

MINUTES

A regular meeting of the Buchanan County Board of Supervisors was held on Monday the 14th day of November 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

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

ABSENT: Craig Stiltner

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

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IN RE: CONSIDER APPROVING MINUTES FOR OCTOBER 3rd, 2016

After a general discussion by the board upon motion by Harold H. Fuller seconded by G. Roger Rife 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) absent, Craig Stiltner, this board did hereby approve the minutes for October 3rd, 2016.

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IN RE: BILL KEENE, TREASURER- TO DISCUSS ERRONEOUS ASSESSMENTS

Bill Keene, Treasurer stated there was four (4) residents that he needed approval to write-off the amounts due to the result of erroneous assessment/uncollectible.

After a general discussion by the board upon motion by Trey Adkins seconded by G. Roger Rife and with the following 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) absent, Craig Stiltner, this board did hereby approve to write-off the following due to the result of erroneous assessments/uncollectible:

Name	Tax Type	Acreage	Tax Year(s)	Explanation	Base Tax
Pearl E. Counts	Mineral	17.09	1996-2010	Erron. Assess.	\$1,086.52
Paul Richard Lester, ETALS	Real Estate	Lot. 2.5	1996-1999	Sold in 1990	\$377.60
Jonah Stiltner	Real Estate	acres	1996-2011	Double Assess.	\$80.40

Upon motion by Harold H. Fuller seconded by G. Roger Rife and with the following roll call vote of five (5) yeas, William P. Harris, G. Roger Rife, Harold H. Fuller, Earl Scott, J. Carroll Branham, zero (0) nays, one (1) absent, Craig Stiltner and one (1) abstention, Trey Adkins, stating he was related to Loraine Justus, this board did hereby approve to write-off the following due to the result of erroneous assessments/uncollectible:

Name	Tax Type	Acreage	Tax Year(s)	Explanation	Base Tax
Loraine Justus	Real Estate	abt. 1 acre	2002- 2011	Erron. Assess.	\$208.50

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

This issue was table, no action taken.

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**IN RE: CONSIDER ADOPTING A RESOLUTION TO FEDERALIZE THE
COALFIELDS EXPRESSWAY (CFX) PROJECT**

Robert C. Horn, County Administrator stated Craig Stiltner, Supervisor who was absent today due to his father being hospitalized requested the board to consider adopting a Resolution urging the President-Elect to federalize the Coalfields Expressway (CFX) Project because of the declining coal industry in the county.

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 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) absent, Craig Stiltner, this board did hereby adopt the following Resolution requesting the President-Elect Donald Trump to federalize the Coalfields Expressway (CFX) Project:

RESOLUTION

RE: Federalize the Coalfields Expressway (CFX) Project

WHEREAS, the Buchanan County Board of Supervisors continues to support the development of the Coalfields Expressway (CFX) project; and

WHEREAS, the CFX will have a profound impact on the future of Southwest Virginia by improving traffic safety, accessibility, and promoting economic development by the creation of a ridge top four lane expressway running through Southwest Virginia and Southern West Virginia that will connect with I-64 and I-77 at Beckley, WVA and to U.S. Highway 23 at Pound, Va. which in turn connects to I-26 in Johnson City, Tn.; and

WHEREAS, the construction of the CFX will provide level land adjacent to the Expressway inviting the development of new businesses in the region while opening up the entire region for economic development along with the promotion of tourism; and

WHEREAS, the Central Appalachia Coalfield region of Southwestern Virginia and Southern West Virginia have sustained a severe economic downturn as a result of the difficulties the coal industry has sustained leading to the closure of mines along with numerous lay-offs; and

WHEREAS, the region is sustaining declining populations along with the job losses which in turn is negatively affecting businesses throughout the region; and

WHEREAS, federal legislation federalizing the Coal Field Expressway Project with separate funding would expedite the building of CFX by facilitating the building multiple sections of CFX simultaneously thereby creating jobs in both Southwestern Virginia and Southern West Virginia; and

NOW THEREFORE BE IT RESOVED, that the Board of Supervisors of Buchanan County, Va. does hereby request President-Elect Donald Trump, U.S. Senator Tim Kaine, U.S. Senator Mark Warner and Congressman Morgan Griffith to pursue federal legislation that will federalize the Coal Field Expressway (CFX) so to expedite the project, create good paying jobs in Southwestern Virginia and Southern West Virginia while providing an infrastructure that will assist the region to diversify its economic base.

Futhermore, Be It Resolved, that the County Administrator is directed to mail a copy of this Resolution to President-Elect Donald Trump, Senator Warner, Senator Kaine and Congressman Griffith. This resolution was adopted on the 14th day of November, 2016.

Recorded Vote:

Motion made by: Harold H. Fuller

Second by: Trey Adkins

Yeas: Six

Nays: Zero

Absent: One

J. Carroll Branham, Chairman

Buchanan County, Va. Board of Supervisors

ATTEST:

Robert Craig Horn, County Administrator

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IN RE: RAY FOSTER, SHERIFF – REQUEST AN ADDITIONAL APPROPRIATION/TRANSFER FOR THE PURCHASE OF TWO (2) NEW VEHICLES

Ray Foster, Sheriff stated recently I had one (1) of the Ford Explorer’s totaled in an accident. The insurance company approved a check in the amount of \$7,497 for the vehicle. I’m requesting additional funding from Fund 1, Capital Outlay to purchase two (2) new vehicles in the amount of \$77,433.89. This is not something I want, it’s something I need, he voiced.

We can’t answer calls without vehicles to run, he stated. I have several vehicles in the fleet that have a lot of miles of them, stated Sheriff Foster. These vehicles operate 24/7.

Harold H. Fuller, Garden District Supervisor asked how many vehicles the sheriff’s office had on the road now.

Sheriff Foster stated 39.

The State of Virginia needs to assist in purchasing new vehicles for the sheriff's office, stated Mr. Fuller.

The state will not assist in purchasing new vehicles; it's up to the locality, stated Sheriff Foster.

We have to pick-up inmates from Virginia Beach, Ohio etc., which is the reason we need safe reliable vehicles, stated Sheriff Foster. It makes it hard to do our job, when we don't have reliable vehicles.

Trey Adkins, Knox District Supervisor stated a lot of localities shares vehicles with the day deputy sharing with the night deputy.

These vehicles are constantly moving, stated Sheriff Foster.

I sympathies with you, stated Mr. Adkins.

We have calls to murders, shooting, family disputes etc. stated Sheriff Foster.

Robert C. Horn, County Administrator stated Fund 1, Capital Outlay doesn't have funds budgeted.

Mr. Fuller stated the county doesn't have any money.

In 2015 was the last time I purchased new vehicles for the sheriff's office, stated Sheriff Foster. We were supposed to get four (4) new vehicles each year and we haven't.

Maybe next year we can get the sheriff's office two (2) new vehicles, stated Mr. Adkins.

Mr. Fuller suggested the sheriff coming back before the board in a couple months.

