

Council Meeting Minutes

January 10, 2023

The Tazewell Town Council in an executive session at 6:00 p.m. in the Town Hall Council Chambers.

Present:

Absent:

Mayor Michael Hoops

Councilmember Glenn Catron

Councilmember Jonathan Hankins

Councilmember Zach Cline

Councilmember Emily Davis

Councilmember David Fox

Councilmember Joe Beasley

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

EXECUTIVE SESSION

Motion was made by Councilmember Catron to go into executive session. Motion was seconded by Councilmember Beasley. On vote, Councilmember Catron, aye; Councilmember Hankins, aye; Councilmember Cline, aye; Councilmember Davis, aye; Councilmember Fox, aye; Councilmember Beasley, aye.

RESOLUTION

Motion made by: Catron

Resolution Number: ES230110

Motion Seconded by: Beasley

Meeting Date: 23 January 10

Vote: All voted Aye

Purpose: Privacy of Individuals
Unrelated to Public Business,
Prospective Location of a New Business
or Expansion of an Existing One &
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

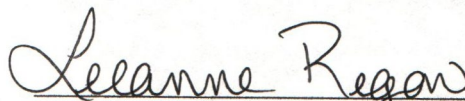
Ayes: Catron, Hankins, Cline, Davis, Beasley, Fox

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 Regon, Clerk

Motion was made by Councilmember Beasley to come out of executive session. Motion was seconded by Councilmember Catron. On vote, Councilmember Catron, aye; Councilmember Hankins, aye; Councilmember Cline, aye; Councilmember Davis, aye; Councilmember Fox, aye; Councilmember Beasley, aye.

Mayor Hoops stated the reason they went into executive session was for Privacy of Individuals Unrelated to Public Business, Prospective Location of a New Business or Expansion of an Existing One, & Personnel Matters. He then read the resolution for Certification of Executive Session. On vote, Councilmember Catron, aye; Councilmember Hankins, aye; Councilmember Cline, aye; Councilmember Davis, aye; Councilmember Fox, aye; Councilmember Beasley, aye.

PUBLIC HEARING 7:00PM

JOINT PUBLIC HEARING (TOWN COUNCIL AND PLANNING COMMISSION) - AMENDMENT TO EXISTING ORDINANCE CHAPTER 23 "ZONING" TO REVISE THE ZONING MAP CLASSIFICATION FOR PROPERTY LOCATED AT 751 FINCASTLE TURNPIKE (TAX MAP PARCEL NOS.: 094B4A0053 AND 094B4A0054) FROM CURRENT R-1 TO REVISED R-2

Mayor Hoops stated that you did not need to sign in to speak during the public hearing. You are welcome to speak, please give your name and address. He then read the notice of the joint public hearing and open the floor for comments.

Lindsey Asbury of 705 Fincastle Turnpike came before council to speak. She stated that she has always lived on Fincastle. She is a special education teacher for TCPS. She understands the need for Harper's Home and she is thankful to those that are trying to help. The location is not a safe location. It is not the best interest to have a home there. It is a busy street and you can see into the back yard. She is concerned for the neighborhood. She is concerned about runaway issues, parents trying to come and get their kids after they've been removed. She said that spot zoning will change the atmosphere for their neighborhood. She doesn't feel that Fincastle residents received notification that was needed for all the residents . She is not against helping children, she just doesn't think it should be done at that address.

Jennifer Lowe of 776 Fincastle Turnpike came before council to speak. She said that she has been gathering signatures on Fincastle for a petition in opposition. She has the petition to give the mayor. She asked if she could approach and give it to him, he said yes, she could come up

front. She stated that there was 700 + letters mailed out but she didn't receive one. She also stated that she has a list of properties that she has found that would be more suited for something like this. She gave the list to the mayor and thanked them for their time. (Petition and house listings attached to minutes)

Sarah Sheets of 787 Fincastle Turnpike came before council to speak. She said that she is not opposed to Harper's Home. But it will affect her and all the neighbors. She has children in her home and she is concerned for them. She has concerns of the home being road front. She is concerned because the house that is suppose to be a safe place for children is being advertised and people now know where is it and what it is.

