

MINUTES

A regular meeting of the Buchanan County Board of Supervisors was held on Monday the 5th day of December, 2016 starting at 10:00 o'clock a.m. in the boardroom of the Buchanan County Courthouse located in Grundy, Virginia.

PRESENT: J. Carroll Branham, Chairman
Trey Adkins
William P. Harris
Harold H. Fuller
G. Roger Rife
Earl Scott
Craig Stiltner

L. Lee Moise, County Attorney
Robert Craig Horn
County Administrator

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The meeting was called to order with Prayer and Pledge of Allegiance.

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**IN RE: CONSIDER APPROVING A CONTRIBUTION TO COUNCIL
KIWANIS CLUB**

After a general discussion by the board upon motion by William P. Harris seconded by Harold H. Fuller and with the following roll call vote of seven (7) yeas, Harold H. Fuller, William P. Harris, Trey Adkins, Craig Stiltner, G. Roger Rife, Earl Scott, J. Carroll Branham and zero (0) nays, this board did hereby approve to issue a check in the amount of \$950.00 to Council Kiwanis Club, earmarked for the Annual Council Elementary School Christmas Treat Bag Project to be divided among the following Park and Recreation accounts:

- South Grundy District, account number, 71040-5604-07
- North Grundy District, account number, 71040-5604-04
- Rocklick District, account number, 71040-5604-06
- Prater District, account number, 71040-5604-05
- Hurricane District, account number, 71040-5604
- Garden District, account number, 71040-5604-01
- Knox District, account number, 71040-5604-03

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**IN RE: CONSIDER APPROVING MINUTES FOR NOVEMBER 14th AND 18th,
2016**

After a general discussion by the board upon motion by Harold H. Fuller seconded by William P. Harris and with a roll call vote of six (6) yeas, William P. Harris, G. Roger Rife, Harold H. Fuller, Earl Scott, J. Carroll Branham, Trey Adkins, zero (0) nays and one (1)

abstention, Craig Stiltner, this board did hereby approve the minutes for November 14th and 18th, 2016.

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IN RE: CONSIDER APPROVING THE COMMITTEE’S RANKING OF THE PROPOSALS/FIRMS IN REGARDS TO THE RFP FOR ENGINEERING SERVICES FOR THE “BEND OF SLATE CURVE DESIGN PROJECT” ON ROUTE 83. (#1. TERRA TECH ENGINEERING SERVICES, INC., #2. THE LANE GROUP, #3. A. MORTON THOMAS & ASSOC. INC. AND #4. ANDERSON & ASSOCIATES, INC.). ALSO, AUTHORIZE THE COMMITTEE TO BEING NEGOTIATIONS AS PERMITTED BY LAW TO BE ABLE TO RECOMMEND AN AWARD AT THE JANUARY 2017 BOARD OF SUPERVISORS MEETING

After a general discussion by the board upon motion by Trey Adkins seconded by Craig Stiltner and with the following roll call vote of seven (7) yeas, Harold H. Fuller, William P. Harris, Trey Adkins, Craig Stiltner, G. Roger Rife, Earl Scott, J. Carroll Branham and zero (0) nays, this board did hereby approve the committee’s ranking of the proposals/firms in regards to the RFP for engineering services for the “Bend of Slate Curve Design Project” on Route 83. (#1. Terra Tech Engineering Services, Inc., #2. The Lane Group, #3. A. Morton Thomas & Assoc. Inc. and #4. Anderson & Associates, Inc.). Also, authorized the committee to being negotiations as permitted by law to be able to recommend an award at the January 2017 board of supervisors meeting.

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IN RE: CONSIDER APPROVAL TO ISSUE A CHECK IN THE AMOUNT OF \$1,307,603.00 TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) FROM COAL HAUL ROAD ACCOUNT FOR MATCHING FUNDS REGARDING THE 2017 REVENUE SHARING CST PAVING PROJECTS, UPC # 108739

After a general discussion by the board upon motion by Harold H. Fuller seconded by Trey Adkins and with the following roll call vote of seven (7) yeas, Harold H. Fuller, William P. Harris, Trey Adkins, Craig Stiltner, G. Roger Rife, Earl Scott, J. Carroll Branham and zero (0) nays, this board did hereby approve to issue a check in the amount of \$1,307,603.00 to the Virginia Department of Transportation (VDOT) from Coal Haul Road account for matching funds regarding the 2017 Revenue Sharing CST Paving Projects, UPC # 108739.

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**IN RE: GERALD ARRINGTON, COMMONWEALTH ATTORNEY –
DISCUSS BUDGET**

Gerald Arrington, Commonwealth Attorney stated my office has received a \$70,000 cut this year. There was \$10,000 in the budget for state raises that the Virginia General Assembly didn't approve, so the county took the \$10,000 from the budget too. Most of my office's budget is for salaries, he stated.

I may need to use the access forfeiture funds if the board doesn't reinstate the \$10,000 or I will need to take one (1) full-time employee to part-time, stated Mr. Arrington. I'm requesting the board to appropriate the \$10,000 back to my budget.

Trey Adkins, Knox District Supervisor stated we gave Sheriff Foster \$10,000 from each of our park and recreation accounts at a meeting that I wasn't present. I think we should split the \$10,000 for the Commonwealth Attorney's Office the same way, which will save an employee.

After a general discussion by the board upon motion by Trey Adkins seconded by Craig Stiltner and with the following roll call vote of six (6) yeas, Trey Adkins, Craig Stiltner, Harold H. Fuller, G. Roger Rife, J. Carroll Branham, Earl Scott and one (1) nay, William P. Harris, this board did hereby approve to transfer \$10,000.00 to the Buchanan County Commonwealth Attorney's Office, (salaries) account number 22010-1150 to be divided among the following seven (7) district Park and Receptions accounts:

South Grundy District, account number, 71040-5604-07

North Grundy District, account number, 71040-5604-04

Rocklick District, account number, 71040-5604-06

Prater District, account number, 71040-5604-05

Hurricane District, account number, 71040-5604

Garden District, account number, 71040-5604-01

Knox District, account number, 71040-5604-03

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**IN RE: CONSIDER RATIFYING THE LETTER DATED NOVEMBER 28TH,
2016 TO U.S. DEPT. OF COMMERCE REGARDING THE 2017
COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY
(CEDDS)**

After a general discussion by the board upon motion by Craig Stiltner seconded by Trey Adkins and with the following roll call vote of six (6) yeas, Trey Adkins, Craig Stiltner, Harold H. Fuller, G. Roger Rife, J. Carroll Branham, Earl Scott and one (1) nay, William P. Harris, this board did hereby ratify the letter dated November 28th, 2016 to U.S. Dept. of Commerce regarding the 2017 Comprehensive Economic Development Strategy (CEDDS).

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IN RE: CONSIDER APPROVING A TRANSFER OF \$73,435.99 TO GENERAL DEBT FUND FORM THE GENERAL FUND TO PAY THE SCHOOL OPERATING BONDS INTEREST DUE ON JANUARY 15TH, 2017

After a general discussion by the board upon motion by Craig Stiltner seconded by Trey Adkins and with the following roll call vote of seven (7) yeas, William P. Harris, Trey Adkins, Craig Stiltner, Harold H. Fuller, G. Roger Rife, J. Carroll Branham, Earl Scott and zero (0) nays, this board did hereby approve a transfer of \$73,435.99 to General Debt Fund form the General Fund to pay the School Operating Bonds Interest due on January 15th, 2017.