No action was taken at this time.

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**IN RE: CONSIDER APPROVING THE BYRNE JUSTICE ASSISTANCE
GRANT FOR THE BUCHANAN COUNTY SHERIFF'S OFFICE**

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 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) absent, Craig Stiltner, this board did hereby approve the Byrne Justice Assistance Grant for the Buchanan County Sheriff's Office. A copy of this grant is located in the Buchanan County Administrator's Office for review.

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**IN RE: CONSIDER AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE THE CERTIFICATE OF TITLE FOR THE TOTALED 2009
FORD SPORT UTILITY VEHICLE USED BY THE SHERIFF'S
OFFICE SO IT CAN BE TRANSFERRED TO VACORP**

After a general discussion by the board upon motion by Harold H. Fuller seconded by Earl Scott and with the following 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) absent, Craig Stiltner, this board did hereby authorize the County Administrator to execute the Certificate of Title for the totaled 2009 Ford Sport Utility Vehicle used by the Sheriff's Office so it can be transferred to VACORP.

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IN RE: BOBBY HALL – TO DISCUSS NEW VOTING EQUIPMENT, WHICH IS BEING MANDATED BY JULY 2020

Bobby Hall, Chairman of the Buchanan County Electoral Board stated it is being mandated by the State of Virginia to have all new voting equipment implemented by July 1st, 2020. In 2014, I came before the board and told you this is coming.

By July 1st, 2020, we will not be able to use any of the voting equipment that we have now, stated Mr. Hall. We are required to have a new voting machine for every 450 voters, he stated.

Also, it's being state mandated that we secure ballots for two (2) years in locked boxes, he stated.

The State of Virginia says they'll pay for the new voting equipment, but we have to purchase the equipment before we can get reimbursed, stated Mr. Hall. As of today, the new voting equipment will cost \$182,555. The state has four (4) vendors we can choose from for the new voting equipment.

J. Carroll Branham, Chairman stated we'll look at this and see what we can do.

Trey Adkins, Knox District Supervisor stated we can send a letter to our legislators to see when the funding will be received.

The longer we wait the more the new voting machines will cost, stated Mr. Hall. We could have saved a few thousands of dollars if we had ordered the machines three (3) or four (4) years ago.

This issue was tabled, no action taken at this time.

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IN RE: PUBLIC HEARING – 10:15 A.M. – TO HEAR PUBLIC COMMENTS REGARDING THE PROPOSED CONVEYANCE OF PROPERTY FROM BUCHANAN COUNTY, VIRGINIA BY A QUIT CLAIM DEED TO PATRICIA HATFIELD

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

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

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IN RE: CONSIDER APPROVING THE QUIT CLAIM DEED BY AND BETWEEN BUCHANAN COUNTY, VIRGINIA AND PATRICIA HATFIELD 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 conducting a public hearing and upon motion of Trey Adkins seconded by Harold H. Fuller and with a roll call vote of six (6) yeas, Trey Adkins, William P. Harris, G. Roger Rife, Harold H. Fuller, Earl Scott, J. Carroll Branham, zero (0) nays and one (1) absent, Craig Stiltner, this board did hereby approve the following Quit Claim Deed by and between Buchanan County, Virginia and Patricia Hatfield and authorized the Chairman of the Buchanan County Board of Supervisors and County Administrator for Buchanan County, Virginia to execute such Quit Claim Deed on behalf of Buchanan County with the approval as to form by the County Attorney:

THIS QUITCLAIM DEED, made and entered into on this the ____ day of _____, 2016, by and between **BUCHANAN COUNTY, VIRGINIA**, a Political Subdivision of the Commonwealth of Virginia, hereinafter sometimes referred to as “GRANTOR” or “COUNTY” and **PATRICIA HATFIELD**, hereinafter sometimes referred to as “GRANTEE”. [Exempt from taxes imposed by Section 58.1-802 of the Code of Virginia pursuant to Section 58.1-811 (C)(4) of the Code of Virginia.]

WITNESSETH:

THAT WHEREAS, the Grantor herein, Buchanan County, Virginia, a Political Subdivision of the Commonwealth of Virginia, acquired a permanent right of way and easement along with a strip of land, situate on Enoch’s Branch of Slate Creek in the North Grundy Magisterial District of Buchanan County, Virginia, from Patricia Hatfield and Paul Hatfield by Deed dated the 28th day of October, 2001, and recorded in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, in Deed Book 539, page 386; and

WHEREAS, the County constructed a retaining wall on a portion of the property and/or within the right of way conveyed to the County as set forth above; and

WHEREAS, the Grantee filed a law suit against the County in regard to the maintenance of the retaining wall and alleged damage to Grantee’s property; and

WHEREAS, the Grantee and the County have settled Grantee’s law suit against the County with the agreement that the County will Quit Claim any interest it has in said retaining wall to the Grantee in return for the Grantee dismissing her law suit against the County and releasing the County from any and all claims, past, present or in the future arising from the construction and/or maintenance issues involving the retaining wall which is subject of the afore-mentioned law suit; and

WHEREAS, that the Board of Supervisors, after conducting a Public Hearing on November 14th, 2016 pursuant to Virginia Code section 15.2-1800, approved the conveyance by Quit Claim deed to the Grantee of the aforesaid retaining wall; and

WHEREAS, during a regularly scheduled meeting held on the 14th day of November, 2016, the Buchanan County, Va., Board of Supervisors by Motion duly made and passed unanimously, authorized the Chairman of the Buchanan County, Va., Board of Supervisors and the County Administrator to execute this deed as approved in form by the County Attorney so to convey said retaining wall by Quit Claim Deed to Patricia Hatfield; and

NOW THEREFORE, in consideration of the terms of the settlement agreement dated _____ and executed by both the Grantor and Grantee, the Grantor does hereby quitclaim unto the Grantee, all its right, title and interest, if any, in and to the aforesaid retaining wall which is situate on Enoch's Branch of Slate Creek in the North Grundy District of Buchanan County, Virginia, and which property is more particularly described as follows:

Beginning at a point in the center of the existing retaining wall (said point being located adjacent to the northeast corner of the bridge across Enoch's Br. on rte. 83), thence with the said wall centerline in the direction of up the creek N 67-48-12 W 41.12', thence N 64-43-14 W 35.15', thence N 50-08-11 W 34.58', thence N 49-13-21 W 48.26' the end of the existing.

There is hereby excepted and reserved from the operation of this conveyance anything and everything heretofore accepted, reserved or conveyed from such property.

The execution of this Deed by Lawrence L. Moise III, County Attorney for Buchanan County, Virginia, indicates his approval of the form of this Deed.

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**IN RE: MARCUS STILTNER, COAL HAUL ROAD ENGINEER - CONSIDER
 APPROVING THE TEMPORARY LAND USE PERMIT
 APPLICATION FROM CONSOL ENERGY FOR STABLE DRIVE,
 COUNTY ROAD NUMBER 2345 LOCATED IN THE ROCKLICK
 MAGISTERIAL DISTRICT**

Marcus Stiltner, Coal Haul Road Engineer stated the Land Use Permit is from CNX Gas Company to construction a road access off of Stable Drive, county road number 23456 located in the Rocklick District.

