of the date of issuance of said Permit.

Failure of either Hunter or Owner 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 against either Hunter, Owner, or both.

(Ord. of 07-14-15)

First Reading: July 14, 2015
Second Reading: August 11, 2015

VOTE:	Catron	<u>Absent</u>
	Brown	<u>Aye</u>
	McReynolds	<u>Aye</u>
	Murray	<u>Aye</u>
	Mullins	<u>Aye</u>
	Fox	<u>Aye</u>

Donald Bula
Mayor

Deanne Hodge Butting
Clerk

Motion for passage as an emergency Ordinance
Vote

Effective Date: August 11, 2015

July 13, 2015