IN RE: CONSIDER APPROVING THE LOCAL GOVERNMENT AGREEMENTS BETWEEN COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH AND BUCHANAN COUNTY BOARD OF SUPERVISORS

After a general discussion by the board upon motion by Craig Stiltner seconded by William P. Harris with a roll call vote of seven (7) yeas, William P. Harris, Trey Adkins, Craig Stiltner, Harold H. Fuller, G. Roger Rife, J. Carroll Branham, Earl Scott and zero (0) nays, this board did hereby approve the Statement of Agreement between the Virginia Department of Health and the Buchanan County Board of Supervisors.

IN RE: PUBLIC HEARING - 10:15 A.M. - TO HEAR PUBLIC COMMENTS REGARDING THE ADOPTION OF THE ORDINANCE TO ADD SECTION 88-71 OF ARTICLE IX OF CHAPTER 88 TO THE BUCHANAN COUNTY CODE

J. Carroll Branham, Chairman opened the public hearing for comments.

Steve Boyd, resident stated it's hard for people to pay their own property taxes and pay property taxes when some of my family members pass away. I inherited some property that has an abundance of taxes owed on it and I've been paying each month on it, he stated. Is this going to include people that are paying on their property taxes?

If you stop paying and they decide to sell the property they have a right at that point, stated Robert C. Horn, County Administrator. This is only if you stop paying.

Trey Adkins, Knox District Supervisor stated I don't support this ordinance, because it's dangerous.

This is only for delinquent taxes, stated Mr. Branham.

If you're behind 20 years or even 10 years that's what this proposed ordinance is for, stated Craig Stiltner, Rocklick District Supervisor. It's not if you're sick and not making payments.

It's the heirship properties that I worry about, stated Mr. Adkins.

Upon motion by Harold H. Fuller seconded by Trey Adkins and with a unanimous voice vote by the board, this board did hereby approved to close the public hearing.

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**IN RE: CONSIDER ADOPTING ORDINANCE TO ADD SECTION 88-71 OF
ARTICLE IX OF CHAPTER 88 TO THE BUCHANAN COUNTY
CODE**

After a general discussion by the board upon motion of Craig Stiltner seconded by Harold H. Fuller and with a roll call vote of six (6) yeas, William P. Harris, Craig Stiltner, Harold H. Fuller, G. Roger Rife, J. Carroll Branham, Earl Scott and one (1) nay, Trey Adkins, this board did hereby adopt the following Ordinance to add Section 88-71 of Article IX of Chapter 88 to the Buchanan County Code:

ORDINANCE TO ADD SECTION 88-71 OF ARTICLE IX OF CHAPTER 88 THE CODE
OF BUCHANAN COUNTY, TO ALLOW THE COUNTY TO RECOVER FROM
DELINQUENT TAX PAYERS AN ADDITIONAL 20% OF UNPAID REAL ESTATE
TAXES FOR PAYMENT OF ADMINISTRATIVE FEES,
ATTORNEY'S FEES, AND COLLECTION FEES TO COVER THE COSTS
ASSOCIATED WITH THE COLLECTION OF DELINQUENT TAXES
PURSUANT TO SECTION 58.1-3958, It *Seq.* CODE OF VIRGINIA, 1950, AS
AMENDED

WHEREAS, the Board currently has no provision in place regarding payment of Administrative Fees, Attorney's Fees, and Collection Fees for the collection of delinquent taxes;

WHEREAS, the Code of Virginia (1950), as amended, has procedures that permit the treasurer to collect administrative fees to cover the costs of collection and may also add collection agency or attorney's fees actually contracted for, not to exceed 20, to the delinquent tax bill;

WHEREAS, the Board recognizes that the costs of collection of delinquent accounts should be borne by those who have failed to meet their obligations and not by the general citizenry;

NOW THEREFORE, BE IT RESOLVED,

That, pursuant to Section 58.1-3958, et seq, Code of Virginia, as amended, effective immediately, Section 88-71 of Article IX of Chapter 88 of the Buchanan County Code is hereby enacted and shall have full force and effect as follows:

ARTICLE IX—COLLECTION OF DELINQUENT TAXES

"Sec. 88-71. PENALTY FOR COLLECTION OF UNPAID TAXES.

A Any person liable for local taxes who fails to pay the taxes on or before the first anniversary of the due date shall, in addition to all penalties and interest provided for in Sec. 88-41, 18-42, and 18-43 of the Buchanan County Code, pay a fee to cover the administrative costs associated with the collection of delinquent taxes. Such fee shall be imposed no earlier than 30 days after notice to the delinquency has been sent to the taxpayer and shall be equal to the maximum amounts allowed by Section 58.1-3958 of the Code of Virginia, as amended, or such other Virginia statute regulating the amount of such fees or covering the subject of fees in such cases.

B. If the collection activity is to collect on a nuisance abatement then, the fee for administrative costs shall be \$150.00 or twenty-five percent (25%) of the cost whichever is less; however, in no event shall the fee be less than \$25.00.

C. In addition to the administrative fee, the Treasurer may add to the delinquent tax bill, any collection agency's fees or attorney's fees actually contracted for, not to exceed twenty percent (20%) of the delinquent tax bill. Such attorney's fees shall only include costs paid to third parties.

D. The fees hereby authorized shall be imposed on all taxes which are delinquent at the time of the adoption of this ordinance unless such delinquent taxes are paid by December 31, 2016.

The County Administrator for Buchanan County, Virginia, is hereby authorized, empowered, and directed to forward an attested copy of this Ordinance to the Treasurer of Buchanan County, Virginia.

Effective as of the date of adoption.

This amended ordinance was adopted by the Buchanan County, Va. Board of Supervisors on the 5th day of December, 2016.

J. Carroll Branham, Chairman,
Buchanan County, Va. Board of Supervisors

Recorded Vote:
J. Carroll Branham _____
Trey Adkins _____
William P. Harris _____
Harold Fuller _____
Craig Stiltner _____
Earl Scott _____
Roger Rife _____

Attest:

Robert C. Horn, County Administrator

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IN RE: CONSIDER APPROVING ADDITIONAL APPROPRIATIONS

After a general discussion by the board upon motion by William P. Harris seconded by Trey Adkins and with the following roll call vote of seven (7) yeas, Trey Adkins, William P. Harris, Craig Stiltner, Harold H. Fuller, G. Roger Rife, J. Carroll Branham, Earl Scott and zero (0) nays, this board did hereby approve the following additional appropriations:

- Additional appropriation to Hurricane District Park and Rec., account number 71040-6022-02 in the amount of \$330.00;
- Additional appropriation to Sheriff’s Office, (Dare Program) account number 31020-5899 in the amount of \$50.00;
- Additional appropriation to Sheriff’s Office, (Crime Prevention), account number 31020-6029 in the amount of \$100.00;

- Additional appropriation to Sheriff’s Office, (Police Supplies), account number 31020-6010 in the amount of \$2,000.00;
- Additional appropriation to Rocklick District Park and Rec., account number 71040-5604-06 in the amount of \$144.85;
- Additional appropriation to Treasurer’s Office, (Office Supplies), account number 12130-6001 in the amount \$46.50;
- Additional appropriation to Circuit Court Clerk’s Office, (Maint.) account number 21060-3320 in the amount of \$450.94.

