

Council Meeting Minutes

August 10, 2021

The Tazewell Town Council met in a work session at 6:30 p.m. in the Town Hall Council Chambers.

Present:

Absent:

Mayor Michael Hoops

Vice Mayor Terry Mullins

Councilmember David Fox

Councilmember Emily Davis

Councilmember Joe Beasley

Councilmember Glenn Catron

Councilmember Chris Brown

Staff present were: Town Manager, Todd Day; Executive Assistant, Robin Brewster; Clerk/Treasurer, Leanne Regon; Water Clerk, Angela Buchanan

FMS WORK ORDER PRESENTATION TO TOWN COUNCIL

Manager Day stated that during his evaluation a work order program was discussed. Water Clerk Angel Buchanan demonstrated the work order program that we use with our software. She went through the whole process of showing how a work order was entered once we have a request or need to do one. She showed that it was able to pull up by name or address and that it kept the history for each address. She also showed how to log a work order once it came back into the office. They were pleased to see that we have this program and to see we use it and how it works. Mayor Hoops stated that he would like to have a report in the council packets that stated how many work orders we do in a month and how many are completed in a month.

Manager Day handed out a town managers project list for them to review. He stated that the phones up front ring continuously. There are three girls upfront then it rings upstairs too. They can all do work orders and he feels that the work order program has worked well. However, as we work on work orders, we are also working on all these projects as well. There's a lot going on and he thinks staff has done a good job trying to keep up with all them.

PUBLIC HEARINGS

Present:

Mayor Michael Hoops

Vice Mayor Terry Mullins

Councilmember David Fox

Councilmember Emily Davis

Councilmember Joe Beasley

Councilmember Glenn Catron

Councilmember Chris Brown

Absent:

Staff present were: Attorney, William Hunter; Town Manager, Todd Day; Executive Assistant, Robin Brewster; Clerk/Treasurer, Leeanne Regon; Zoning, Building, Water Clerk, Angela Buchanan; Property Official, Chris Hurley; Police Chief, David Mills; Fire Chief, Jason Hodge.

AMERICAN RESCUE PLAN FUNDING

Mayor Hoops called the public hearing to order at 6:45 p.m. The Town of Tazewell held a public hearing to amend the current budget due to receiving the American Rescue Plan Funds. Manager Day read the notice of public hearing. Mayor Hoops asked if anyone would like to speak for or against this matter. With no comments, Mayor Hoops closed the public hearing.

AMENDMENT TO EXISTING ORDINANCE OF CHAPTER 23, “ZONING”

Mayor Hoops called the public hearing to order at 7:00 p.m. The Town of Tazewell held a public hearing to amend the existing ordinance of Chapter 23 Zoning. He then read the notice of public hearing. Mayor Hoops asked if anyone would like to speak for or against this matter.

Fred Harman 178 Main Street, Tazewell, Virginia.

Mr. Harman stated that he appreciates the effort to update the zoning but he feels this is the wrong move. He is concerned about the number of people who did and didn't get a letter. The opinion of zoning around our area is sensitive because people feel it is the governments way of telling them what they can and cannot do with their property. He feels our proposal is regressive. It is just one more example of government interfering with people's property. He is asking what the purpose of this is. He opposes this proposed zoning change and feels it will decrease property values. This is a bad idea and there is no move needed for such control. He would ask that council vote no on this.

Felicia de Courcy 172 Main Street, Tazewell, Virginia.

Ms. de Courcy is asking why we are restricting zoning on properties. She called and spoke to Zoning, Building, Property Official, Chris Hurley. She stated that he was very nice and polite but

she doesn't feel that it was explained well. They discussed the overlay district. She feels there is no basis for this. She does not agree that we should be able to restrict property owners of what they can do with their property. She was told people may come to the planning commission and discuss it further and ask them questions to get a greater understanding of why they were requesting this change.

Virginia B. Crawford 1366 Riverside Drive, North Tazewell, Virginia.

Ms. Crawford asked what this meant for her property. She does not reside here; she lives in Lynchburg. But she is concerned of what it means for her property. She would like to know if she can come speak with someone in our office and go over this. Manager Day said yes, absolutely.

Rita Ball Carline Avenue, Tazewell, Virginia.

Ms. Ball stated that when they received the letter, they thought that it meant that we were taking their property. They did not understand the letter. They were afraid their property would be taken and used for something else. They feel more people that received this letter also does not understand it.

