

## **Council Minutes**

August 8, 2017

The Tazewell Town Council met in a work session at 5:30 p.m. in the Town Hall Council Chambers.

### **Present:**

Mayor A. D. Buchanan Jr

Vice-Mayor Terry Mullins

Councilmember Glenn Catron

Councilmember Jennifer Boyd

Councilmember David Fox

### **Absent:**

Councilmember Jack Murray

Councilmember Chris Brown

Staff present: Town Manager, Todd Day; Executive Assistant, Robin Brewster; Town Attorney, Brad Pyott; Clerk-Treasurer, Leeanne Regon.

## **CALL TO ORDER**

Mayor Buchanan called the meeting to order.

## **EXECUTIVE SESSION**

Councilmember Catron made a motion that they go into executive session to discuss prospective business. Councilmember Boyd seconded the motion. On vote, Vice Mayor Mullins, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Boyd, aye.

## RESOLUTION

Motion made by: Catron

Resolution Number: ES170808

Motion Seconded by: Boyd

Meeting Date: 17 August 08

Vote: All Aye

Purpose: Prospective Business

## 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

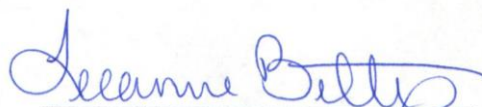
Ayes: Catron, Mullins, Fox, Boyd

Nays:

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

Absent during vote: Brown, Murray

Absent during meeting: Brown, Murray

  
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Leanne Billings, Clerk

Motion was made to come out of executive session by Councilmember Fox. Motion was seconded by Councilmember Boyd. On vote, Vice Mayor Mullins, aye; Councilmember Catron, aye; Councilmember Fox aye; Councilmember Boyd, aye.

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

## **MISCELLANEOUS**

### **Trash Dumpsters**

Manager Day stated that he has received a lot of calls regarding the trash dumpsters being removed behind town hall. His recommendation was to move them because it looked bad behind our office. He is open to suggestions. Councilmember Catron and Boyd both think we should allow dumpsters to be used at the recycling center. Councilmember Catron added we could require a town or county sticker to use dumpsters but everyone could use recycling bins. Councilmember Fox asked if there was a guard up there. Manager Day stated we do have an employee up there, Cecil Johnson. Vice Mayor Mullins stated that he has heard nothing but complaints about us removing the dumpsters. Councilmember Boyd stated it was hard to get in and out during the day time if you used the dumpsters when it was behind town hall. Mayor Buchanan suggested having the dumpsters available for use at the recycling center and see how it goes for a couple months.

### **Financials**

Treasurer Regon stated that the line item for council support was not correct on the financials given out. It has been corrected and will show on the next month's report.

## **Public Hearing**

The Town of Tazewell held a public hearing on August 8, 2017 at 7:00pm in reference to extending the cable franchise request from Spectrum (Time Warner Cable). Mayor Buchanan called the public hearing to order. Mayor Buchanan asked if anyone would like to speak for or against this matter.

Sandra Warden of 202 View Hill Tazewell, Virginia stated that citizens on a fixed income cannot afford their high prices. She mentioned the WCYB station that use to be on the channel listing that is not anymore because they removed it. She also stated that at times she has certain

channels/stations that will go out and be out for days. She pays \$104.00 and she has no special package. Every time the name changes the prices go up. She questioned installation updates and stated they need to update equipment. She also said they have a monopoly over the cable here because there are no other cable companies to choose from.

Jeff Ingram of 209 Faith Street North Tazewell, Virginia stated that he previously had satellite and switched to Time Warner. He stated that internet service is very limited unless you go with Time Warner. He had issues with his internet and had to buy a new modem. He bundled his services and pays \$195.00 and that is at a discount, but then he seen an ad in the paper that if you are a new customer you can bundle services and it is \$29.00 for each, phone, internet, and cable. He stated that the elderly and those on fixed incomes cannot pay the prices they charge. He stated he needs a good dependable internet and it would be nice to have other options to choose from.