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IN RE: CONSIDER APPROVING BID AND CONTRACT FOR THE PURCHASE OF 25 ROLL-OFF CONTAINERS AND AUTHORIZE THE CHAIRMAN OF THE BUCHANAN COUNTY BOARD OF SUPERVISORS AND COUNTY ADMINISTRATOR FOR BUCHANAN COUNTY, VIRGINIA TO EXECUTE SUCH CONTRACT ON BEHALF OF BUCHANAN COUNTY WITH THE APPROVAL AS TO FORM BY THE COUNTY ATTORNEY

After a general discussion by the board upon motion by Craig Stiltner seconded by Harold H. Fuller and with the following roll call vote of seven (7) yeas, Trey Adkins, William P. Harris, Craig Stiltner, Harold H. Fuller, G. Roger Rife, J. Carroll Branham, Earl Scott and zero (0) nays, this board did hereby approve the bid from Wastequip in the amount of \$89,525.00 for the purchase of 25 roll-off containers and authorized the Chairman of the Buchanan County Board of Supervisors and County Administrator for Buchanan County, Virginia to execute the following Contract on behalf of Buchanan County with the approval as to form by the County Attorney:

CONTRACT

THIS AGREEMENT, made and entered into this the 5th day of December, 2016, by and between **Buchanan County**, a Political Subdivision of the Commonwealth of Virginia, party of the first part; hereinafter sometimes referred to as “**County**,” and **Wastequip**, party of the second part, hereinafter referred to as “**Vendor**”.

WITNESSETH:

THAT for and in consideration of the mutual covenants and agreements herein contained, the parties hereto do hereby agree as follows:

I.

The Vendor agrees to sell and the County agrees to buy 25 Roll-Off Containers to be used by the Buchanan County Sanitation Department, as described in the Invitation to Bid made a part of this contract by incorporation by reference as Exhibit “A”.

II.

The Vendor warrants to County and to the County’s successors, assigns that:

- 1) Ten (10) 20 Yard Roll-Off Containers, 22 ft. Long, 42” High and 8 Ft. Wide;

- 2) Fifteen (15) 30 Yard Roll-Off Containers, 22 ft. Long, 62” High and 8 ft. Wide;
- 3) All Stand Specs and all painted medium blue;
- 4) Delivery Fee;
- 5) The 25 Yard Roll-Off Containers are free of any defect in material and/or workmanship; and
- 6) The 25 Yard Roll-Off Containers are hereunder shall be delivered free from any security Interest or other lien or encumbrance; and
- 7) The goods sold hereunder conform to the description and specifications set forth in the specification incorporated into the invitation to bid which resulted in the award of this contract.

III.

County shall pay the Vendor for providing the 25 Roll-Off Containers in Exhibit “A” at the purchase price of:

Purchase bid price is \$89,525.00.

Payment of the purchase price shall be made within thirty (30) days of delivery of the 25 Roll-Off Containers to the County.

IV.

Vendor warrants and guarantees that title to the 25 roll-off containers, will pass to County no later than the time of payment free and clear of all liens.

V.

In the event that the Vendor fails to complete the performance required of it under this Agreement or in other way is in default of performance hereunder, County shall have the right to the remedies set forth at Virginia Code section 8.2-711, 8.2-712, 8.2-713, 8.2-714, 8.2-715, 8.2-716 and 8.2-717, along with any other remedies provided by either statutory or common law that may be applicable.

VI.

During the performance of this Agreement, the Vendor agrees as follows:

A. i. The Vendor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the vendor. The Vendor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

ii. The vendor, in all solicitations or advertisements for employees placed by or on behalf of the vendor, will state that such vendor is an equal opportunity employer.

iii. Notices, advertisements and solicitations placed in accordance with federal law, rules or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

B. The vendor will include the provisions of the foregoing paragraphs A(i), A(ii), and A(iii) in every subcontract or purchase order of over \$10,000.00, so that the provisions will be binding upon each subcontractor or vendor.

C. During the performance of this contract, the vendor will:

- i. Provide a drug-free workplace for the vendor's employees;
- ii. Post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensations, possession, or use of a controlled substance or marijuana is prohibited in the Vendor's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
- iii. State in all solicitations or advertisements for employees placed by or on behalf of the Vendor that the vendor maintains a drug-free workplace; and
- iv. Include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a vendor in accordance with this chapter, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

D. The Contractor does not and shall not during the performance of this contract knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

E. In the event of the Vendor's noncompliance with this section of this Contract, (Section XII), this Agreement may be canceled, terminated, or suspended, in whole or in part, and the Vendor may be declared ineligible for further Agreements and such other sanctions may be imposed and remedies invoked as other wise provided by law.

VII.

Time is of the essence in the completion of this contract. The Vendor shall deliver 25 Roll-Off Containers within seven (7) days of execution of this agreement. However, the County may extend this deadline upon a good cause showing of the Vendor.

VIII.

Not modification of any of the terms of this Agreement, nor any extension of the length of time allowed for the completion of performance governed by this Agreement, shall be valid without the advance written approval of the Buchanan County and/or compliance with Virginia Code section 2.2-4309.

IX.

The Vendor shall not assign his rights or obligations under this Agreement. The Vendor represents that he does not intend to use any subcontractors to complete performance of this contract.

X.

County may cancel this Agreement at any time prior to complete performance by the Vendor based upon a decision by County that such cancellation is in the best interest of County. Any such decision shall be a discretionary decision of County.

XI.

This Agreement shall be construed in accordance with the laws of the Commonwealth of Virginia. The parties agree that the Circuit Court for Buchanan County shall be the proper venue for litigation hereunder whether or not such alleged breach involves Federal law or

jurisdiction and that disputes between the parties which are not settled by the parties shall be settled by the Circuit Court of Buchanan County.

XII.

If any provisions of this Agreement shall be deemed by a court of competent jurisdiction to be invalid, the remainder of this Agreement shall nevertheless remain in full force and effect. This Agreement shall be construed in accordance with the laws of the Commonwealth of Virginia.

XIII.

The Contractor if organized as a stock or nonstock corporation, limited liability company, business trust, or limited partnership or registered as registered limited partnership shall be authorized to transact business in the Commonwealth as a domestic or foreign business entity.

EXECUTED IN DUPLICATE ORIGINALS.

WITNESS the following signatures and seals:

BUCHANAN COUNTY

By: _____
Chairman of the
Buchanan County Board of Supervisors

ATTEST:

Robert Craig Horn, County Administrator
for Buchanan County, Virginia

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IN RE: CONSIDER ADOPTING AN EMERGENCY ORDINANCE, CHAPTER 78, REGULATIONS FOR OPEN BURNING TO THE BUCHANAN COUNTY CODE

Upon motion by Craig Stiltner seconded by Harold H. Fuller to adopt an Emergency Ordinance, Chapter 78, Regulations for Open Burning to the Buchanan County Code.

L. Lee Moise, County Attorney stated the proposed emergency ordinance would prohibit the burning of certain materials, including shingles, rubber tires and agriculture waste and other materials. In the past the Virginia Department of Environmental Quality (DEQ) doesn't handle these issues anymore, he stated. They've pushed it off on the localities.