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 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) absent, Craig Stiltner, this board did hereby approve the Land Use Permit for Stable Drive, located in the Rocklick Magisterial District to construct a road access off of county road number 2345. A copy of this Land Use Permit is located in the Buchanan County Administrator's Office for review.

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IN RE: CONSIDER ADOPTING A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE PROJECT AGREEMENTS FOR ANY APPROVED VIRGINIA DEPARTMENT OF TRANSPORTATION REVENUE SHARING PROJECTS FOR FISCAL YEAR 2017-2018

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 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) absent, Craig Stiltner, this board did hereby adopt the following Resolution authorizing the County Administrator to execute project agreements for any approved Virginia Department of Transportation Revenue Sharing Projects for fiscal year 2017-2018:

RESOLUTION

At a regularly scheduled meeting of the Buchanan County Board of Supervisors held on November 14, 2016 on a motion by Harold H. Fuller seconded by Trey Adkins, the following resolution was adopted by vote of six (6) yeas, zero (0) nays and one (1) absent:

WHEREAS, the Buchanan County Board of Supervisors desires to submit an application for an allocation of funds up to \$500,000.00 to be matched through the Virginia Department of Transportation Fiscal Year 2017-2018 Revenue Sharing Program; and,

WHEREAS, The Buchanan County Board of Supervisors hereby supports this application for an allocation of funds up to \$500,000.00 to be matched through the Virginia Department of Transportation Revenue Sharing Program and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Buchanan County Board of Supervisors hereby agrees to commit to their share of the total cost for preliminary engineering, right-of-way and construction of the project(s) in accordance with the project financial documents.

BE IT FURTHER RESOLVED THAT the Buchanan County Board of Supervisors hereby grant authority for the County Administrator to execute project agreements for any approved revenue sharing projects for Fiscal Year 2017-2018

ADOPTED this 14th day of November 2016

J. Carroll Branham, Chairman

ATTEST:

Robert C. Horn, County Administrator

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IN RE: GENERAL DISCUSSION CONCERNING COUNTY ROADS

G. Roger Rife, South Grundy District Supervisor asked Marcus Stiltner, Coal Haul Road Engineer when paving would be done on Deel Hill? We need to be able to hire small companies to do some of these projects so they can get completed.

Marcus Stiltner, Coal Haul Road Engineer stated Pollard Shortt with Shortt and Son said they would have the Deel Hill project done by Friday.

L. Lee Moise, County Attorney stated the Virginia General Assembly approved last year to allow localities through small purchase procurement to do transportation related construction that the monetary value does not exceed \$25,000. The county still has to proceed in obtaining quotes and bids.

Mr. Rife stated Shortt and Son are behind getting their pavement contracts completed before the asphalt plant closes.

Mr. Moise stated since it's a transportation related project you can work with Marcus Stiltner, Coal Haul Road Engineer to get a contractor to get the project done. Mr. Stiltner will need to determine the estimated amount of the project to see if three (3) or five (5) bids will need to be obtained, according to the counties procurement policy, he stated.

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IN RE: PUBLIC HEARING – 10:30 A.M. - TO HEAR PUBLIC COMMENTS REGARDING THE PROPOSED ADOPTION OF ORDINANCE ENTITLED, “COUNTY CODE SECTION – CHAPTER 55-NOISE REGULATIONS”

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

Harold Woods, resident in the Prater District stated my neighbors dogs are barking all night long. A lot of people tell me they have the same problem. Something needs to be done, he stated.

Steve Boyd, resident on Hackney Hollow stated a neighbor's bull dog is coming on my porch and destroying my property, including hundreds of dollars invested in my garden. The animal control officers say they can't do anything about it. We can't walk down the road without the dog coming after us, he stated.

Michael O'Quinn, resident in the Prater District stated I'm not for the noise ordinance. I'm a coon hunter and a lot of times my dogs are gone during the night, he stated. Also, I'm Mr. Woods's neighbor, he stated. Mr. Woods doesn't like my dogs being there and that's the reason he's brought this up, stated Mr. O'Quinn. I live in this country, so if I want to have cows and chickens, I can.

Rick Deel, resident in the Prater District stated I have a neighbor and their dog's barks all the time. If I say anything to them, I get cussed out, he stated. My neighbor has told me three (3) times, he'd kill me, stated Mr. Deel.

Two (2) or three (3) years ago, I had the Humane Society take pictures of a pony my neighbor had that didn't have water or food, stated Mr. Deel. The dogs are the same way, he stated. I would appreciate it if the board would do something, commented Mr. Deel.

Otis Endicott, resident in the Knox District stated I'm here to support the noise ordinance; my neighbor has one (1) dog on a chain that barks constantly. I can't have a cook out in my yard without the dog barking. I'm sick of it.

If I did something to the dog, the county could get me for cruelty to animals, stated Mr. Endicott. If I shot it, I'd end up losing my gun rights, he commented. Please do something about this, urged Mr. Endicott.

Terry Colley, resident stated I've heard a lot of comments today. I'm not going to say dogs don't bark, but if you have a dog it's either a pet or a guard dog, he commented. It looks like the neighbors could work their issues out. There needs to be a remedy without putting a bark collar on the dogs, he stated. Not every dog is the same, commented Mr. Colley.

Trey Adkins, Knox District Supervisor stated I'm against bark collar on dogs. There's not an easy solution to this issue, he commented. I don't believe in being cruel to animals. It's not easy for this board to make a decision, he stated. Some of you are going to leave here today happy and some sad, stated Mr. Adkins.

The neighbors need to sit down and work on their situation, stated Mr. Adkins. The dogs need to be so many feet from the neighbor's house, but some residents may not have enough land to fix the issue, he stated.

Mr. Colley stated the barking collars get stronger and stronger the more the dog barks. The whole county shouldn't be penalized because of a few isolated incidents.

Roby Bowman, resident stated because there are two (2) neighbors feuding, it involves the whole county. It's been like this since the start of time.

Bernard McClanahan, resident in the Prater District stated he opposed the proposed ordinance. If the board does pass something, it needs to be passed on an individual basis. Different neighbors have different situations, he stated. My neighbor plays music, jingle bells and various things, stated Mr. McClanahan. Some days I may not feel like listening to it, but you have rights in this country, he commented. People love their animals.

Mr. Endicott stated we're talking about a dog that never stops barking. The neighbor has no respect for their neighbor. If you pass this ordinance, it will allow the county deputy a reason to go out to check the situation. I've owned dogs all my life and I wouldn't let them bother my neighbors, stated Mr. Endicott.

The residents may not be taking care of their dogs, stated Mr. Colley. Don't penalize everybody because the neighbors cannot work things out.

