

Council Meeting Minutes

December 13, 2016

The Tazewell Town Council met in a work session at 6:15 p.m. in the Town Hall Council Chambers.

Present:

Absent:

Mayor A. D. Buchanan Jr

Vice-Mayor Terry Mullins

Councilmember Chris Brown

Councilmember Glenn Catron

Councilmember Jack Murray

Councilmember David Fox

Councilmember Jerry McReynolds

Staff present were: Town Manager, Todd Day; Clerk-Treasurer, Leeanne Billings; Executive Assistant, Robin Brewster; Recreation Director, Travis Barbee.

DAVID DAWSON WITH SEWER PLANT UPDATE

David Dawson was available for discussion via a phone conference. Manager Day showed an agreement dated March 23, 2015 between the Town and County to work together and introduce leachate into the sewer plant. It was discussed that when testing the leachate if the numbers are off there is only a certain time frame to fix it. There will be pretreatment. The PSA owns 40% of the plant. Mr. Dawson stated that it has been discussed that the regulation levels of ammonia may be changed and if it is we will have to adjust to be in compliance. Mr. Dawson discussed the schedule A worksheet that shows the allowable limits. He also stated that there was a built in cushion of 20%. Waste Water Superintendent Blaine White stated that with pretreatment that safeguards the town. It was stated that the county spends about \$200,000.00 on pretreatment for leachate. Also, the county has discussed hiring a management company to take control over the landfill. Manager Day stated that the council would have to set the limits for leachate and the county would have to follow. Waste Water Superintendent Blaine White stated that he appreciates council setting limits on the leachate and it makes him feel better about running the plant.

TRAVIS BARBEE WITH RECREATION UPDATE

Recreation Director, Travis Barbee came before council to give them an update on the recreation department. He stated that there had been a lot going on for the recreation department. He discussed the lighting at the Little League field and stated it would be very expensive to replace. He discussed the tennis courts at the park. To get them resurfaced and fixed would cost \$30,000.00-\$40,000. It would cost \$200,000.00 to rebuild them. Councilmember Catron asked if the school would help pay for it. He said hopefully they would help with the expense. There were 30 bulbs at the park that were replaced.

There have been several ideas concerning the gym. It has been considered to restructure the gym renting procedure. It is suggested to rent the gym for \$15.00 per hour and have a gym monitor there to ensure the gym is left in good condition and no damage is done. It is booked an average of 120-140 hours a month. He also stated that the floors need to be refinished. They should be refinished about every 10 years and the cost is roughly \$5,500.00. They will begin senior walking in the gym on Monday and Tuesday from 10:00am -1:00pm during the winter months. This will offer seniors a place to walk out of the cold. Also, there is a drink machine at the gym and we will be getting a quarterly check from Coke.

Recreation Director, Travis Barbee asked how the council felt about the fees for the gym. Discussion then moved to the martial arts program. Currently martial arts are held every Friday from 6:00pm -8:00pm and they use the gym free of charge. One suggestion made is that there be a contract between the instructor and the town which would be a 70/30 split. The instructor would get 70% of the lesson fees and the town would get 30% and they would have to have their own insurance policy and this would guarantee them the day and time they wanted.

Councilmember Murray asked what the purpose of redoing the floors would be if they are just going to get messed up again. Recreation Director, Travis Barbee answered that softball practice (that cause the damage to the floor) is no longer allowed at the gym. He also stated that we have a lease on the gym until 2046. It was stated that on average martial arts has an attendance of 14 each week. Vice-Mayor Mullins asked who owned the Little League field. It was answered the Town does. It was then asked what does the Little League pay to use the facility and they do not pay anything and there is no contract. Council held discussion on martial arts, contracts, and use of the gym. They could not come to an agreement regarding the contract and wish to table this issue until the January meeting. Recreation Director, Travis Barbee then gave a financial report comparison from 2015 to 2016.

Council Meeting Minutes

December 13, 2016

The Tazewell Town Council met in regular session at 7:30 p.m. in the Town Hall Council Chambers.

Present:

Absent:

Mayor A. D. Buchanan Jr

Vice-Mayor Terry Mullins

Councilmember Chris Brown

Councilmember Glenn Catron

Councilmember Jack Murray

Councilmember David Fox

Councilmember Jerry McReynolds

Staff present were: Town Attorney, Brad Pyott; Town Manager, Todd Day; Executive Assistant, Robin Brewster; Police Chief, Dewitt Cooper; Fire Chief, Josh Roberts; Rescue Squad Administrator, Syndee Saleem Clerk-Treasurer, Leeanne Billings; Public Work Director, Donny Pruitt; Property Maintenance/ Zoning Administrator, Chris Hurley; Recreation Director, Travis Barbee.