The proposed ordinance is a good ordinance, which has been adopted with Wise County, stated Mr. Moise. I modified Wise County's ordinance for Buchanan County.

Mr. Fuller withdrew his second to the motion.

Mr. Stiltner stated the proposed ordinance is for hazardous materials, not trash. I wouldn't like it if someone was burning something hazardous next to my house. We're sitting on this board to do what's best for the citizens in this county, he voiced.

I think we should a public hearing first, stated Mr. Fuller. We don't need to implement something today. Who will deem what's hazardous? That is what bothers me, stated Mr. Fuller.

Mr. Stiltner made the motion to adopt the Emergency Ordinance, Chapter 78, Regulations for Open Burning to the Buchanan County Code, with no second to his motion Mr. Stiltner requested a roll call vote: six (6) yeas, Craig Stiltner, G. Roger Rife, Earl Scott, Trey Adkins, William P. Harris, J. Carroll Branham and one (1) nay, Harold H. Fuller, this board did hereby adopt the Emergency Ordinance, Chapter 78, Regulations for Open Burning to the Buchanan County Code. A copy of this emergency ordinance is located in the Buchanan County Administrator's Office for review.

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IN RE: CONSIDER SCHEDULING A PUBLIC HEARING ON MONDAY, JANUARY 9TH, 2017 AT 10:45 A.M. TO HEAR PUBLIC COMMENTS REGARDING THE ADOPTION OF THE ORDINANCE CHAPTER 78, REGULATIONS FOR OPEN BURNING TO THE BUCHANAN COUNTY CODE

After a general discussion by the board upon motion by Craig Stiltner seconded by Trey Adkins and with a roll call vote of seven (7) yeas, Harold H. Fuller, Craig Stiltner, G. Roger Rife, Earl Scott, Trey Adkins, William P. Harris, J. Carroll Branham and zero nays, this board did hereby approve to schedule a s Public Hearing on Monday, January 9th, 2017 at 10:45 a.m. to hear public comments regarding the adoption of the Ordinance Chapter 78, Regulations for Open Burning to the Buchanan County Code.

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IN RE: CONSIDER APPROVING TRANSFERS FOR THE VICTIM WITNESS PROGRAM TO THE SHERIFF'S OFFICE

After a general discussion by the board upon motion by Craig Stiltner seconded by Trey Adkins and with the following roll call vote of seven (7) yeas, Harold H. Fuller, Craig Stiltner, G. Roger Rife, Earl Scott, Trey Adkins, William P. Harris, J. Carroll Branham and zero (0) nays, this board did hereby approve the following transfers for the Victim Witness Program to the Sheriff's Office:

- Transfer \$341.58 from Victim Witness Program, account number 22020-5530 to Sheriff's Office, account number 31020-5550;
- Transfer \$300.00 from Victim Witness Program, account number 22020-5210 to Sheriff's Office, account number 31020-5550.

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IN RE: CONSIDER APPROVING TO TRANSFER FOR SHERIFF'S OFFICE, (DARE PROGRAM) TO EXTRADITION OF PRISONERS

After a general discussion by the board upon motion by Craig Stiltner seconded by Earl Scott and with the following roll call vote of seven (7) yeas, Harold H. Fuller, Craig Stiltner, G. Roger Rife, Earl Scott, Trey Adkins, William P. Harris, J. Carroll Branham and zero (0) nays, this board did hereby approve to transfer \$972.00 form Sheriff's Office, (Dare Program) account number, 31020-5899 to Extradition of prisoners 31020-5550.

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IN RE: CONSIDER APPROVING TO ISSUE A CHECK FOR COYOTE CLAIMS

After a general discussion by the board upon motion by Harold H. Fuller seconded by Craig Stiltner and with the following roll call vote of seven (7) yeas, Harold H. Fuller, Craig Stiltner, G. Roger Rife, Earl Scott, Trey Adkins, William P. Harris, J. Carroll Branham and zero (0) nays, this board did hereby approving to issue a check for the following coyote claims in the amount of \$50.00:

- Danny Davis
- Dennis McGlothlin
- Buckey Looney
- Justin Boyd
- Brannon Breeding (3 Claims)
- Morgan Hall
- Arvil Quinley
- Steward Justus
- Randall Turner
- Chase Hinkle
- Chris Wolford

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IN RE: CONSIDER RESCHEDULING THE JANUARY 2ND, 2017 BOARD OF SUPERVISORS MEETING TO JANUARY 9TH, 2017 AT 10:00 A.M.

After a general discussion by the board upon motion by Craig Stiltner seconded by Harold H. Fuller and with the following roll call vote of seven (7) yeas, Harold H. Fuller, Craig Stiltner, G. Roger Rife, Earl Scott, Trey Adkins, William P. Harris, J. Carroll Branham and zero (0) nays, this board did hereby approve reschedule the January 2nd, 2017 board of supervisors meeting to January 9th, 2017 at 10:00 a.m.

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IN RE: CONSIDER ENDING THE DECLARATION OF LOCAL EMERGENCY ON NOVEMBER 18TH, 2016 DUE TO THE RESULT OF EXTREME DRY CONDITIONS AND THE LACK OF PRECIPITATION

After a general discussion by the board upon motion by Trey Adkins seconded by Harold H. Fuller and with the following roll call vote of seven (7) yeas, Harold H. Fuller, Craig Stiltner, G. Roger Rife, Earl Scott, Trey Adkins, William P. Harris, J. Carroll Branham and zero (0) nays, this board did hereby approve to end the declaration of local emergency on November 18th, 2016, due to the result of extreme dry conditions and the lack of precipitation:

RESOLUTION

IN RE: ENDING DECLARATION OF LOCAL EMERGENCY ON DECEMBER 5th, 2016

THAT WHEREAS, on November 18th, 2016 the Buchanan County Board of Supervisors declared a local emergency effective as a result of the extreme dry conditions due to the lack of precipitation; and

WHEREAS, the circumstances supporting the local emergency ended on the 5th day of December, 2016; and

NOW THEREFORE, BE IT RESOLVED, by the Buchanan County Board of Supervisors that such declaration of a local emergency is declared concluded on the 5th day of December, 2016. Accordingly the ban on open burning is hereby ended.

This Resolution was adopted by the Buchanan County Board of Supervisors on this the 5th day of December, 2016.

Recorded Vote:

Moved: Trey Adkins
Seconded: Harold H. Fuller
Yeas: Seven
Nays: Zero

J. Carroll Branham, Chairman
Buchanan County, Va. Board of Supervisors

ATTEST:

Robert Craig Horn, County Administrator

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IN RE: CONSIDER AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO DECLARE A LOCAL EMERGENCY TO PUT A BAN ON OPEN BURNING UPON THE REQUEST OF THE FORESTRY DEPARTMENT

After a general discussion by the board upon motion by Trey Adkins seconded by Harold H. Fuller and with the following roll call vote of seven (7) yeas, Harold H. Fuller, Craig Stiltner, G. Roger Rife, Earl Scott, Trey Adkins, William P. Harris, J. Carroll Branham

and zero (0) nays, this board did hereby authorize the County Administrator and County Attorney to declare a local emergency to put a ban on open burning upon the request of the forestry department, which would be ratified at the next board of supervisors meeting. Also, send a one-call regarding the ban on opening burning.