Patricia Beavers 346 Hotel Avenue, Tazewell, Virginia.

Mrs. Beavers stated that having a zoning map is beneficial. However, the general public does not understand the letter they received. Their needs to be more education of the matter and she would strongly encourage that we do that. We need to discuss what a R1 zone is, what an R2 is, B1, B2 etc. She stated that if more people understood what the letter was about, they may not be so against it.

Cecilia Hymes 286 Jeffersonville Street, Tazewell, Virginia.

Mrs. Hymes stated that she does not understand what the letter is about either. She owns four pieces of property and she would like to know how this will affect her properties. She feels that more information is necessary to the public and property owners.

At this time Mayor Hoops closed the public hearing.

SPECIAL EXEMPTION PERMIT FOR 294 DIAL ROCK ROAD

Mayor Hoops called the public hearing to order at 7:15 p.m. The Town of Tazewell held a public hearing for a special exemption permit for 294 Dial Rock Road. He then read the notice of public hearing. Mayor Hoops asked if anyone would like to speak for or against this matter. Having no public comment, he closed the public hearing.

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

CALL TO ORDER

Mayor Hoops called the meeting to order with the pledge of allegiance. Invocation by Manager Day.

SPECIAL PRESENTATION/REQUEST(S)

ABC EVENT REQUEST

Amanda Hoops with Tazewell Today came before the council to give an update and make a request. She stated that they have been really busy this summer and held lots of events. Earlier in the year they requested an ABC license that would allow them to hold a maximum of 16 events with the license. So far, they have had no issues at their events. They have held First Friday's and a concert for Main Street Moments and used the license. She stated that there were attendees at the cruise in after Main Street Moments that thought they could do the same thing and she is afraid someone is going to get in trouble. She would like to ask that they would be able to use their ABC license at the cruise ins as well. This way no one will get in trouble. She stated that the way it works is people can go into one of the restaurants and purchase a drink and then return to the street and enjoy their drink. Chief Mills stated that the ABC stated that officers need to be on scene when these events like this are held. It was stated that there are designated cups and wrist bands to identify those participants. Motion to approve using their ABC license at cruise ins was made by Councilmember Catron. Motion was seconded by Councilmember Beasley. On vote, Councilmember Catron, aye; Councilmember Brown, aye; Vice Mayor Mullins, aye; Councilmember Fox, aye; Councilmember Davis, aye; Councilmember Beasley, aye.

INTRODUCE TOWN EMPLOYEES ANGIE BUCHANAN & JESSICA HAYES

Clerk/Treasurer Regon introduced Angie Buchanan and stated that she was over our water department and Jessica Hayes and stated that she posts payments and takes care of the customers. She stated that they had been with us a little while but due to Covid we weren't able to introduce them for a little while. She also stated that they do a great job and she is very proud of them.

LOCAL BUSINESS OWNER

Jaimal Viney owner of Viney's Different Cuts & Styles and also K & S BBQ came before council to discuss concerns her had. He stated that he had a phone call with Chris Hurley after he had visited his site. Mr. Hurley had asked him where he was selling food. Mr. Viney gave the address. He stated that Mr. Hurley had went to his business and entered his restaurant without permission to do an inspection. He stated that no one was there and Mr. Hurley knocked on the door and entered and seen no one was there and left. Mr. Viney said that he keeps his doors locked so he's not sure how he got in. He feels that Mr. Hurley used his authority and he feels violated. Mr. Viney called the town manager and spoke to him about this months ago. He asked Manager Day if the incident was reported and documented. Manager Day stated that he

remembers the conversation about it that happened many months ago and when they had finished their conversation, he thought that they ended it professionally and satisfactory.

Mr. Viney also stated that they periodically have food sales at the parking lot. They were hold a fish fry or ribs sale and he stated that Julie from the Health Department said that she received a text message from someone with the Town saying that he was operating without a license and selling food without a permit.

Mr. Viney also stated that he received a letter about an inspection of his hair salon that came from Mrs. Regon. He asked others if they got a letter and they said no. He has also tried to get grants, etc. and he has been turned down and not given a chance to appeal. He feels like he is being bullied. He feels that his complaints should be documented and it doesn't seem like they have been. He records the conversations that he has. He wants to see the town grow and that's why he brought his business back to Tazewell. He thinks that there should be a complaint filed and that there needs to be accountability behind the actions. He feels overwhelmed and he just wants to run a legitimate business. He also wants some answers on these issues. He wants to know why he was the only one that got the letter about inspections.