CALL TO ORDER

Mayor Buchanan called the meeting to order. He encouraged everyone to remember the events that happened at Pearl Harbor as the anniversary was this week. He then opened with the pledge of allegiance. Invocation was given by Town Manager Todd Day.

SPECIAL PRESENTATIONS

SWEARING IN OF NEWLY ELECTED MAYOR & COUNCILMEMBERS

Mayor Buchanan stated that this was the Town's 150th anniversary and he read some of the past mayors and political members that helped shape our town. At this time Judge George B. Brittain II, swore in each newly elected member to the town council. Members include, Mayor A. D. Buchanan, Councilmember David Fox, Councilmember Glenn Catron, and newly elected Councilmember Jennifer Boyd.

SPECIAL PRESENTATION BY THE MAYOR

Mayor Buchanan recognized Councilmember McReynolds for his time served on the town council. At this time he presented him with a plaque and watch.

BROWN & EDWARDS TO PRESENT AUDIT

Justin Martin of Brown & Edwards came before the council to present the town's 2015-2016 audit results. He stated that the town staff was very good to help supply the information needed. The town received an opinionated audit which was the highest result that can be given.

SHAWN DURHAM WITH UPDATE ON YMCA

Shawn Durham with the YMCA came before council to give an update. He stated that they had a good coed volleyball season. They conducted a survey for their youth soccer program and received results that concluded they had a good season as well. Youth basketball signups will be held soon. They will be going to different schools to hold signups. They have a program that encourages kids to be more active and live a healthier lifestyle. He stated that Bluefield College will be doing a basketball camp for the YMCA. Also, 10 acres of land has been donated to the YMCA and they hope to use this for a walking trail and archery range. When concerning the youth soccer program they feel that it would be in the best interest of the program if the Town takes the program back. Councilmember Fox stated that he was concerned about the number of children leaving our area to go play sports elsewhere. The council thanked Mr. Durham for the update.

PUBLIC COMMENT

JIMMY EARLS

Jimmy Earls of 107 Third Street, North Tazewell, Virginia came before council to discuss the alley closure by his property. Manager Day stated that we had ran into some complications with the alley closure and assured him that he would be getting a response by the middle of next week. Mr. Earls stated that the letter he has stated that they had to go by certain guidelines and people have broken the rules so they should be disqualified. Manager Day again said that he would be getting a response next week.

APPROVAL OF MINUTES

Motion was made by Councilmember Catron, and seconded by Councilmember Fox to approve the council minutes of November 1, 2016. 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 and seconded by Councilmember McReynolds, to approve the financial statements for November 2016. On vote, Vice Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

TOWN MANAGER'S UPDATE ON ONGOING PROJECTS

Manager Day gave the following updates. He stated that the council will be appointing the following positions: town manager, clerk, and fire chief. Also, the planning commission and IDA appointments need to be voted on as well because there are terms expiring on both committees. On the IDA, Bob Buchanan, Junior Boothe and Chad Murray have terms expiring on December 31, 2016. On the planning commission, Benny Moore, Richard Taylor and Susan Reeves have terms expiring on December 31, 2016. There is also a vacant seat due to the loss of Kenneth Mulkey.

PLANNING COMMISSION COMMITTEE

Councilmember Murray stated there was no meeting for the month of December.

SESQUICENTENNIAL COMMITTEE

Susan Reeves gave an update on the sesquicentennial committee. She stated that it had been a good year with lots of events to celebrate the 150th anniversary. She also stated that the Taztownopoly games are in and they have been selling very well.

TRAIN DEPOT COMMITTEE

Vice-Mayor Mullins stated that they have received a grant from Thompson Charitable Foundation in the amount of \$50,000. He has spoken with Barry Rakes and they believe the project is a few months behind.

AIRPORT AUTHORITY

Councilmember McReynolds stated that the airport has lost their biggest user, Jewell Smokeless. He invited everyone to come visit the airport. He then thanked everyone and stated he enjoyed serving on the town council.

CABLE FRANCHISE AGREEMENT

Town Attorney Pyott stated that Lumos has made a formal request for the town to run an RFP for franchise. He then asked if this is something they would want to do. Councilmember Murray asked how many years is the Time Warner Cable franchise. It is a 10 year franchise. Mayor Buchanan asked if Lumos would be buying lines from BVU. Then discussed legal issues with

BVU. Motion was made by Councilmember Murray to allow Attorney Pyott to proceed with Lumos. Motion was 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.