Mike Tenck with Charter Communications stated that in 2019 everything should be digital. We are not in an area that is digital right now. Analog will go away once they switch to digital. They have already put in a lot of fiber. Mr. Tenck addressed the WCYB channel. He stated that that was an out of market station and WVVA requested it be their exclusive network. Time Warner Cable had no choice. As far as channels going out, they have no control over network signals. Irma Mitchell asked him if there would be a credit on their bill if channels were out for a long time he said not generally.

No other public comments at this time. Mayor Buchanan closed the public hearing at 7:37pm. He stated they would take a five minute break and start the regular meeting.

## **Council Minutes**

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 Glenn Catron

Councilmember Jennifer Boyd

Councilmember David Fox

### **Absent:**

Councilmember Jack Murray

Councilmember Chris Brown

Staff present: Town Manager, Todd Day; Executive Assistant, Robin Brewster; Town Attorney, Brad Pyott; Clerk-Treasurer, Leeanne Regon.

Staff present: Town Manager, Todd Day; Executive Assistant, Robin Brewster; Town Attorney, Brad Pyott; Chief of Police, David Mills; Fire Chief, Josh Roberts; Rescue Squad Administrator, Syndee Saleem; Clerk-Treasurer, Leeanne Regon.

## **CALL TO ORDER**

Mayor Buchanan called the meeting to order at 7:45 pm and opened with the pledge of allegiance followed by the invocation given by Anthony Grills.

## **SPECIAL PRESENTATION TO FARM BUREAU**

Mayor Buchanan gave special recognition to Tazewell Farm Bureau. They have been in business in the Town of Tazewell for 100 years. Representing Farm Bureau is, Dorothy Wall, Jim Sam Gillespie and Clinton Bell. Mayor Buchanan read a resolution to Farm Bureau. R. R. Wall was one of the founding members. This is one of Tazewell's oldest businesses. He wished them best wishes for many more years to come and congratulated them on their 100 years in business. Mayor Buchanan presented a key to the Town to Ms. Wall and presented the resolution to Mr. Gillespie. They each thanked the town council and Mr. Gillespie stated he had family members that were at the very start of the business and he was proud to be a part of it.

## **FARM TO TABLE ABC LICENSE**

Leanne Lambert and Jessica Neal with Farm to Table came before council to request closing part of Main Street and Marion Avenue to hold their event. She would also like to request use of an ABC license for the event this year and from here on out. Attorney Pyott stated that they will have to approach the council each time since there may be different councilmembers. Manager Day stated that they are going to shut down part of the road and leave the rest open. The road would be shut down from Central Avenue toward the library. Councilmember Catron made a motion to approve their request. Councilmember Fox made a motion to second the request. On vote, Vice Mayor Mullins, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Boyd, aye.

## **SEVEN RESTAURANT ABC LICENSE**

Leanne Lambert also appeared before council on behalf of Seven. She is requesting that they allow Seven to serve outside their restaurant on the property adjacent to the restaurant. Their ABC license does allow this. Vice Mayor Mullins made a motion to allow. Motion was seconded by Councilmember Boyd. On vote, Vice Mayor Mullins, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Boyd, aye.

## **INTERN NATHAN MCCLUNG WITH TAZEWELL TODAY REGARDING UPDATES ON PAST AND PRESENT EVENTS**

Nathan McClung came before council to give an update on Tazewell Today. Mayor Buchanan stated that we appreciate the work he has done and he has done a very good job. He would like to make him an honorary member of the Town of Tazewell. Councilmember Catron voted to make him an honorary member of the Town of Tazewell. Motion was seconded by Vice Mayor Mullins. On vote, Vice Mayor Mullins, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Boyd, aye.

Nathan thanked the council and said he wasn't expecting that. He also said that he has enjoyed working on the various projects he has done. His first project was the signage project marking the landmarks of the Town. He has made a strategic plan for Tazewell Today. He is working on writing grants. He has done the following grants: Main Street Farmers Market, which was denied, however, was encouraged to apply again next year. The Main Street Parking Garage, which was awarded by VADHCD \$30,000.00. Tazewell will be on a list of Hometown's of the Clinch. They have started a Community Spotlight Article. They have planned numerous events to bring people into our town.