Mayor Hoops stated that they have spoken several times. He feels that no one wants to make him feel like he has been treated any different than anyone else. Manager Day stated that they have also spoke on different occasions. He feels there has never been a negative conversation between them. The stated that the letter he received went to 13 different businesses and he had all the letters with him if Mr. Viney would like to have them, he was welcome to them. He also stated that he encouraged Mr. Viney to contact Julie at the Health Department and find out who sent that text message because he had asked his staff and it did not come from any of them. Councilmember Brown asked if there was proof that the letters were mailed out. They were certified mail so we do have proof they were mailed. Mr. Viney stated that the discipline action needed to be released. Manager Day stated that it is not a releasable document. Councilmember Brown stated that he was glad that Mr. Viney did not take his business elsewhere and he wants to make him feel at home here. He asked him how we could move forward and help him now.

Mr. Viney stated that he and the mayor have spoken several times and he has been a great support. He is concerned about the letter. He has spoken to DPOR and they have never heard of this type of thing. Manager Day stated that we will work with him in any way we can to make sure that he doesn't feel this way. Mr. Viney stated that he would like to request the disciplinary action form. Manager Day stated that documentation of discipline action is not allowed to be released under FOIA. He cannot give that out. Mr. Viney asked if the Town had gotten any complaints about his business. Manager Day answered to his knowledge we have never received a complaint about his business.

Mr. Viney still feels that Mr. Hurley abused his authority as a building inspector to walk into his business without permission. He also stated that Officer Stevenson was on the back part of his parking lot sitting and when he approached him to ask what he was doing he said that he was on his phone. Chief Mills stated that they have been getting many reports of people speeding through there and they have been radaring in the area. Mr. Viney stated that when he asked what he was doing he just said he was on his phone, he did not say he was radaring. He also stated that Officer Stevenson said that Mr. Viney was just trying to cause a scene, then he pulled out and left. Mr. Viney stated that he would like to have a meeting would like to have a meeting with the town representatives. He would like everyone to be there if possible. Councilmember Fox stated

that he did not know any of this was going on. This is the first time he knew anything about it. If he knew he would have said something about it.

SPECTRUM CONCERNS

Michael Tanck with Spectrum came before council because Manager Day contacted him. He said that customers were stating that they were having issues with their service. Mr. Tanck stated he has contacted the department that is in charge of these issues and they were operating at 98%. The biggest service call is for dropped internet. Most of those issues were modem problems or line issues. They have began changing boxes and updating them as calls come in.

Councilmember Fox stated that sometimes his picture drops. Sometimes there is a pause and glitch in his service. Mr. Tanck stated that they can send someone out if he has a problem. Councilmember Fox also stated that his bill went up \$30.00. Mr. Tanck asked how often did he have issues with is service. It was answered, everyday. Mr. Tanck said they will send someone out to check it. He encourages anyone with issues to call and report it.

Danny Willis asked why they closed the office in Richlands. Mr. Tanck stated that they did a study and it had a low activity rating and it wasn't feasible to keep it open.

NEW BUSINESS RECOGNITION

ADAIR COUNSELING CENTER

Renee Adair owner of the Adair Counseling Center, stated that her and her daughter had just recently moved back and opened their business. She stated that they have behavior technicians and analysis. They work mostly with children who have autism. She has just hired her sixth employee. Their office has connections with UVA and they will be coming to test these children. Councilmember Beasley asked where she was located. She answered beside of Dr. Catron's office. She said the next closest clinic is in Wytheville. Mayor Hoops welcomed her and her business and said that we were glad to have her services in town. He then presented her with a few small tokens from the Town.

APPROVAL OF MINUTES

Motion was made by Councilmember Beasley, seconded by Councilmember Brown to approve the minutes of July 13, 2021 and the special called budget work session on August 3, 2021. On vote, Councilmember Catron, aye; Councilmember Brown, aye; Vice Mayor Mullins, aye; Councilmember Fox, aye; Councilmember Davis, aye; Councilmember Beasley, aye.