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IN RE: PUBLIC HEARING - 10:30 A.M. - TO HEAR PUBLIC COMMENTS REGARDING THE AMENDED ORDINANCE IN CHAPTER 80, STREET AND SIDEWALKS ENTITLED: "E-911 STREET NAMING AND PROPERTY NUMBERING, INCLUSIVE OF SECTIONS 80-1.1, THROUGH 80-9

J. Carroll Branham, Chairman opened the public hearing for comments.

L. Lee Moise, County Attorney stated the proposed amended ordinance was previously adopted by the board of supervisors, but a date for property owners to have on display for their 911 addresses was left blank.

Upon motion by Earl Scott seconded by Harold H. Fuller and with a roll call vote of seven (7) yeas, Harold H. Fuller, Craig Stiltner, G. Roger Rife, Earl Scott, Trey Adkins, William P. Harris, J. Carroll Branham and zero (0) nays, this board did hereby approved to close the public hearing.

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IN RE: CONSIDER ADOPTING THE AMENDED ORDINANCE IN CHAPTER 80, STREET AND SIDEWALKS ENTITLED: "E-911 STREET NAMING AND PROPERTY NUMBERING, INCLUSIVE OF SECTIONS 80-1.1, THROUGH 80-9

After a general discussion by the board upon motion of William P. Harris seconded by Harold H. Fuller and with a roll call vote of seven (7) yeas, Harold H. Fuller, Craig Stiltner, G. Roger Rife, Earl Scott, Trey Adkins, William P. Harris, J. Carroll Branham a and zero (0) nays, this board did hereby adopt the following Amended Ordinance in Chapter 80, Street and Sidewalks entitled: "E-911 Street Naming and Property Numbering, inclusive of sections 80-1.1, through 80-9:

ARTICLE I. - IN GENERAL

Reserved

ARTICLE II. - STREET NAMING AND PROPERTY NUMBERING

Sec.80-1.1 - Numbering map.

The street-naming and property numbering map entitled "E911 Map of Buchanan County" to "Buchanan County, Virginia-County Road Naming and Property/House Numbering System Reference Maps" dated March 27th, 2007, with any and all subsequent modifications, is hereby adopted as the official street-naming, property-numbering (G-PIN) map of the county, and all property numbers assigned shall be assigned in accordance with this numbering map. The E-911 Director shall be responsible for keeping the street addressing and property-numbering (G-Pin) system up to date. However, the Commissioner of Revenue may continue to use the tax map numbering system for assessment and tax purposes with the proviso that such system will be indexed with the G-Pin system. The

Street-naming, property-numbering (G-Pin) digital map shall be kept on file in the office of the E-911 Director.

Sec.80-2. - Naming system.

To the greatest extent feasible, every road, lane, or other access serving premises or separate parcels of land shall be named, whether public, private, or government maintained. Some mobile home parks and/or apartment developments may be exceptions to this rule depending on the size of the project or the length of interval streets.

Naming of these roads, lanes, or accesses does not constitute recognition as acceptance of the street by the county, nor is it done for any purpose other than as a means of specifying an address for locating a premise.

Sec. 80-3. - Owners to purchase numbers.

Every owner of improved property shall, on or before the 1st day of January, 2017, purchase and display in a conspicuous place on said property or near the entrance the number assigned. The numerals selected should be at least three (3) inches square, set against a background of contrasting color, and located no further than fifty (50) feet from the front property line so as to be visible from and oriented towards the street from which the address is located.

Sec. 80-3.1 Definition of “improved property”.

“Improved property” shall include but is not limited to: residences, buildings, gas wells and associated properties, coal mine property, and any other structures above or below ground for which a state or local agency requires a 911 address or falls within the jurisdiction of the Building Code Official.

Sec. 80-4.- Numbers for future buildings and improved properties.

All residence and business buildings erected after the adoption of this article shall be assigned a number in accordance with the street-naming, property numbering maps, and shall purchase and display such number as provided.

Sec.80-5. - Assignment of property numbers to subdivisions.

It shall be the responsibility of the county planning commission to assign street names in all future subdivisions approved after the adoption of the ordinance from which this article derived. The planning commission must consult with the county administrator in developing a scheme consistent with the adopted system.

Sec. 80-6. - Unlawful to deface number.

It shall be unlawful for any person to alter, deface, or take down any number placed on any property in accordance with this article, except for repair or replacement of such number.

Sec.8-7. - Removal of any other numbers.

It shall be the duty of every property owner or occupant or person in charge thereof upon affixing the new number in accordance with this ordinance and map, to remove any different number used in the past which might be mistaken for or confused with the number assigned to the structure.

Sec.80-8. - Recordation.

It shall be the duty of the of board of supervisors for the county immediately upon adoption of this article to file with the clerk of the circuit court of the county a copy of this article and accompanying maps evidencing that the county has established an official street-naming, house-numbering system.

Sec.80-9. - Procedure for changes in adopted street names.

It shall be the responsibility of the county board of supervisors to review and act on all petitions for changes in street names which have been officially adopted. Petitions will be considered on a case-by-case basis.

This ordinance was adopted on the 5th day of December, 2016.

Moved by: William P. Harris
Seconded by: Harold H. Fuller
Trey Adkins: Yea
Earl Scott: Yea
William P. Harris: Yea
G. Roger Rife: Yea
Harold H. Fuller: Yea
Craig Stiltner: Yea
J. Carroll Branham: Yea

J. Carroll Branham, Chairman
Buchanan County, Va. Board of Supervisors

ATTEST:

Robert Craig Horn, County Administrator

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IN RE: GENERAL DISCUSSION CONCERNING COON BRANCH WATERLINE PROJECT

Trey Adkins, Knox District Supervisor stated the Coon and Hiram Fork Waterline Project were split into two (2) projects. The Hiram Fork Waterline Project is fully funded with no local funds appropriated for it. The Coon Branch Waterline Project still needs \$87,500 of local funds earmarked for the projects stated Mr. Adkins.

Mr. Adkins made a motion to guarantee to the Buchanan County Public Service Authority the \$87,500 for the Coon Branch Waterline Project from the CNX Gas account.

G. Roger Rife, South Grundy District Supervisor stated if we continue to spend money from the CNX Gas account there won't be any funds left to operate the Buchanan County Public Service Authority (PSA). We need to get our ducks in a roll before we appropriate any money, he stated.

The PSA will be spending \$500,000 to get \$6 million, stated Mr. Adkins. I understand someone has requested a new waterline project for Dave's Branch.

If we continue spending and using the CNX Gas Funds we'll eventually run out, stated Mr. Rife. What's going to happen when there are no CNX Gas Funds? How will be fund new projects?

Mr. Adkins stated that Dave's Branch has fewer homes on it than Coon Branch. We only need \$87,500 earmarked for the Coon Branch Waterline Project.

J. Carroll Branham, Chairman suggested discussing this further in closed session.

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IN RE: CONSIDER RATIFYING PAYROLL AFTER REVIEW

After a general discussion by the board upon motion by Craig Stiltner seconded by Harold H. Fuller and with the following roll call vote of seven (7) yeas, Craig Stiltner, Harold

H. Fuller, J. Carroll Branham, Earl Scott, G. Roger Rife, William P. Harris, Trey Adkins and zero (0) nays, this board did hereby ratify the payroll after reviewing.