Alice Wallwork of 741 Fincastle came before council to speak. She stated that she has owned her property for more than 25 years. It is adjacent to 751 Fincastle. She is opposed of the zoning change. She stated that the application and process did not include her and her neighbors and it should have. They were not given notice until late. She said she didn't receive a notice and her other neighbors didn't as well for the first letter that was sent out. She said there should have been notice put up at the property of 751 Fincastle so they could see it. She feels they have gotten last minute notice and there was no time to get an attorney or an appraisal as it may decrease property values. She stated that the property was foundationally, structurally, and electrically unsafe. She is concerned it is a fire hazard. She is concerned for the children if they stay there. She also discussed that the home was on the road front and that the speed limit through there was 40MPH and that it was a busy street. She is concerned that the kids may get in the street. There are many other suitable homes they could choose from she just feels this property is not safe for the kids. She discussed that the neighborhood is a cultural district for the Town. There are many Victorian style homes along that area. This is also the route of the Town parades. She is also concerned that there would be other structures brought onto the property such as prefab homes, trailers, etc. She would like to request that they deny the spot zoning issue. If it moves forward, legal counsel will be retained and an appeal will be filed.

Tom Conley of 717 Fincastle Turnpike stated that when he was 12 years old that he was removed from his home and placed into a home in the middle of the night. He knows the need for these places. For six years he worked in a children's home and there needs to be places for that. At the last meeting a feasibility study and an impact study were mentioned, he asked had it been done. This end of Fincastle should be in the historical district. His house is 100+ years old. The proposed house is over 100 years old. The Town is opening itself up to liabilities and also it does not meet fire codes. A second floor outside access is needed. A sprinkler system is needed. If you place children there you are liable for them. What happens if the child agency in three years is not there anymore. Since it is rezoned could it be a house for addicts, people getting out of jail, sexual offenders. He feels all the neighbors would be put at risk if this entity can sell it and it be used as one of those. If this property is spot zoned, what is stopping them from coming and asking for another property to be spot zoned. This is a slippery slope. What if the next property is for a small nursing home. How do you say no to them, because you have already agreed it could be used as something other than a house. Where is the DSS? Have they requested assistance? This is another organization doing this not DSS. At the last meeting there was a letter

read but those people didn't live in town. They discussed that there was a need for this in Buchanan County. Why are we doing this, is it for Buchanan County? Where are the agencies? Are we taking kids from Buchanan County? We need to focus on Tazewell first. Why would we take responsibility for this?

Tammy Mitchell of 431 Fincastle Turnpike stated that she loves the kids in our region. She is a school teacher and she has had children in her class that have been taken out of their homes before. We have to give the opportunity to ask questions. They would not let kids be in that house if it wasn't safe for the kids. She lives close by the jail and she has had people that have gotten out come to her house and knock on the door. Sometimes you have to take a chance. We live in a beautiful place. She is a special education teacher and she loves them. DSS doesn't have enough places to house them. Mental health is huge in this too. There have got to be some answers figured out for the questions that people are asking. She wants a safe place for kids, for neighbors and she stated this placement is short term, for a few days. We have a battered women's shelter here and it's safe. Ask the questions. Get the answers. She feels sure that the police presence by the location would become more often. We have to look at what is best. Those kids may end up in Northern Virginia far away from here. This temporary placement home would help with better placement for children.

Jerry Wood of 1125 Fincastle Turnpike stated that for 32 years he has sat in multiple chairs in this room. He was a councilmember, mayor and manager. He just has two questions. What is the purpose of zoning. He stated that it is to balance land use and provide value to landowners. Value and protection. He asked to the town manager, in the paper, what did you mean that this would be a historic vote? No comment was made. Mr. Wood stated that it would be historic because it has not been done before because of zoning. Because of balance. He will agree we need to protect our children. This is not the first time the Town has gone through this. We went through this years ago when he was manager, but we decided to put it in The Old Jail because it was close to the police department. When children are involved, there are likely to be irate parents as well. That is why this type of facility went in The Old Jail across the street here. He is opposed of spot zoning for historic reasons. He knows that had been plans here and he thinks these surveys had been done about the time he left, there is a plan to extend the historic district from what use to be the red light down to where you turn in to the high school because just about everyone of those homes qualify. His house is 90 years old and qualifies and has been surveyed. He thinks if we get our zoning administrator to look into this it would not cost a lot of money to get the state to designate that as historic and there are great benefits to that. He wants to go on record that he is opposed to this change and he thanked the council.