APPROVAL OF FINANCIAL STATEMENTS

Motion was made by Councilmember Brown, seconded by Councilmember Catron to approve the financial statements for July 2021. On vote, Councilmember Catron, aye; Councilmember Brown, aye; Vice Mayor Mullins, aye; Councilmember Fox, aye; Councilmember Davis, aye; Councilmember Beasley, aye.

PLANNING COMMISSION COMMITTEE

Councilmember Davis stated that the Planning Commission met and discussed a special exception permit from the new owners of Donut Diva. They discussed traffic concerns and the owners stated that they would put an entrance and exit sign to designate the traffic flow.

FINANCIAL POLICY APPROVAL

Manager Day stated that VRA is urging us to adopt a financial policy. The financial policy was given at the last meeting and is now up for discussion and vote. Motion was made by Councilmember Catron to adopt the financial policy. Motion was seconded by Councilmember Brown. On vote, Councilmember Catron, aye; Councilmember Brown, aye; Vice Mayor Mullins, aye; Councilmember Fox, aye; Councilmember Davis, aye; Councilmember Beasley, aye.

UPDATE ON RAMEY PROPERTY

Manager Day stated that he is getting plans and bids together to demo the showroom. He has gotten permission from the IEDA to do so. It was recommended that we leave the concrete pad. Motion to approve was made by Councilmember Brown. Motion was seconded by Councilmember Fox. On vote, Councilmember Catron, aye; Councilmember Brown, aye; Vice Mayor Mullins, aye; Councilmember Fox, aye; Councilmember Davis, aye; Councilmember Beasley, aye.

UPDATE ON EAST RIVER TRAIL

Manager Day stated that this is the Gratton Trail. There is a three-year lease on the property. The county is trying to get the lease renewed. There has been property out there that has been sold/bought and they are trying to get the lease with the new property owners. When they get the lease renewed, there is signage that will be put up etc. Tazewell County has an RDA. Manager Day is working on an agreement that they will upkeep the trail for a contribution from us.

UPDATE ON STORM WATER LINE ON FAIRGROUND ROAD

Manager Day stated that there is a storm water line from Main Street to Fairground Road. It goes to Jeff Tarter's property then goes under the road. It has failed and we are working to replace it.

UPDATE ON BARNES TRAIL

Manager Day stated that right now the Barnes Trail is blocked off with caution tape. He is in negotiations with the Barnes Family for a date to hold a grand opening. He stated that there is about \$8,000.00 worth of fitness equipment that will be installed as well. Also, we will install signage and monuments as well.

UPDATE ON SIDEWALK PROJECTS

Manager Day stated that when the Barnes Trail is complete, we will be working on the sidewalk on Maplewood. There are some right of way areas that may cause the side walk to cut a different direction than originally planned.

DESIGNATION OF AMERICAN RESCUE PLANS

Manager Day stated that there was a special called budget work session to discuss how to designate the ARPA funds. We have received \$2.1 million. It was said in the meeting that we would designate \$1.6 million toward economic development and \$500,000 to Kid own, a splash pad and emergency services. The remaining \$48,000 will stay in the account undesignated at this moment. Once the remainder of the funds are received, we will do the exact same thing.

Motion to approve designation of funds was made by Councilmember Brown. Motion was seconded by Councilmember Catron. Councilmember Fox asked what about the streets, etc. He also stated that he asked for information and had not received it. Manager Day stated that it was given to him in the green packet that night of the meeting. On vote, Councilmember Catron, aye; Councilmember Brown, aye; Vice Mayor Mullins, aye; Councilmember Fox, no; Councilmember Davis, aye; Councilmember Beasley, aye.

1ST READING OF AMENDMENT TO EXISTING ORDINANCE OF CHAPTER 23 “ZONING”

Attorney Hunter read the proposed amendment of Article 8 & 9 of the zoning section.

VIRGINIA MAIN STREET GRANT AWARD

Manager Day congratulated Amanda Hoops for her hard work. Amanda Hoops stated that they have received a \$10,000 grant from DHCD. Four communities in Virginia received the Main Street designation. They will be doing a branding packet for the Town of Tazewell. Going forward we could receive more grant funds.

APPROVE RESOLUTION OF SUPPORT FOR VCEDA APPLICATION

Mayor Hoops read the resolution of support for the VCEDA application. Motion to approve was made by Councilmember Fox. Motion was seconded by Councilmember Davis. On vote, Councilmember Catron, aye; Councilmember Brown, aye; Vice Mayor Mullins, aye; Councilmember Fox, aye; Councilmember Davis, aye; Councilmember Beasley, aye.