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**IN RE: CONSIDER RATIFYING THE PAYMENT OF BILLS BY
RESOLUTION ADOPTED ON JANUARY 4TH, 2016 (INCLUDING
BUCHANAN COUNTY HEAD START RATIFIED BILL LIST AND
BILL LIST)**

After a general discussion by the board upon motion by Harold H. Fuller seconded by Craig Stiltner and with the following roll call vote of six (6) yeas, Craig Stiltner, Harold H. Fuller, J. Carroll Branham, Earl Scott, G. Roger Rife, William P. Harris, zero (0) nays and one (1) absent, Trey Adkins, this board did hereby ratify the payment of bills by Resolution adopted on January 4th, 2016. (Including the Buchanan County Head Start ratified bill list and bill list)

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IN RE: CONSIDER APPROVING CONTRIBUTIONS

After a general discussion by the board upon motion by Trey Adkins seconded by Harold H. Fuller and with the following roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, Harold H. Fuller, J. Carroll Branham, Earl Scott, G. Roger Rife, William P. Harris and, zero (0) nays, this board did hereby approve the following contributions:

Hurley High School	\$1,800.00
(Varsity Boys and Girls Basketball Shoes)	
Twin Valley High School	\$1,000.00
(Cheerleaders)	
Prater Rescue Squad	\$6,074.42
Prater Volunteer Fire Department	\$1,800.00
(Troop & Pack 725 Annual Lock-In)	
Feeding My Sheep	\$700.00
(Grundy Senior Citizens)	
Grundy High School	\$5,200.00
(Tennis Shoes for Basketball Program)	
J. M. Bevin Elem. School	\$1,500.00
(Two-Way Radios and Sub Master Station)	

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IN RE: GENERAL DISCUSSION CONCERNING COAL CANYON TRAIL

Craig Stiltner, Rocklick District Supervisor asked how is the property acquisition for the ATV trail going into the Town of Grundy to allow ATV riders to get food, gas etc.?

Billie Campbell with Terra Tech Engineering Services stated we are working on several easements over private property now. CNX Gas owns about 60% of the right-of-way that is needed and the other 40% is privately owned, he stated. We have about half of the right-of-ways signed. There are about 20% of right-of-ways that may be difficult.

Mr. Stiltner stated we really need access points into the Town of Grundy off of Coal Canyon Trail.

The Buchanan County IDA has approved an additional 15 miles for the ATV trail, stated Mr. Campbell. Also, Heartwood owns some additional property on the north side, which would be additional miles for the trail.

I've contacted Spearhead Trails about the Coal Canyon Trail needing additional signage, stated Mr. Stiltner. The additional 15 miles needs to be marked and included on the web-site.

Mr. Stiltner asked when the visitor center, camp ground and cabins would be completed.

Mr. Campbell stated the steel has been ordered for the visitor center at the Coal Canyon trail. It should be completed in spring or summer. The cabins and campground are almost completed.

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IN RE: PUBLIC HEARING - 11:00 A.M. - TO HEAR PUBLIC COMMENTS REGARDING THE PROPOSED RESOLUTION FOR THE CONDEMNATION OF PROPERTY NEEDED FOR ACCESS TO THE TRAIL, CONSTRUCTION OF A TRAIL HEAD AND ADDITIONAL PROPERTY NEEDED TO MEET VDOT CONSTRUCTION REQUIREMENTS AND SEDIMENT AND EROSION CONTROL TO COMPLETE PHASE II OF THE BULL CREEK TRAIL VDOT ENHANCEMENT PROJECT

J. Carroll Branham, Chairman opened the public hearing for comments.

With no comments from the public, upon motion by Harold H. Fuller seconded by Earl Scott and with a unanimous voice vote by the board, this board did hereby approved to close the public hearing.

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IN RE: CONSIDER CONSTRUCTION OF A SEWAGE PLANT

Trey Adkins, Knox District Supervisor and Chairman of the Buchanan County Public Service Authority (PSA) stated the PSA approved to request the board of supervisors to make a decision whether to move forward with financing the construction of a new sewage treatment plan that will cost approximately \$14 million. I won't support the project, but if the board of supervisors were to approve to proceed, he would respect the board's decision, he stated.

There was no motion regarding this issue.

IN RE: CONSIDER ADOPTING RESOLUTION FOR THE CONDEMNATION OF PROPERTY NEEDED FOR ACCESS TO THE TRAIL, CONSTRUCTION OF A TRAIL HEAD AND ADDITIONAL PROPERTY NEEDED TO MEET VDOT CONSTRUCTION REQUIREMENTS AND SEDIMENT AND EROSION CONTROL TO COMPLETE PHASE II OF THE BULL CREEK TRAIL VDOT ENHANCEMENT PROJECT UNDER THE POWER OF EMINENT DOMAIN FOR THE PURPOSES SET FORTH IN VIRGINIA CODE SECTION 15.2-1904(A)

After a general discussion by the board upon motion by Craig Stiltner seconded by Harold H. Fuller and with the following roll call vote of seven (7) yeas, Craig Stiltner, Harold H. Fuller, Earl Scott, William P. Harris, G. Roger Rife, J. Carroll Branham, Trey Adkins and zero (0) nays, this board did hereby adopt the enclosed Resolution for the condemnation of property needed for access to the trail, construction of a trail head and additional property needed to meet VDOT construction requirements and sediment and erosion control to complete Phase II of the Bull Creek Trail VDOT Enhancement Project under the power of eminent domain for the purposes set forth in Virginia Code Section 15.2-1904(A):

RESOLUTION

RE: DECLARATION OF INTENT TO ENTER AND TAKE UNDER THE POWER OF EMINENT DOMAIN FOR THE PURPOSES SET FORTH IN VIRGINIA CODE SECTION 15.2-1904(A)

WHEREAS, Buchanan County, Virginia, a political subdivision of the Commonwealth of Virginia has actively been pursuing the development of the Bull Creek Trail Project, a VDOT Enhancement Project in Buchanan County; and

WHEREAS, In 2011, Phase I (approximately 1.5 miles) of the proposed trail project was completed. Today, with assistance from the Virginia Department of Transportation (VDOT), planning for Phase II, consisting of 0.70 miles, has commenced and due to new requirements for constructing a trail, additional property will be required. The additional property is necessary to access the trail, and construction of a Trailhead; for meeting VDOT construction requirements in the area where a Railroad Trestle has been removed; and for additional area along the proposed trail for erosion and sediment control; and

WHEREAS, to provide for the construction of access to the trail and a Trailhead, as well as to meet VDOT construction requirements in the area where the Railroad Trestle has been removed and for erosion and sediment control, the County needs three parcels owned by Penn Virginia Operating Company, LLC and shown on a plat prepared by Terra Tech Engineering Services, P.C.; and

WHEREAS, the property needed consists of three small parcels as described as follows: Parcel "A", 1.245 acres from tracts designated D1, D4 and D5 as referenced in Deed Book 457, Page 676; Parcel "B", .527 acres from tracts designated D1 and D5 as referenced in Deed Book 457, Page 676; and Parcel "C", .498 acres from the tract designated as D5 as referenced in Deed Book 457, Page 676 recorded in the Clerk's Office of the Buchanan County Circuit Court.