Aaron Gillespie of 416 Harman Street stated that he is here to speak for The Care Center as their counsel. He supports the changes on the agenda. He would like to address some of the comments concerning safety. That was one of the first things that he looked at was safety. There is a house like this now in Richlands and there has been no issues. There hasn't been any children or parents or neighbors put in any danger. Harper's Home is a safe harbor for emergency situations. It is for short term periods of stay. Once a child is removed and has no place to go this would become an option. There have been times that a child had to stay in a DSS office. Harper's Home

would give the child and the DSS worker time to breathe and get the best placement for the child. He stated that he disagrees with some of the safety comments made. Safety issues with the home would be address before anyone ever came to stay at the house. The DSS director was at the last meeting and was in favor of Harper's Home. As an attorney and a dad, he doesn't envy anyone making these decisions but this could change a child's life. He encourages council to adopt and move forward.

Alice Wallwork asked if this was the only location it could be located. Mayor Hoops answered that there are other locations but we can't tell them where to pick. This is why we have our town council and hold public hearings.

Dale Hill of 238 Fincastle Turnpike stated that he moved here in the mid 90's. He has had foster children in his neighborhood and there have never been any problems. He knows of a child that was in and out of the home with her parents and she told him that she can't stay with her parents anymore because she gets raped and she was removed from them. This is reasons we need a place children can go. Do the right thing and support these kids.

April Morefield of 491 Tower Street stated that she respects everyone's opinion that they shared. She has heard somethings that are not correct. She also commented on putting kids where a jail use to be sounds terrible. That is a terrible message to send. Some of these kids have missing teeth, their head is shaved because of lice, they have a lot of issues they go through. The people who spoke against this, hurts her. She wants Tazewell to be a community where they help children. She discussed safety by the road. She also discussed that there was a day care beside the property and that there was someone being investigated there. She is doing this for the kids, she just wants to help them.

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

Present:

Absent:

Mayor Michael Hoops

Councilmember Glenn Catron

Councilmember Jonathan Hankins

Councilmember Zach Cline

Councilmember Emily Davis

Councilmember David Fox

Councilmember Joe Beasley

Staff present were: Town Manager, Todd Day; Executive Assistant, Robin Brewster; Town Attorney, Brad Pyott; Clerk/Treasurer, Leeanne Regon; Police Chief, David Mills; Fire Chief, John Thomas; Zoning & Property Maintenance Official, Chris Hurley.

CALL TO ORDER

Mayor Hoops called the meeting to order with the pledge of allegiance. Invocation by Pastor Nathan Thomas.

PRESENTATION OF RE-ACCREDITATION AWARD FOR THE TOWN OF TAZEWELL POLICE DEPARTMENT BY TODD CLINGENPEEL

Todd Clingenpeel stated that in August there was a team of assessors that came in and looked at every aspect of the police department. Our police department did a fantastic job. During the assessment, one of them did a ride along with Officer Blake Robinson. They were very impressed, he did his job very professionally, he had great knowledge about a vast range of information. He then presented Chief Mills and his staff with their accreditation plaque. Chief Mills stated that he appreciated Mr. Clingenpeel coming from Salem to present this. He appreciates all his employees and staff and he introduced members of the police department that work closely with the accreditation. He then thanked each of them, Assistant Chief Stan Lampert, Administration Assistant/Accreditation Manager Shawn Hurd, and Investigator Ben Leighton. He told them they did a great job and thanked them.

INTRODUCTION BY KESHIA COLE, EXECUTIVE DIRECTOR OF THE TAZEWELL COUNTY CHAMBER OF COMMERCE

Keisha Cole came before council to introduce herself as the new executive director of the Tazewell County Chamber. She stated that the chamber is here to support the Town's and the businesses and we should let them know if there is anything they can do to help us.

DISGRUNTLED CONCERNS

Jerry Wood from 1125 Fincastle stated that he needs to apologize to Ms. Moorefield. He said when he spoke in the public hearing about the old jail he was referring to the build across the street and it is currently named The Old Jail. He did not mean that as a derogatory reference. That building had previously housed the jail in it at one time but not in his lifetime and he did not mean to insinuate that we should put those children in an old jail. He said he should have called it the George House. He came before council and stated that he came to speak for the public hearing and he had requested to be on the agenda, but had decided not to speak until he seen the agenda and it said disgruntled concerns. He asked who puts the agendas together. Manager Day stated that he puts all the agendas together. Mr. Wood stated that he never once said anything about being a disgruntled citizen. He stated that he could screen shot the conversation he had with Leeanne and he never said disgruntled. He motioned to Manager Day and said you've put some ideas in my head now young man, I'll be back.