Ray Foster, Sheriff stated any time a dog goes on your personal property, take a picture of what it's doing. The owner of the dog is liable for what it destroys. There's nothing as a law for barking dogs, only guide dogs, he stated. Without a noise ordinance, there's nothing we can do. It's not a simple thing, but one getting out of hand, stated Sheriff Foster. Need a solution and meet in the middle, he stated.

J. Carroll Branham, Chairman stated I think we need to look at this ordinance before the board takes any action.

L. Lee Moise, County Attorney stated the board of supervisors has considered adopting a noise ordinance on at least two (2) occasions, in 2008 and 2010. I drafted a general noise ordinance in 2008 then the law changed in 2009. Neither ordinance was

adopted by the board, he stated. The board needs to review the proposed ordinance and delete what you don't want.

Upon motion by William P. Harris second by Earl Scott and with a unanimous voice vote by the board, this board did hereby approve to close the public hearing.

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IN RE: CONSIDER ADOPTING AN ORDINANCE ENTITLED, "COUNTY CODE SECTION – CHAPTER 55-NOISE REGULATIONS"

G. Roger Rife, South Grundy District Supervisor stated it's important to have good neighbors. Good neighbors can sit down and work out their problems. Who else are you going to turn to, he asked? If my dog bothers you, then I'm going to correct the problem, he stated.

Harold H. Fuller, Garden District Supervisor stated I like dogs too. You can't have a farm on 1/2 area of land. I think the board should form a committee to review the proposed ordinance, he commented.

Upon motion by William P. Harris seconded by Trey Adkins 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) absent, Craig Stiltner, this issue was tabled, no action taken.

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IN RE: CONSIDER ADOPTING THE RESOLUTION TO REQUIRE THE REMOVAL, REPAIR OR SECURING OF DANGEROUS STRUCTURE WHICH ENDANGER THE PUBLIC HEALTH AND SAFETY OF RESIDENTS OF BUCHANAN COUNTY, VIRGINIA

L. Lee Moise, County Attorney stated the first step after the Buchanan County Litter Control Department has identified the dangerous structure is to have the Buchanan County Building Code Office determine if the structure is structurally unsafe and cannot be repaired and/or condemned. If the proposed Resolution is approved, it will allow the county to move forward in sending the property owner a letter to remove the dangerous structure within 90 days from the date of the notice, he stated.

If the property owner doesn't remove the dangerous structure then the county can remove the structure after advertising and providing the time period required in the notice, stated Mr. Moise. The removing of the dangerous structure will be assessed against the owner and collected as permitted by law.

Upon motion by G. Roger Rife seconded by Trey Adkins and with a roll call vote of six yeas, William P. Harris, G. Roger Rife, Harold H. Fuller, Earl Scott, J. Carroll Branham, Trey Adkins, zero (0) nays and one (1) absent, Craig Stiltner, this board did hereby adopt the following Resolution to require the removal, repair or securing of dangerous structure which endanger the public health and safety of residents of Buchanan County, Virginia:

RESOLUTION

**RE: RESOLUTION TO REQUIRE THE REMOVAL, REPAIR OR
SECURING OF DANGEROUS STRUCTURE WHICH
ENDANGER THE PUBLIC HEALTH AND SAFETY OF
RESIDENTS OF BUCHANAN COUNTY, VIRGINIA**

WHEREAS, Buchanan County, Virginia, Board of Supervisors recognizing its authority pursuant to Virginia Code section 15.2-906 and section 77-13 of the Buchanan County Code to require owners of property to repair, to remove or to secure dangerous structures that may endanger the public health or safety of residents of Buchanan County, Virginia; and

WHEREAS, the Buchanan County Litter Control Department has identified the below dangerous structure that have been condemned by the Buchanan County Building Code Office as structurally unsafe and which cannot be repaired; and accordingly constitute a danger to the public health and/or safety of the residents of Buchanan County, Virginia; and

WHEREAS, the owners of said dangerous structure along with the address/location of said dangerous structure is as follows:

<u>Owner(s)</u>	<u>Address/Location of Dangerous Structure</u>
Elmer Bowman 1003 Fire Box Road Grundy, Virginia 24614	Traveling east on State Route 460 to Route 617, Little Prater Road, Two Miles Structure is on the left side of road. 3163 Little Prater Road, Grundy, VA 24614

WHEREAS, since the above dangerous structure cannot be adequately repaired they must be removed; and

WHEREAS, it is necessary to issue notice by certified mail return receipt requested to the above named property owners requiring that said dangerous structures be removed within Ninety (90) days of the date of notice; and

WHEREAS, as it is necessary to publish said notice for two successive weeks in a weekly newspaper of general circulation in the County; and

NOW, THEREFORE BE IT RESOLVED, by the Buchanan County, Va., Board of Supervisors that the dangerous structure described in this resolution are found to constitute a danger to the public health and/or safety of the citizens of Buchanan County and pursuant to Virginia Code section 15.2-906 and section 77-13 of the Buchanan County Code; the owners of said dangerous structure is to remove same within Ninety (90) days from the date of the notice which the County Administrator or his designee shall forthwith send to said owners by certified mail return receipt requested along with a copy of this resolution and a copy of section 77-13 of the Buchanan County Code; and publish said notice for two consecutive weeks in the Virginia Mountaineer newspaper. **FUTHERMORE, BE IT RESOLVED**, that should said owner(s) fail to remove the dangerous structures within the time period required in the notice, the County Administrator is directed to investigate the option of the County removing said dangerous structure with the costs of same to be assessed against the owner and collected as permitted by law. However the County Administrator shall not cause the County to remove any dangerous structure without the specific approval of a majority of this Board.

This resolution was adopted by the Buchanan County, Va., Board of Supervisors on this the 14th day of November, 2016.

Recorded Vote:

Moved by: G. Roger Rife
Seconded by: Trey Adkins
Yeas: Six
Nays: Zero

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

ATTEST:

Robert Craig Horn, County Administrator

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IN RE: CONSIDER APPROVING TO REMOVE THE STRUCTURE AT 1252 ROSEANN ROAD, GRUNDY, VIRGINIA BELONGING TO EARL HAROLD MCCOY

Upon motion by Trey Adkins seconded by Harold H. Fuller and with the following roll call vote of six (6) yeas, Trey Adkins, J. Carroll Branham, Harold H. Fuller, G. Roger Rife, Earl Scott, William P. Harris, zero (0) nays and one (1) absent, Craig Stiltner, this board did hereby approve and authorize the use of County resources to remove and dispose of the structure at 1252 Roseann Road, Grundy, Virginia belonging to Earl Harold McCoy, 12499 Rich Valley Road, Bristol, Virginia with the costs of removal assessed against the property owner and such unpaid balance to be a lien against such real estate on the same parity as unpaid local real estate taxes.