PROPOSED INCREASE FOR EMS FEES

Manager Day stated that EMS Administrator Syndee Saleem, had prepared a proposed fee schedule. They reviewed the fee schedule. Motion to approve fee schedule was made by Councilmember Catron. Motion was seconded by Councilmember Brown. On vote,

Councilmember Catron, aye; Councilmember Brown, aye; Vice Mayor Mullins, aye; Councilmember Fox, aye; Councilmember Davis, aye; Councilmember Beasley, aye.

SET PUBLIC HEARING FOR SPECIAL EXECPTION PERMIT FOR 203 FINCASTLE FOR SEPTEMBER 14, 2021

Zoning, Building, Property Official, Chris Hurley stated that the new owners of Donut Diva would like a special exception permit to reopen Donut Diva. The adjoining property owners will be notified. Motion to set a public hearing at the next meeting was made by Councilmember Fox. Motion was seconded by Councilmember Beasley. On vote, Councilmember Catron, aye; Councilmember Brown, aye; Vice Mayor Mullins, aye; Councilmember Fox, aye; Councilmember Davis, aye; Councilmember Beasley, aye.

SPECIAL EXEMPTION PERMIT FOR 294 DIAL ROCK ROAD

Zoning, Building, Property Official, Chris Hurley stated that we received a special exemption application to have an Air B&B at 294 Dial Rock Road. The adjoining property owners were notified and no one spoke at tonight's public hearing about the matter. A neighbor did call in and ask about noise concerns and curfew. The property has five parking spaces and has a garage. Chief Mills stated that if there were noise complaints an officer would respond. Councilmember Davis thinks we should look into having a noise complaint. She thinks it would be a good thing for citizens. Manager Day stated that we can have Attorney Pyott look into it and try to find examples to go by. Motion to approve was made by Councilmember Brown. Motion was seconded by Councilmember Beasley.

BACK TO SCHOOL BASH

Manager Day stated that along with Tazewell Today, we will hold a back to school bash free of charge on August 16th at the Aqua Park from 6:30-8:30 pm. It was asked if we would be using the pool too. They felt like we should try to.

MISCELLANEOUS

Manager Day asked to hold an executive session related to personnel even though one was not scheduled.

PUBLIC COMMENT

Andre Wallace came before council to especially thank Vice Mayor Mullins and Chief Mills. He stated that the Juneteenth event was a great success. He has a professional artist coming to sing for the next one. He said they have been discussing closing down Main Street and would like to have a parade maybe from Main Street to the Fairgrounds.

He also stated that Fudge Street is a dead-end street. He has property on Carline that connects to Fudge Street that he would let us put a cul-de-sac on.

He stated that the Friends of Juneteenth are working on getting a 501C3 status.

COUNCIL COMMENTS

None.

EXECUTIVE SESSION

Motion was made to go into executive session by Councilmember Beasley. Motion was seconded by Councilmember Catron. On vote, Councilmember Catron, aye; Councilmember Brown, aye; Vice Mayor Mullins, aye; Councilmember Fox, aye; Councilmember Davis, aye; Councilmember Beasley, aye.

RESOLUTION

Motion made by: Beasley

Resolution Number: ES210810

Motion Seconded by: Catron

Meeting Date: 21 August 10

Vote: All voted Aye

Purpose: Personnel Matters

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

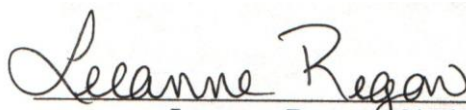
Ayes: Catron, Brown, Davis, Mullins, Fox, Beasley

Nays: none

(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 Regan, Clerk

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

Mayor Hoops stated the reason they went into executive session was for Personnel Matters. He then read the resolution for Certification of Executive Session. On a roll call vote Councilmember Catron, aye; Councilmember Brown, aye; Vice Mayor Mullins, aye; Councilmember Davis, aye; Councilmember Beasley, aye; Councilmember Fox, aye.

ADJOURNMENT

Motion to adjourn was made by Councilmember Fox and seconded by Councilmember Catron. On vote, Councilmember Catron, aye; Councilmember Brown, aye; Vice Mayor Mullins, aye; Councilmember Fox, aye; Councilmember Davis, aye; Councilmember Beasley, aye.

Meeting adjourned at 9:34pm.