MISCELLANEOUS

LECHATE

During the work session prior to the council meeting, there was a phone conference held with David Dawson. Mr. Dawson went over the Schedule A for Discharge Limits for the Tazewell County Landfill into Tazewell-to-Divides Collection System. Councilmember Murray made a motion to accept the limits provided in the Schedule A. Motion was 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.

USDA-RURAL BUSINESS DEVELOPMENT GRANTS

Manager Day discussed the Rural Business Development Grant. This is a grant of \$75,000.00 for the town to lend to businesses in town that need help. The IDA is still too young so the council would have to handle it. This would allow the businesses in need to take a low interest loan from the town. Motion to approve made by Councilmember Brown. Motion was 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.

LEASE AGREEMENT-TAZEWELL TRAIN STATION

Manager Day stated that the Tazewell County Board of Supervisors has voted to approve to put a tourism office in the depot. The county will pay the electric bill, etc. and the town will do the heavy maintenance. He also stated that if the county rents the meeting room they will get the revenue from that. Councilmember Murray stated that if the town needed to use the meeting room we shouldn't be charged for it. He also stated that they should not be allowed to paint or change the appearance if the town is restoring it. Motion was made by Councilmember Brown to allow a tourism office to be located in the depot with an amendment to include the protection of historical nature of the building. Motion was 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.

DONATION REQUEST FROM THS ACADEMIC TEAM

Councilmember Fox made a motion to donate \$200.00 to the THS academic team. Motion was seconded by Vice Mayor Mullins. On vote, Vice Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

DONATION REQUEST FROM SVCC FESTIVAL OF THE ARTS

Motion was made by Councilmember Brown to donate \$500.00 to the SVCC Festival of the Arts. Motion was 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.

DONATION REQUEST FROM CVCA-THE BIG GIVE

No motion made.

ADDRESS ORDINANCE CHANGE

Property Maintenance/ Zoning Administrator, Chris Hurley discussed the address ordinance that was presented to the council and stated that he needed approval from the council to move forward. Motion was made by Councilmember Brown to approve the address ordinance. Motion was 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.

STREET NAMES UPDATE

Property Maintenance/ Zoning Administrator, Chris Hurley stated that lots of street names have been recommended to be changed. Council needs to approve the names tonight and schedule a public hearing. Motion made by Councilmember Fox to approve the street names presented. Motion 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.

Motion made by Councilmember Fox to hold a public hearing on January 10th for 20 minutes prior to the regular council meeting. Motion was 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.

MISCELLANEOUS

Mayor Buchanan wanted to remind everyone of the town Christmas Party on December 15th at 6:30pm.

EXECUTIVE SESSION

Motion was made to go into executive session for legal counsel by Councilmember Brown. Motion was seconded by Vice Mayor Mullins. On vote, Vice Mayor Mullins, aye;

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

RESOLUTION

Motion made by: Brown

Resolution Number: ES131216

Motion Seconded by: Mullins

Meeting Date: 13 December 16

Vote: All Aye

Purpose: Consultation with Legal
Counsel

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

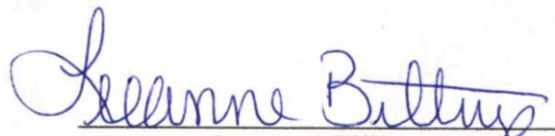
Ayes: Mullins, Brown, Catron, Murray, Fox, McReynolds

Nays:

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

Absent during vote:

Absent during meeting:



Leeanne Billings, Clerk

Motion was made to come out of executive session by Councilmember Catron. Motion was 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.

Mayor Buchanan stated the reason they went into executive session was to discuss legal counsel. He then read the resolution for Certification of Executive Session. On a roll call vote to confirm, Vice Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

Attorney Pyott stated that there have been some issues with the closure of the Third Street alleyway. There have been threats of litigation by potential new purchasers. It has been discovered that a law in 1915 governs how that property is handled. If the alleyway is closed it would go back to the original owners of the said property. Based on that information it would go back to the North Tazewell Land Corporation, however they do not exist anymore, so it would go back to their heirs. Attorney Pyott recommends that council reverses the closure of the alleyway. Motion was made by Councilmember Catron to reverse the closure of the alleyway. Motion was seconded by Councilmember McReynolds. On a roll call vote to confirm, Vice Mayor Mullins, aye; Councilmember Brown, aye; Councilmember Catron, aye; Councilmember Murray, aye; Councilmember Fox, aye; Councilmember McReynolds, aye.

Attorney Pyott will prepare a letter to the property owners and we will send back any checks that have been sent in to purchase the land.

ADJOURNMENT

Councilmember Brown made a motion to adjourn the meeting. Motion was 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.

Mayor Buchanan adjourned the meeting at 9:26 pm.