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IN RE: CONSIDER APPROVING CONTRIBUTIONS FOR THE ROCKCLICK DISTRICT

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 six (6) yeas, Trey Adkins, J. Carroll Branham, Harold H. Fuller, G. Roger Rife, Earl Scott, William P. Harris, zero (0) nays and one (1) absent, Craig Stiltner, this board did hereby approve the following contributions:

Harman Volunteer Fire Dept.	\$482.38
Spearhead Trailblazers, Inc.	\$500.00

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IN RE: CONSIDER SCHEDULING A PUBLIC HEARING ON MONDAY, DECEMBER 5TH, 2016 AT 10:30 A.M. 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"

After a general discussion by the board upon motion by Harold H. Fuller seconded by Earl Scott and with the following roll call vote of six (6) yeas, Trey Adkins, J. Carroll Branham, Harold H. Fuller, G. Roger Rife, Earl Scott, William P. Harris, zero (0) nays and one (1) absent, Craig Stiltner, this board did hereby approve to schedule a public hearing on

Monday, December 5th, 2016 at 10:30 a.m. regarding the Amended proposed 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. 80-4.- Numbers for future buildings.

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.

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**IN RE: CONSIDER RECONSIDERATION OF MOTION TO AUTHORIZE AN
 ADDITIONAL APPROPRIATION TO THE BUCHANAN COUNTY
 PSA, WITH AMENDMENTS, IN THE AMOUNT THAT WAS
 SUBJECT TO THE PUBLIC HEARING ON OCTOBER 3RD, 2016
 BOARD OF SUPERVISORS MEETING**

Trey Adkins, Knox District Supervisor and Chairman of the Buchanan County Public Service Authority (PSA) stated the board of supervisors cut each entity in the county's budget 10% this year, but the PSA was cut 90%. If this board wants to see tax dollars assisting residents in Buchanan County, then provide additional funding for the PSA. Now is a bad time to double residents water rates, he stated.

The PSA is trying to correct any issues they have, but what the PSA is doing, isn't going to make up the \$2 million that the county cut from their budget, he stated.

We need to use the CNX Gas Funds to assist the PSA, stated Mr. Adkins. The county could raise garbage rates and force the PSA board to raise water rates. At the end of the day, the PSA needs help, he voiced.

G. Roger Rife, South Grundy District Supervisor stated I disagreed in hiring new employees for the PSA when we didn't have the money to pay the ones already on payroll. I would like for each supervisor to look at the PSA's budget and tell us where we could cut anything else in the budget, he stated. There are bond payments, payroll and the purchase of water from John Flanagan Water Authority.

The PSA went from \$2,450,000 to \$250,000 from the county, stated Mr. Rife. If we could figure out where we could get the money, we could use taxpayers' dollars in support to help the PSA, stated Mr. Rife. I agree with the editorial in the Virginia Mountaineer this week, he commented. We've given over \$900,000 in contributions this year. This money would've helped the PSA a lot, he stated.

Before we vote, I would like for each board member to look at the PSA's budget, commented Mr. Rife.

J. Carroll Branham, Chairman stated the PSA has never shown us that they want to cut anything or that we've seen any cuts. Eighty-five percent of the PSA's budget is personnel and then the PSA hired three (3) new employees. The county has eliminated 10 to 11 positions. We don't have the money to keep dwindling it out to the PSA, he commented.

Mr. Adkins stated the PSA is really shorthanded. The board needs to consider raising water rates and we need to increase garbage rates, he stated. We have an aged water system that is costing the PSA over \$100,000 per month due to water leaks.

Humbly, I ask the board to consider an additional \$2,150,000 for the PSA, stated Mr. Adkins. This will allow the PSA to make their payments until the end of the next fiscal year. We know we have a problem with the PSA, he stated.

We've used funds to bail out the school system, commented Mr. Adkins. Also, the PSA has cut their budget quite a bit.

I would like for each board member to look at the PSA budget, commented Mr. Rife. If the PSA raised water rates \$3 per month, the PSA would collect an additional \$380,000. If the PSA raised water rates \$6 per month, the PSA would collect an additional \$700,000 and if the PSA raised water rates \$9 per month, the PSA would collect an additional \$1 million, stated Mr. Rife.

Mr. Adkins made a motion to send a letter to the PSA Director and Chairman requesting the PSA to consider a water rate increase for the next fiscal year to ease the burden on the county.

Mr. Branham stated the PSA has been working on water leaks for awhile. Has it gotten any better?

We've had a five (5) percent increase on water rates for the PSA from John Flannagan Water Authority, stated Mr. Adkins. We continue to work on water leaks.

I won't vote for \$2.1 million until the PSA cut's their budget and PSA can't cut their budget until they cut personnel, stated Mr. Branham.

We haven't used any of the CNX Gas funds for the Hurley Waterline Projects, stated Mr. Adkins. The PSA board has been responsible and use any CNX funds only Coal Haul Road funds. We've been very conservative, he commented. The CNX funds was set aside to assist with water projects, stated Mr. Adkins.

Once we spent the CNX Gas fund, they're gone, voiced Mr. Rife.

We are using personal property taxes and coal severance funds and should be as good stewards of that money as we can, stated Mr. Rife. We can't keep doing what we've been doing.

I'll agree to raise water rates starting on July 1st, 2017, stated Mr. Adkins. That will give the White House administration time to get in and the coal industry time to pick up, he stated. Also, allows residents time to adjust their income on an individual family basis. I'm not willing to do it this year, because residents are losing what they have and they're choosing between their food and their medications, he stated.

I know the PSA needs to correct their budget issues. This board cannot expect the PSA to raise water rates and not raise garbage rates, stated Mr. Adkins.

It won't do any good, if we don't curve our spending, stated Mr. Rife.

This board should be the one to raise water and garage rates and property taxes, commented Mr. Adkins.

Mr. Adkins revised his motion to provide an additional \$1 million to the Buchanan County Public Service Authority (PSA) from the CNX Gas account and to keep the \$250,000 in the county's budget, which will allow the PSA time to work out their payment issues. We have bills this board approved that needs paid, he stated.

Mr. Rife stated he would vote for the above motion if the PSA would vote to eliminate the employees recently hired.

Mr. Adkins motion was seconded by William P. Harris and with the following roll call vote of three (3) yeas, William P. Harris, Trey Adkins, J. Carroll Branham, three (3) nays, G. Roger Rife, Harold H. Fuller, Earl Scott and one (1) absent, Craig Stiltner, the motion failed.

Mr. Rife stated the PSA needs to fire the employees that were recently hired.

It's not for this board to vote on laying off employees for the PSA, stated Mr. Adkins. It should be the PSA board's decision. We all know the PSA needs to make some changes, he stated.

I demand the county immediately cut two (2) checks that was previously approved by the board of supervisors for the two (2) water projects at Guesses Fork and Knox Creek in the amount of \$1.7 million, voiced Mr. Adkins. I expect these two (2) checks tomorrow, he stated.

The PSA never received the funds when they were originally committed, because they were not needed at the time, stated Mr. Adkins. The two projects have already been approved by this board and the PSA did the projects, we need our money, voiced Mr. Adkins.