WHEREAS, the Board of Supervisors, by its County Administrator by a "good faith offer" letter dated June 30, 2016, mailed by certified mail, return receipt requested, offered Penn

Virginia Operating Company, LLC \$2,270.00 to purchase the three parcels described herein based on the appraisal of Jay Rife; and

WHEREAS, the “good faith offer” letter to Penn Virginia Operating Company, LLC, dated June 30, 2016 is attached and made a part of this Resolution as Exhibit “A”; and

WHEREAS, Penn Virginia Operating Company, LLC through its Vice-President, Stephen F. Looney has rejected the County’s offer and indicated it was unwilling to voluntarily convey the three parcels described herein; and

WHEREAS, Buchanan County Board of Supervisors has determined the necessity to enter and take the above described property prior to or during condemnation proceedings due to the need to move forward with Phase II of the Bull Creek Trail VDOT Enhancement Project for the reasons stated herein; and

WHEREAS, pursuant to notice a Public Hearing was conducted on December 5, 2016 to receive public comments on this resolution to enter and take property prior to or during condemnation proceedings; and

NOW, THEREFORE BE IT RESOLVED, that the Buchanan County, Va., Board of Supervisors hereby declares its intent to enter and take the property describes as follows and owned by Penn Virginia Operating Company, LLC: Parcel “A”, 1.245 acres from tracts designated D1, D4 and D5 as referenced in Deed Book 457, Page 676; Parcel “B” , .527 acres from tracts designated D1 and D5 as referenced in Deed Book 457, Page 676; and Parcel “C”, .498 acres from the tract designated as D5 as referenced in Deed Book 457, Page 676 recorded in the Clerk’s Office of the Buchanan County Circuit Court. FUTHERMORE BE IT RESOLVED that the Buchanan County, Va., Board of Supervisors declares the necessity for the entry and taking of the aforesaid property prior to and/or during condemnation proceeding as necessary to proceed with Phase II of the Bull Creek VDOT Enhancement Project for the reasons stated herein. Additionally, the good faith offer of compensation for the property has been initially rejected. FURTHERMORE, BE IT RESOLVED, that the County Administrator, and County Attorney are authorized to take whatever steps necessary to obtain the three parcels of property described herein needed to proceed and complete Phase II of the Bull Creek Trail VDOT Enhancement Project, whether by voluntary transfer or proceeding with condemnation proceedings, including the “quick take” procedure as permitted pursuant to 25.1-200 et. seq. and 25.1-300 et. seq. of the Code of Virginia of 1950, as amended. FINALLY, BE IT RESOLVED that the County Administrator and County Attorney are directed to send to Penn Virginia Operating Company, LLC and to the agent of the lienholders by certified mail within seven days of the adoption of this resolution the NOTICE OF INTENT of the County to enter upon and take the three parcels referenced herein, as required by Va. Code section 15.2-1905; and to also send by registered mail to Penn Virginia Operating Company, LLC and the to the agent of the lienholders the NOTICE OF INTENT to file the Certificate of Take, as required by Va. Code section 25.1-306 .

This resolution was adopted by the Buchanan County, Va. Board of Supervisors on the 5th day of December, 2016.

J. Carroll Branham, Chairman,
Buchanan County, Va. Board of Supervisors

Recorded Vote:
Moved by: Craig Stiltner
Seconded by: Harold H. Fuller

Roll Call Vote:
J. Carroll Branham Yea
Trey Adkins Yea
William P. Harris Yea
Harold Fuller Yea
Craig Stiltner Yea
Earl Scott Yea
Roger Rife Yea

ATTESTED:

Robert Craig Horn, County Administrator

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IN RE: CONSIDER APPROVING TO REQUEST THAT ALL BUCHANAN COUNTY PERMITS FOR THE SOUTHWEST REGIONAL RECREATION AUTHORITY (SRRA) BE ALLOWED TO RIDE THE JEWELL VALLEY ATV TRAIL AND ALL JEWELL VALLEY ATV TRAIL PERMITS BE ALLOWED TO RIDE THE SRRA TRAIL FOR BUCHANAN COUNTY ONLY

After a general discussion by the board upon motion of Harold H. Fuller seconded by Craig Stiltner with a roll call vote of seven (7) yeas, Harold H. Fuller, Craig Stiltner, J. Carroll Branham, Earl Scott, G. Roger Rife, William P. Harris, Trey Adkins and zero (0) nays, this board did hereby approve to request that all Buchanan County permits for the Southwest Regional Recreation Authority (SRRA) be allowed to ride the Jewell Valley ATV Trail and all Jewell Valley ATV Trail permits be allowed to ride the SRRA Trail for Buchanan County only. This will allow one (1) permit from either trail to ride the Coal Canyon and Jewell Valley Trails.

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IN RE: GENERAL DISCUSSION CONCERING COUNTY ROADS

Craig Stiltner, Rocklick District Supervisor requested Marcus Stiltner, Coal Haul Road Engineer to check the drainpipe issue on Buster Stiltner Road. Also, check the turning area at Big Log Hollow and Midnight Road in the Rocklick District.

Marcus Stiltner, Coal Haul Road Engineer stated he would check on them and let him know.

Mr. Stiltner requested a children playing or school bus stop sign be installed about two (2) to three (3) miles up Poplar Creek Road.

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IN RE: CLOSED SESSION 2.2-3711 1950 CODE OF VIRGINIA

Upon a motion by Harold H. Fuller seconded by Craig Stiltner and with a unanimous voice vote by the board, this board agreed to convene in closed session as permitted by Virginia Code Section, 2.2-3711 (A)(1), a personnel matter involving Buchanan County Sheriff's Office (additional sick leave); Virginia Code Section, 2.2-3711 (A)(7), consultation with legal counsel regarding the ATV Trails permit issues and employment issues; Virginia Code Section, 2.2-3711 (A)(7), consultation with legal counsel regarding the Town of Grundy vs. the Buchanan County Public Service Authority and Buchanan County Board of Supervisors case and Virginia Code Section, 2.2-3711 (A)(7), consultation with legal counsel regarding a right-of-way issue with Oven Bird Road.

Motion was made by G. Roger Rife to return from closed session seconded by Earl Scott and with a unanimous voice vote by the board.

This board's meeting resumed in open session after being in executive session for one (1) hour and fifty-six (56) minutes.

A motion by Trey Adkins seconded by William P. Harris, with J. Carroll Branham, Chairman of the Buchanan County Board of Supervisors announcing during such session the board had also discussed Virginia Code Section, 2.2-3711 (A) (7), consultation with legal counsel regarding the Buchanan County Public Service Authority grant funding and joinder agreement issues.

The board of supervisors ratified the discussion of the additional matter during closed session and then each of the members of the board certified that they did not discuss any other matters other than the foregoing in such session.

The motion was agreed upon by the following roll call vote of seven (7) yeas, William P. Harris, G. Roger Rife, J. Carroll Branham, Harold H. Fuller, Earl Scott, Craig Stiltner, Trey Adkins and zero (0) nays.