APPROVAL OF MINUTES

Motion was made by Councilmember Catron, seconded by Councilmember Davis to approve the minutes of December 13, 2022. On vote, Councilmember Catron, aye; Councilmember Hankins, aye; Councilmember Cline, aye; Councilmember Davis, aye; Councilmember Fox, aye; Councilmember Beasley, aye.

APPROVAL OF FINANCIAL STATEMENTS

Motion was made by Councilmember Beasley and seconded by Councilmember Catron to approve the financial statements for December 2022. On vote, Councilmember Catron, aye; Councilmember Hankins, aye; Councilmember Cline, aye; Councilmember Davis, aye; Councilmember Fox, aye; Councilmember Beasley, aye.

PLANNING COMMISSION COMMITTEE

Councilmember Davis stated that the Planning Commission did not meet because of the holiday.

FIRST READING, WAIVE SECOND READING – AMENDMENT TO EXISTING ORDINANCE TO REZONE PROPERTY AT 751 FINCASTLE TURNPIKE FROM R-1 TO R-2

Attorney Pyott read the proposed changes. Motion to waive the second reading was made by Councilmember Cline. Motion was seconded by Councilmember Hankins.

Councilmember Catron stated in leu of evidence presented he feels they should table this until next meeting and do their due diligence before moving forward. Councilmember Fox agrees. Councilmember Beasley stated that if we don't waive the second reading, we bring it back next month and we would have a month for research. Councilmember Cline stated that in the public hearing it was discussed that citizens felt they did not get proper notification. He asked if the Town followed procedures. Attorney Pyott stated yes and that for the public hearing last month

there was over 700 letters mailed out. For tonight's public hearing the notice has been posted and advertised and letters were mailed to the adjoining property owners. Councilmember Davis asked if the only people that received letters for tonight's public hearing were the adjoining land owners. Attorney Pyott stated yes that was correct. Zoning & Property Maintenance Official, Chris Hurley stated that letters were mailed December 21st to the six adjoining property owners and they were signed for. He stated that we notified the R2 district of changes because that is the zone that changes are being made in. Manager Day stated that we have a certified building official employed here and he will make sure that everything is compliant.

Mayor Hoops stated with a motion still on the floor to waive the second reading, we call for a vote. On vote, Councilmember Catron, nay; Councilmember Hankins, aye; Councilmember Cline, aye; Councilmember Davis, nay; Councilmember Fox, nay; Councilmember Beasley, nay.

There will be a second reading at the next meeting.

REAPPOINT TOWN MANAGER TODD DAY

Motion to reappoint was made by Councilmember Catron. Motion was seconded by Councilmember Hankins. On vote, Councilmember Catron, aye; Councilmember Hankins, aye; Councilmember Cline, aye; Councilmember Davis, aye; Councilmember Fox, aye; Councilmember Beasley, aye.

REAPPOINT CLERK LEEANNE REGON

Motion to reappoint was made by Councilmember Beasley. Motion was seconded by Councilmember Fox. On vote, Councilmember Catron, aye; Councilmember Hankins, aye; Councilmember Cline, aye; Councilmember Davis, aye; Councilmember Fox, aye; Councilmember Beasley, aye.

REAPPOINT FIRE CHIEF JOHN THOMAS

Motion to reappoint was made by Councilmember Fox. Motion was seconded by Councilmember Beasley. On vote, Councilmember Catron, aye; Councilmember Hankins, aye; Councilmember Cline, aye; Councilmember Davis, aye; Councilmember Fox, aye; Councilmember Beasley, aye.

REAPPOINT TOWN ATTORNEY BRAD PYOTT

Motion to reappoint was made by Councilmember Fox. Motion was seconded by Councilmember Davis. On vote, Councilmember Catron, aye; Councilmember Hankins, aye; Councilmember Cline, aye; Councilmember Davis, aye; Councilmember Fox, aye; Councilmember Beasley, aye.