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**IN RE: CONSIDER ADOPTING THE RESOLUTION AND APPLICANT
DISCLOSURE REPORT REGARDING THE COON BRANCH
WATERLINE PROJECT**

Greg McClanahan, Director for the Buchanan County Public Service Authority (PSA) requested the board to consider adopting the Resolution and Applicant Disclosure Report regarding the Coon Branch Waterline Project.

After a general discussion by the board upon motion by Trey Adkins with no second to his motion, Mr. Adkins requested a roll call vote of six (6) yeas, Trey Adkins, Harold H. Fuller, J. Carroll Branham, Earl Scott, G. Roger Rife, William P. Harris, zero (0) nays and one (1) absent, Craig Stiltner, this board did hereby adopt the following Resolution and Applicant Disclosure Report regarding the Coon Branch Waterline Project:

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 (\$300,000 – applied) and local funds (\$505,298 - Committed) 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 \$500,000 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 14th day of November, 2016.

Chairman
Buchanan County Board of Supervisors

ATTEST:

_____ 000 _____

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

Trey Adkins, Knox District Supervisor stated people in this county are having an extreme hard time. Because the county is having a hard time and can't control the budget doesn't mean we should punish people in this county by imposing a 20 percent penalty to them, he voiced. I won't vote to have a public hearing on this.

Harold H. Fuller, Garden District Supervisor stated you want to raise water and garbage rates, but you won't do this?

This proposed ordinance is to assess a 20 percent fee onto tax bills of those who owe more than \$20,000 in delinquent taxes, stated Mr. Adkins. By adopting the emergency ordinance it would not necessarily stop the treasurer from using the same ordinance to add the fee onto other delinquent tax bills, he stated.

L. Lee Moise, County Attorney stated the ordinance should not be considered a penalty on other tax bills. The ordinance needs to be approved to assist in the recovery of the costs of the pursuit of delinquent real property taxes; such costs include a title examination of the real property subject to delinquent taxes, he stated.

Upon motion by Trey Adkins to not adopt the emergency ordinance to allow a 20 percent fee onto tax bills, with no second to his motion, Mr. Adkins requested a roll call vote of five (5) yeas, Trey Adkins, G. Roger Rife, William P. Harris, J. Carroll Branham, Harold H. Fuller, one (1) nay, Earl Scott and one (1) absent, Craig Stiltner, the motion passed to **not** approve the emergency ordinance to add Section 88-71 of Article IX of Chapter 88 to the Buchanan County Code.

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

Upon a motion by William P. Harris seconded by G. Roger Rife and with a roll call vote of five (5) yeas, Harold H. Fuller, William P. Harris, Earl Scott, J. Carroll Branham, G. Roger Rife, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board agreed to convene in closed session as permitted by Virginia Code Section, 2.2-3711 (A)(3), a matter involving the acquisition of property for public purposes (Old Rt. 460 Road Bed located in the Garden Magisterial District); Virginia Code Section, 2.2-3711 (A)(7), consultation with legal counsel regarding the courthouse renovation project and the Public Private Education and Infrastructure Act (PPEA); 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; Virginia Code Section, 2.2-3711 (A)(7), consultation with legal counsel regarding the extension of the Sunset provisions in the 2017 Session of the Virginia General Assembly that would amend VA. Code Section 58.1-3713; Virginia Code Section, 2.2-3711 (A)(7), consultation with legal counsel regarding a tax bill where property was conveyed to the county and Virginia Code Section, 2.2-3711 (A)(7), consultation with legal counsel regarding the Amended E-911 Street Naming and Property Numbering, inclusive of sections 80.1.1 through 80-9.

Motion was made by William P. Harris to return from closed session seconded by Earl Scott and with a roll call of five (5) yeas, Harold H. Fuller, William P. Harris, J. Carroll Branham, G. Roger Rife, Earl Scott, zero (0) nays and two (2) absent, Craig Stiltner and Trey Adkins.

This board's meeting resumed in open session after being in executive session for two (1) hour and (42) minutes.

A motion by William P. Harris seconded by Earl Scott, 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 delinquent real estate taxes with the Buchanan County Treasurer; Virginia Code Section, 2.2-3711 (A) (7), consultation with legal counsel regarding the Buchanan County Sanitation Dept. and garbage pickup and Virginia Code Section, 2.2-3711 (A) (7),

consultation with legal counsel regarding the Buchanan County Public Service Authority financial issue.

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 five (5) yeas, William P. Harris, G. Roger Rife, J. Carroll Branham, Harold H. Fuller, Earl Scott, zero (0) nays and two (2) absent, Craig Stiltner and Trey Adkins.

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**IN RE: CONSIDER APPROVAL RAISE FOR SANITATION DEPARTMENT
EMPLOYEE**

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 five (5) yeas, William P. Harris, Harold H. Fuller, J. Carroll Branham, G. Roger Rife, Earl Scott, zero (0) nays and two (2) absent, Craig Stiltner and Trey Adkins, this board did hereby approve to raise Steven Johnson, Sanitation Dept. employee to the same rate of pay as a truck driver.

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**IN RE: CONSIDER ADOPTING A RESOLUTION REQUESTING THE
COMMONWEALTH TRANSPORTATION BOARD TO ABANDON A
SECTION OF OLD ROUTE 460 ROAD BED AND CONVEY SAME TO
BUCHANAN COUNTY, VIRGINIA**

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 five (5) yeas, William P. Harris, Harold H. Fuller, J. Carroll Branham, G. Roger Rife, Earl Scott, zero (0) nays and two (2) absent, Craig Stiltner and Trey Adkins, this board did hereby adopt the following Resolution requesting the Commonwealth Transportation Board to abandon a section of the Old Rt. 460 road bed and convey same to Buchanan County, Virginia pursuant to Virginia Code Sections 33.2-902 and 33.2-904:

RESOLUTION

**IN RE: REQUEST TO THE COMMONWEALTH TRANSPORTATION
BOARD TO ABANDON A SECTION OF THE OLD RT. 460 ROAD BED
AND CONVEY SAME TO BUCHANAN COUNTY, VIRGINIA
PURSUANT TO VIRGINIA CODE SECTIONS 33.2-902 and 33.2-904**

WHEREAS, the Buchanan County, Va. Board of Supervisors has identified a section of the old Rt. 460 road bed that begins at Rt. 680 and connects with Rt. 721 which intersects with current Rt. 460 just below the Twin Valley Elementary and Middle School; and

WHEREAS, the County would like to connect Rt. 680 with a county road that would run along the old Rt. 460 road bed to Rt.721; and

WHEREAS, the Buchanan County, Va. Board of Supervisors requests the Commonwealth Transportation Board to abandon the section of the old Rt. 460 road bed as depicted on the attached plat and then convey same to Buchanan County, Virginia so to allow the County to connect Rt. 680 with Rt. 721 with a county road to run along the old Rt. 460 roadbed; and

NOW THEREFORE, BE IT RESOLVED, by the Buchanan County, Virginia Board of Supervisors that it hereby requests the Virginia Commonwealth Transportation Board to abandon a section of the old Rt. 460 as depicted on the attached plat and then convey same to Buchanan County, Virginia so to permit the County to connect Rt. 680 with Rt. 721 with a county road that runs along the afore-described old Rt. 460 road bed.