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IN RE: CONSIDER APPROVAL TO EARMARK \$87,500 FOR A LOCAL MATCH TO THE BUCHANAN COUNTY PUBLIC SERVICE AUTHORITY (PSA) FOR THE COON BRANCH WATER PROJECT

After a general discussion by the board upon motion by Trey Adkins seconded by Craig Stiltner and with the following roll call vote of seven (7) yeas, William P. Harris, G. Roger Rife, J. Carroll Branham, Harold H. Fuller, Earl Scott, Craig Stiltner, Trey Adkins and zero (0) nays, this board did hereby approve to earmark \$87,500.00 for a local match to the Buchanan County Public Service Authority (PSA) for the Coon Branch Water Project and to request this amount be appropriated in the Coal Haul Road Budget in 2017/2018.

RESOLUTION

WHEREAS, Buchanan County, Virginia has as its primary objective the provision of adequate water facilities; and

WHEREAS, the County wishes to apply for Virginia Community Development Block Grant funds in the 2016 Construction Ready Grant funding cycle; and

WHEREAS, the title of the County’s grant project is the Coon Branch Waterline Extension Project; and

WHEREAS, the County is requesting \$387,500 Virginia Community Development Block Grant Funds; and

WHEREAS, the County has obtained or will obtain the \$804,998.00 in additional funds for this project through, CWDF (\$212,500 – applied) and local funds (\$592,798.00 – Committed, of which \$505,298.00 was Committed on November 14th, 2016; and a additional \$87,500.00 was Committed by motion approved on December 5th, 2016) through the Buchanan County Board of Supervisors for a total project cost of \$1,192,798; and

WHEREAS, 31 households representing 82 LMI persons (90%) will be served; and

WHEREAS, two public hearings have been advertised and properly conducted and one other form of public notice and necessary assurances executed; and

NOW, THEREFORE BE IT RESOLVED, that the Buchanan County Board of Supervisors authorizes the submission of this grant proposal in the amount of \$387,500 to the Virginia Department of Housing and Community Development for the Coon Branch and designates the County Administrator as its representative to sign all documents pertaining thereto.

This 5th day of December, 2016.

Chairman, of the
Buchanan County Board of Supervisors

ATTEST:

Robert C. Horn, County Administrator

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IN RE: CONSIDER APPROPRIATIONS TO THE 2017 BUCHANAN COUNTY FAIR

Craig Stiltner, Rocklick District Supervisor stated at the rate the fair is going, it’ll be self-sufficient within three (3) years with the money they’re bringing in.

Mr. Stiltner made a motion to appropriate \$3,387.21 from each of the seven (7) district park and recreation accounts to the fair account for the 2017 Buchanan County Fair, Trey Adkins, Knox District Supervisor seconded his motion and with the following roll call vote of two (2) yeas, Trey Adkins, Craig Stiltner and five (5) nays, William P. Harris, Harold H. Fuller, J. Carroll Branham, Earl Scott and G. Roger Rife. The motion failed.

G. Roger Rife, South Grundy District Supervisor stated there are multiple festivals in the county including the fair, which is the Spirit Fest in the Town of Grundy and October Fest at William P. Harris Park. There's money given to the town for Spirit Fest. We need to look at some kind of joinder or something, stated Mr. Rife.

I have no problem with doing a consolidation with a fall festival, stated Mr. Stiltner. Funding for the fair was cut from the 2016/2017 budget. Within two (2) years the fair will be self-sufficient.

The people in Buchanan County really appreciate you guys, stated Mr. Stiltner. I hope all the little kids and people know about this and that the motion failed.

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IN RE: CONSIDER APPROVING TO TAKE OVENBIRD ROAD INTO THE COUNTY ROAD SYSTEM

After a general discussion by the board upon motion by Craig Stiltner seconded by Trey Adkins and with the following roll call vote of seven (7) yeas, Craig Stiltner, Trey Adkins, Harold H. Fuller, G. Roger Rife, William P. Harris, Earl Scott, J. Carroll Branham and zero (0) nays, this board did hereby approve to take Ovenbird Road into the County Road System pending approval of the Buchanan County Industrial Development Authority (IDA).

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IN RE: CONSIDER ADOPTING A RESOLUTION REGARDING THE DELEGATION OF AUTHORITY TO GRANT THE DONATION OF ADDITIONAL SICK DAYS BY THE COUNTY ADMINISTRATOR TO BE RATIFIED AT THE NEXT REGULARLY SCHEDULED MEETING BY THE BOARD

After a general discussion by the board upon motion by Trey Adkins seconded by William P. Harris and with the following roll call vote of seven (7) yeas, Craig Stiltner, Trey Adkins, Harold H. Fuller, G. Roger Rife, William P. Harris, Earl Scott, J. Carroll Branham and zero (0) nays, this board did hereby adopt the following Resolution regarding the delegation of authority to grant the donation of additional sick days by the County Administrator to be ratified at the next regularly scheduled meeting by the board:

RESOLUTION

IN RE: THE DELEGATION OF AUTHORITY TO GRANT THE DONATION OF ADDITIONAL SICK LEAVE DAYS BY THE COUNTY ADMINISTRATOR

WHEREAS, it has come to the attention of the Board of Supervisors that there are situations that arise in which an employee may need to request for the donation of sick leave time that exceeds the cap of 15 sick leave days; and

WHEREAS, the Board of Supervisors has deemed it appropriate to delegate to the County Administrator the authority between meetings of the Board of Supervisors to grant the donation of additional sick leave days beyond the cap of 15 days with the understanding

that any such grant of additional sick leave days will be presented for ratification by the Board at the Board of Supervisors' next regularly scheduled meeting; and

THEREFORE, BE IT RESOLVED, the Board of Supervisors hereby authorizes the County Administrator to approve the donation of additional sick leave days beyond the cap of 15 days when said request occurs between Board of Supervisors meetings, with such grants of additional time to be presented to the Board at its next regularly scheduled meeting for ratification of same.

Adopted this the 5th day of December 2016 by a vote of seven for and zero against.

Recorded Vote:

Moved by: Trey Adkins

Seconded by: William P. Harris

Yeas: Seven

Nays: Zero

J. Carroll Branham, Chairman of the
Buchanan County Board of Supervisors

ATTEST:

Robert Craig Horn, County Administrator

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IN RE: CONSIDER APPROPRIATIONS TO THE 2017 BUCHANAN COUNTY FAIR

After a general discussion by the board upon motion by Craig Stiltner seconded by Trey Adkins and with the following roll call vote of four (4) yeas, Craig Stiltner, Trey Adkins, William P. Harris, Earl Scott and three (3) nays, G. Roger Rife, Harold H. Fuller J. Carroll Branham, this board did hereby approve to transfer \$15,710.52 to the Buchanan County Fair, account number 72010-5604 to be divided among the following seven (7) district Park and Recreations accounts:

- South Grundy District, account number, 71040-5604-07 - \$2,244.36
- North Grundy District, account number, 71040-5604-04 - \$2,244.36
- Rocklick District, account number, 71040-5604-06 - \$2,244.36
- Prater District, account number, 71040-5604-05 - \$2,244.36
- Hurricane District, account number, 71040-5604 - \$2,244.36
- Garden District, account number, 71040-5604-01 - \$2,244.36
- Knox District, account number, 71040-5604-03 - \$2,244.36

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IN RE: ADJOURNMENT

Upon motion by Trey Adkins seconded by Earl Scott and with a unanimous voice vote by the board, this board did hereby approve to adjourn the meeting.

J. Carroll Branham, Chairman of the
Buchanan County Board of Supervisors

Robert Craig Horn, County Administrator