Councilmember Catron thanked him for a job well done. Mayor Buchanan thanked him and said it was good to have a fresh pair of eyes and new ideas. Manager Day stated that one goal has been economic development and he has certainly worked toward that. He thanked him and wished him the best of luck.

## **MAYOR REMARKS**

Mayor Buchanan congratulated the ball teams that went to state. He also congratulated John Reeves for being the Employee of the Year for the West Virginia Transit System.

### **APPROVAL OF MINUTES**

Motion was made by Vice Mayor Mullins to approve work session minutes and council minutes from the July meeting. Councilmember Catron seconded the motion. On vote, Vice Mayor Mullins, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Boyd, aye.

### **FINANCIAL REPORT**

Treasurer Regon gave a financial report of the last month to council and stated we had found a few items that were miscoded but were fixed now and would show up on the August budget reports.

### **APPROVAL OF FINANCIAL STATEMENTS**

Motion was made by Councilmember Catron and seconded by Councilmember Boyd, to approve the financial statements for July 2017. On vote, Vice Mayor Mullins, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Boyd, aye.

### **TOWN MANAGER'S UPDATE ON ONGOING PROJECTS**

Manager Day stated he has no updates at this time.

### **PLANNING COMMISSION COMMITTEE**

Attorney Pyott stated that Planning Commission met last night and discussed the home occupation permits.

### **TRAIN DEPOT COMMITTEE**

Vice Mayor Mullins discussed the depot project. He stated that we can now advertise for bids on the work for the Depot. We will hold a sealed bid opening on August 29<sup>th</sup> at 2:00pm.

### **EMS UPDATE & GRANT DISCUSSION**

Rescue Squad Administrator, Syndee Saleem gave an update. She stated that she has gotten a grant that will cover the cost of a new ambulance and two new computers. She stated that the paper work for this must be in by September 1<sup>st</sup>. The billing is going better and we are getting revenue in better than before. She stated that they have been discussing transports. Tazewell Hospital would like to work with us and let us take patients from the hospital back to their homes. She has provided numbers to council to show projected income. She recommends doing transports and thinks it would benefit the Town. Manager Day encouraged council to support our EMS. Councilmember Fox made a motion to implement transports. Vice Mayor Mullins seconded the motion.

The EMS Committee did recommend moving forward with transports, however it was agreed that they would give them time to try it and see how it progresses.

On vote, Vice Mayor Mullins, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Boyd, aye.

## **COMMUNITY DUMPSTER DISCUSSION**

Executive Assistant Robin Brewster, stated that during the work session council discussed different options for use of the dumpsters that have now been removed from behind town hall. It was decided that we will open the dumpsters at the recycling center for public use. Users must have a Town of Tazewell or Tazewell County decal; however, anyone is welcome to use the recycling bins. We will only accept household trash items. Motion was made by Councilmember Catron to allow public use of the dumpsters at the recycling center for household items during normal hours of operation with a Town or County decal. Motion was seconded by Councilmember Boyd. On vote, Vice Mayor Mullins, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Boyd, aye.

## **CABLE FRANCHISE**

Councilmember Catron asked about the programming that they would remove from the school systems. Mike Tenck stated that the schools would have channels 3-64 until everything goes digital. Councilmember Boyd asked if that meant the History channel would be removed. He said yes, it is not in the basic package. Councilmember Catron made a suggestion to only give them a one year franchise so that we could work through some of the issues being brought up. Attorney Pyott stated that he could not find any time requirements such as it must be ten years or five years, etc. Mike Tenck stated that there was no requirement in the contract, usually ten years is standard. Attorney Pyott asked when was the last time the equipment was upgraded. Mr. Tenck stated he was not sure but they have been doing upgrades as needed. Manager Day stated that the Town dropped their internet service with them over two years ago because of bad service and went with BVU and he is recommending not granting a ten year franchise. Councilmember Catron made a motion to renew the franchise for three years to give them time to switch everything over to digital. Vice Mayor Mullins seconded the motion. Councilmember Fox asked if everything should be digital by 2019, it was answered yes it should be. On vote, Vice Mayor Mullins, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Boyd, aye.