FURTHERMORE, BE IT RESOLVED, that the County Administrator is directed to mail a copy of this resolution to the Commonwealth Transportation Board.

This Resolution was adopted by the Buchanan County Board of Supervisors on this the 14th of November 2016.

Recorded Vote:

Moved by: Harold H. Fuller
Seconded by: William P. Harris
Yeas: Five
Nays: Zero
Absent: Two

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

ATTEST:

Robert Craig Horn, County Administrator

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**IN RE: CONSIDER APPROVING TO MAKE A SETTLEMENT PROPOSAL
 TO THE TOWN OF GRUNDY BASED IN PART ON THE TOWN'S
 LAST OFFER**

After a general discussion by upon motion by G. Roger Rife seconded by Harold H. Fuller and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby approve to make a settlement proposal to the Town of Grundy based in part on the town's last offer to the county as set forth in James Keen's letter dated January 29th, 2016. Specifically, the board of supervisors offers to settle the case the town has filed against the PSA and the county on the following terms:

- The town to have two (2) members appointed by the board of supervisors from the citizenry of the town to serve on the PSA for five (5) years and after five (5) years the town would have only one (1) member appointed by the board of supervisors serving on the PSA.
- The town shall convey to the PSA all the assets currently leased by the town to the PSA, as per the lease dated August 1, 1988.
- Additionally, that all the parties, namely the town, the county and the PSA will comply with all the requirements of the joinder procedure as set forth in 15.2-5112 of the 1950 Code of Virginia, as amended.
- That the town's case against the PSA and the county to be dismissed with prejudice upon the SCC issuing the certificate of joinder.

IN RE: CONSIDER ADOPTING THE RESOLUTION REQUESTING THE SUPPORT AND APPROVAL OF PROPOSED LEGISLATION, WHICH WOULD AMEND VIRGINIA CODE SECTION 58.1-3713 TO EXTEND THE SUNSET PROVISION TO DECEMBER 31ST, 2019

After a general discussion by the board upon motion by Harold H. Fuller seconded by William P. Harris and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby adopt the following Resolution requesting the support and approval of proposed legislation, which would amend Virginia Code Section 58.1-3713 to extend the sunset provision to December 31st, 2019:

RESOLUTION

IN RE: SUPPORT AND APPROVAL OF PROPOSED LEGISLATION WHICH WOULD AMEND VA CODE SECTION 58.1-3713

WHEREAS, the Buchanan County, Va. Board of Supervisors acknowledges the need for certain amendments to Va. Code section 58.1-3713 to extend the sunset provision of said section; and

WHEREAS, Senator Ben Chafin has introduced Senate Bill _____ in the 2017 Session of the Virginia General Assembly that would amend Va. Code section 58.1-3713 to extend the sunset provision of Va. Code section 58.1-3713 to December 31, 2019; and

WHEREAS, the Buchanan County, Va. Board of Supervisors wishes to confirm its approval and support of the aforementioned legislation, a copy of which is attached hereto; and

NOW THEREFORE, BE IT RESOLVED, by the Buchanan County, Virginia Board of Supervisors that it states and confirms its approval and support for Senate Bill _____ that would amend Va. Code section 58.1-3713 to extend the sunset provision to December 31, 2019.

This Resolution was adopted by the Buchanan County Board of Supervisors on this the 14th day of November 2016.

Recorded Vote:

Moved by: Harold H. Fuller
Seconded by: William P. Harris
Yeas: Five
Nays: Zero
Absent: Two

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

ATTEST:

Robert Craig Horn, County Administrator

IN RE: CONSIDER APPROVING TO ISSUE PAYMENT FOR THE REAL ESTATE PROPERTY TAXES DUE FOR FISCAL YEAR 2016 FOR PROPERTY PREVIOUSLY OWNED BY KEARY R. AND RITA WILLIAMS

After a general discussion by the board upon motion by Harold H. Fuller seconded by William P. Harris and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby approve to issue payment for the real estate property taxes due for fiscal year 2016 for property previously owned by Keary R. and Rita Williams for the certain tract or parcel of land situate in the Town of Grundy, Virginia, which was deeded to the county on October 3rd, 2016.

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INRE: CONSIDER ADOPTING THE EMERGENCY ORDINANCE TO ADD SECTION 88-71 OF ARTICLE IX OF CHAPTER 88 TO THE BUCHANAN COUNTY CODE

Bill Keene, Treasurer stated the proposed Emergency Ordinance is identical to the one Tazewell County used for the collection of delinquent real estate taxes. What I plan on doing is going with the property owner that owed \$20,000 or more, he stated.

You have to certify the title before you sell the property, stated Mr. Keene. There will be legal expenses associated with the collection of delinquent taxes by taking property. Also, you have to notify anyone that has judgments against the property, he stated. It will cost \$300 per parcel to have the title work done. There's approximately 39 pieces of property.

The board of supervisors will know which property is going to be sold before any action is taken, stated Mr. Keene.

After a general discussion by the board upon motion by G. Roger Rife seconded by William P. Harris and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby adopt the following Emergency Ordinance to add Section 88-71 of Article IX of Chapter 88 to the Buchanan County Code:

EMERGENCY 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 emergency ordinance was adopted by the Buchanan County, Va. Board of Supervisors on the 14th day of November, 2016.

Recorded Vote:

Moved by: G. Roger Rife
Seconded by: William P. Harris
Yeas: Five
Nays: Zero
Absent: Two

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

ATTEST:

Robert Craig Horn, County Administrator

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IN RE: CONSIDER SCHEDULING A PUBLIC HEARING ON MONDAY, DECEMBER 5TH, 2016 AT 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

After a general discussion by the board upon motion by Harold H. Fuller seconded by William P. Harris and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby approve to schedule a public hearing for Monday, December 5th, 2016 at 10:15 a.m. to hear public comments regarding the adopting of the ordinance to add Section 88-71 of Article IX of Chapter 88 to the Buchanan County Code.

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IN RE: CONSIDER APPROVING TO ADVERTISE A REQUEST FOR PROPOSAL FOR CONCEPTUAL PHASE DESIGN-BUILD OF A NEW BUCHANAN COUNTY COURTHOUSE AND GOVERNMENT CENTER UNDER THE VIRGINIA PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT (PPEA) OF 2002 GUIDELINES AND PROCEDURES

After a general discussion by the board upon motion by Harold H. Fuller seconded by William P. Harris and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby approve to advertise a Request for Proposal for Conceptual Phase Design-Build of a new Buchanan County Courthouse and Government Center under the Virginia Public-Private Education Facilities and Infrastructure Act (PPEA) of 2002 guidelines and procedures, as approved to form by the County Attorney.