OTR EVENT DISCUSSION

Manager Day stated that he has received a donation request of \$10,000 for the OTR Event at Back of the Dragon. If this is approved it will come out of next years budget FY 24. Motion was made by Councilmember Beasley to approve. Motion was seconded by Councilmember Cline. On vote, Councilmember Catron, aye; Councilmember Hankins, aye; Councilmember Cline, aye; Councilmember Davis, aye; Councilmember Fox, aye; Councilmember Beasley, aye.

REAPPOINT JIM TALBERT TO TAZEWELL COUNTY AIRPORT AUTHORITY FOR 3 YEAR TERM

Motion was made by Councilmember Catron to reappoint Jim Talbert to the Airport Authority. Motion was seconded by Councilmember Hankins. On vote, Councilmember Catron, aye; Councilmember Hankins, aye; Councilmember Cline, aye; Councilmember Davis, aye; Councilmember Fox, aye; Councilmember Beasley, aye.

URBAN ARCHERY DEER SEASON DISCUSSION

Manager Day stated that we have an over population of deer. Urban archery season is in until March. We have a regulation of five acres needed to hunt in town. It is being recommended to reduce it to two acres and also reduce it from 12 feet distance off the ground to 10 feet off the ground. This is still just only during regular season. Manager Day stated that we would take care of the necessary paper work. Motion to approve was made by Councilmember Fox. Motion was seconded by Councilmember Catron. Councilmember Cline asked could you make two acres by getting permission from two land owners that each had one acre, would that classify as meeting the two acre requirement. Manager Day stated as long as it's a two acre parcel and you are not shooting across a street, it would be done with the good intent of the law. Chief Mills stated that the land owners have to give permission for people to hunt. They will come in and get a card given to them showing permission. On vote, Councilmember Catron, aye; Councilmember Hankins, aye; Councilmember Cline, aye; Councilmember Davis, aye; Councilmember Fox, aye; Councilmember Beasley, aye.

BUDGET WORK SESSION

Manager Day stated that we will send out an email to get available days and times for a budget work session.

MISCELLANEOUS

Mayor Hoops stated that he polled council to choose a vice mayor. They have stated they would like Councilmember Catron as their vice mayor. Motion was made by Councilmember Davis to appoint Councilmember Catron as vice mayor. Motion was seconded by Councilmember Beasley. On vote, Councilmember Catron, aye; Councilmember Hankins, aye; Councilmember Cline, aye; Councilmember Davis, aye; Councilmember Fox, aye; Councilmember Beasley, aye.

DISCUSS VACANCY FOR IEDA

Motion to appoint Dr. Chris Brown and Dr. Steven Lutz was made by Councilmember Beasley. Motion was seconded by Councilmember Cline. On vote, Vice Mayor Catron, aye; Councilmember Hankins, aye; Councilmember Cline, aye; Councilmember Davis, aye; Councilmember Fox, aye; Councilmember Beasley, aye.

DISCUSS VACANCY BOARD OF ZONING APPEALS

Motion to appoint Danny Willis was made by Councilmember Beasley. Motion was seconded by Councilmember Davis. On vote, Vice Mayor Catron, aye; Councilmember Hankins, aye; Councilmember Cline, aye; Councilmember Davis, aye; Councilmember Fox, aye; Councilmember Beasley, aye.

DISCUSS VACANCY HISTORIC REVIEW BOARD

Motion to appoint Councilmember Beasley was made by Councilmember Davis. Motion was seconded by Vice Mayor Catron. Councilmember Beasley abstained from voting. On vote, Vice Mayor Catron, aye; Councilmember Hankins, aye; Councilmember Cline, aye; Councilmember Davis, aye; Councilmember Fox, aye.

PUBLIC COMMENT

None.

COUNCIL COMMENTS

Councilmember Davis welcomed Councilmember Cline and Councilmember Hankins to their first meeting.

Councilmember Hankins thanked everyone for the opportunity and looks forward to serving on the council and doing what's best for the Town.

Councilmember Cline said likewise and he considers it a privilege to be here. He stated that he was sitting where Terry Mullins sat and he was one that inspired him to get out and pursue this. He looks forward to working with the council and making things better.

Councilmember Beasley stated that we do take every decision seriously. He stated that they want to hear the opinions and the facts and it was the public that voted on them to sit there and make the decisions.

Manager Day stated that if they have questions before next months meeting to email them to him.

ADJOURNMENT

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

Meeting adjourned at 8:45pm.