## **HOME OCCUPATION ORDINANCE**

Attorney Pyott stated that the Planning Commission had reviewed a Home Occupation Ordinance that he has drafted. After going over the ordinance the Planning Commission has passed it and sent it to council for final approval. The draft includes an updated definition for home occupation, and it would allow there to be a home occupation in a R1 zone. If approved he recommends holding a public hearing. Manager Day stated that this has been an issue for a long time and this will give us some guidelines to use for those that have home occupations. He explained that they would have to get a one-time home occupation license and then get a business license each year. Councilmember Fox made a motion to accept the ordinance and hold a public hearing scheduled for the next council meeting at 7:15pm. Motion was seconded by Councilmember Catron. On vote, Vice Mayor Mullins, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Boyd, aye.

## **ROUTE 61 BRIDGE RESOLUTION**

Mayor Buchanan read the resolution. Manager Day stated this was for bridge replacement and we would receive 100% funding. Motion to adopt resolution was made by Councilmember Catron. Motion was seconded by Vice Mayor Mullins. On vote, Vice Mayor Mullins, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Boyd, aye.

## **PLANNING COMMISSION VACANCY**

Manager Day stated that Charity McDaniel will be moving in December and we will need to fill her vacant seat on the Planning Commission.

## **TWIN DEPOTS SCENIC TRAIL DISCUSSION**

Manager Day stated that there is a depot in Narrows that looks like our depot and it is a really scenic route between the two depots. Narrows is still in use. We have written a resolution and will be sending it to the Senate and House to try and get the route between the two stations named "Twin Depots Scenic Trail." Vice Mayor Mullins made a motion to send the resolution to the Senate and House requesting the trail be named as such. Motion was seconded by Councilmember Catron. On vote, Vice Mayor Mullins, aye; Councilmember Catron, aye; Councilmember Fox, aye; Councilmember Boyd, aye.

## **PUBLIC COMMENT**

Betty Wallace of 708 W Riverside Drive, North Tazewell, came before council to request Fudge Street to be paved. She also said that continuous Hurst Street is in rough shape as well and asked if we could look at it also. She also asked if we could look at a piece of land on Fudge Street that was next to hers and stated that the grass is very high. She also mentioned a piece of property on Hurst Street where it looks like someone is dumping there.

Mr. Thomas of 101 Payne Street, Tazewell, came before council to discuss a flooding issue on Payne Street. He said if the drain was cleaned out he thinks that would help matters a lot but there still may need to be other work done to really take care of the problem.

## **MISCELLANEOUS**

- Mayor Buchanan wanted to remind everyone of the event August 15<sup>th</sup> in the American Legion Building, Mark Warner will be there at 11:00am.
- He also wanted to remind everyone of the eclipse photo on Main Street around 10:00am on August 21<sup>st</sup>.
- The next Cruise In and Music on Main will be August 19<sup>th</sup> with the Beach Nite Band.
- He thanked the town crew for a job well done on Main Street Moments and the Fair. Irma Mitchell also thanked everyone for their help setting up Main Street Moments and thanked the committee for their hard work too.
- Councilmember Fox stated that at the corner of Fincastle and Tazewell Avenue, Dennis Robinson's wall is falling.
- Manager Day asked what council thought about the crosswalk signs that were in the middle of Main Street, do they like them there or want them removed. We have had complaints that it makes it difficult to turn on Main Street and people come close to hitting them. Vice Mayor Mullins asked if we could move them from the middle of the road to the side walk. Attorney Pyott stated that as a business owner on Main Street, he liked them because it made people slow down. Manager Day stated we would leave them as is.

## **ADJOURNMENT**

Mayor Buchanan adjourned the meeting at 9:11pm.