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IN RE: CONSIDER RATIFYING THE NOTICE OF RIGHT TO OBJECT/WAIVER FOR CNX GAS COMPANY LLC.

After a general discussion by the board upon motion by Harold H. Fuller seconded by William P. Harris and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby ratify the Notice of Right to Object/Waiver for CNX Gas Company LLC.

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**IN RE: CONSIDER RATIFYING THE STANDARD PROJECT
ADMINISTRATION AGREEMENT BY AND BETWEEN BUCHANAN
COUNTY AND VIRGINIA DEPARTMENT OF TRANSPORTATION
REGARDING THE RT. 83, SLATE CREEK CURVE PROJECT**

After a general discussion by the board upon motion by G. Roger Rife seconded by William P. Harris and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby ratify the Standard Project Administration Agreement by and between Buchanan County and Virginia Department of Transportation regarding the Rt. 83, Slate Creek Curve Project. A copy of this agreement is located in the Buchanan County Administrator's Office, 4th floor of the courthouse for review.

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**IN RE: CONSIDER ADOPTING A RESOLUTION REGARDING SIMILAR
TO WYTHE COUNTY TO AMEND VIRGINIA CODE SECTION 58.1-
3831 TO ALLOW ALL VIRGINIA COUNTIES TO HAVE THE
POWER TO LEVY TAX UPON THE SALE OR USE OF CIGARETTES**

After a general discussion by the board upon motion by Harold H. Fuller with no second to his motion, Mr. Fuller requested a roll call vote two (2) yeas, Harold H. Fuller, J. Carroll. Branham, three (3) nays, G. Roger Rife, Earl Scott, William P. Harris and two (2) absent, Trey Adkins and Craig Stiltner, this motion failed.

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**IN RE: CONSIDER ADOPTING A RESOLUTION TO SUPPORT THE
RECOMMENDATIONS INTRODUCED AT THE COALFIELDS
EQUITY SUMMIT**

After a general discussion by the board upon motion of Harold H. Fuller seconded by William P. Harris and with a roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby adopt the following Resolution to support the recommendations introduced at the Coalfields Equity Summit:

**RESOLUTION TO SUPPORT THE RECOMMENDATIONS INTRODUCED AT
THE COALFIELDS EQUITY SUMMIT**

WHEREAS, the localities of Buchanan, Dickenson, Lee, Norton City, Russell, Scott, Tazewell, and Wise have been identified as being part of the Coalfields Region; and

WHEREAS, Coalfields Localities and Stakeholders have determined that working collaboratively will enhance their collective voice in legislative and other matters; and

WHEREAS, Local Stakeholders include School Boards, Boards of Supervisors, City Councils, Town Councils, Industrial Development Authorities, Chambers of Commerce, etc.; and

WHEREAS, Coalfields Stakeholders believe that PK-12 public education is critical to the vitality of the region as a whole; and

WHEREAS, Coalfields Localities have seen a drop in population of over 40,000 residents since 1990; and

WHEREAS, Coalfields School Divisions have seen a decline in K-12 enrollment of over 5,000 students since 2009 and a decline of more than 600 students since March 31, 2016; and

WHEREAS, if the most recent decline in enrollment continues, the Coalfields Region stands to lose over \$10,000,000 in State Revenue by June of 2017; and

WHEREAS, 25% of students in the Coalfields Region live below the Federal Poverty Level; and

WHEREAS, 59% of students in the Coalfields Region are eligible for Free or Reduced Priced Lunch; and

WHEREAS, Coalfields Localities have the ability to raise only \$1,200,000 by increasing property taxes by one penny (.01); and

WHEREAS, local poverty and tax revenues prevent Coalfields Localities from funding schools at the same level as affluent Localities.

NOW, THEREFORE, BE IT RESOLVED that Coalfield Localities, Schools, and Stakeholders do hereby:

1. Urge the Virginia General Assembly to provide a Cost of Competing Adjustment (CoCA) for Coalfields School Divisions for salaries and operations similar to the CoCA for 18 School Divisions in Northern Virginia as permitted by recommendation of JLARC Report Document 82;
2. Urge the Virginia General Assembly to reissue the Enrollment Loss Budget Line item for Virginia's schools as issued most recently in 2010;
3. Urge the Virginia General Assembly to approve the 2% Compensation Supplement that was originally part of the 2017 State Budget;
4. Urge the Virginia General Assembly to consider other long term solutions to provide equitable funding to School Divisions across Virginia as presented at the Coalfields Equity Summit held at the University of Virginia's College at Wise on October 13, 2016.

ADOPTED this 14th day of November, 2016 by the Buchanan County Board of Supervisors.

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

ATTEST:

Robert C. Horn, County Administrator

IN RE: CONSIDER APPROVAL TO ISSUE A CHECK TO BUCHANAN COUNTY PSA FOR FUNDING IN THE AMOUNT OF \$250,000 FROM FY 2016/2017 BUDGET

After a general discussion by the board upon motion by William P. Harris seconded by G. Roger Rife and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby approve to issue a check to Buchanan County PSA for funding in the amount of \$250,000 from FY 2016/2017 budget.

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IN RE: CONSIDER RATIFYING THE AUTHORIZATION FORM DATA REQUEST PURSUANT TO SB 364 CHAFIN LOCAL OPTION HEALTH PLAN

After a general discussion by the board upon motion by Harold H. Fuller seconded by G. Roger Rife and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby ratify the Authorization Form Data Request Pursuant to SB 364 Chafin Local Option Health Plan.

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IN RE: CONSIDER RATIFYING THE GROUP DENTAL PLAN CONTRACT FOR THE BUCHANAN COUNTY CONSOLIDATED GROUP

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 five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby ratify the Group Dental Plan Contract for the Buchanan County Consolidated Group.

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IN RE: CONSIDER APPROVING BID AND CONTRACT FOR BULK SALT TO BE DELIVERED TO OLD BIG ROCK VOLUNTEER FIRE DEPARTMENT BUILDING 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 William P. Harris seconded by Harold H. Fuller and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby approve the bid from Norton Salt, Inc. in the amount of \$119.84 per ton and the following Contract for bulk salt to

be delivered to Old Big Rock Volunteer Fire Department Building and authorized 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.

SUPPLY CONTRACT

This Supply Contract ("Contract") is entered into as of the 14th day of November, 2016 ("Effective Date"), by and between Morton Salt, Inc. ("Seller"), and Buchanan County Board of Supervisors ("Buyer").

WITNESSETH:

WHEREAS, Seller desires to sell Salt to Buyer, and Buyer desires to purchase Salt from Seller for delivery to its Old Big Rock VFD Building ("Destination"), on the terms and subject to the conditions of this Contract.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained in this Contract and intending to be legally bound hereby, the parties hereby agree as follows.

Term. The term of this Contract (the "Term") shall commence on the Effective Date and shall continue in effect until April 30th, 2017.

Sale and Purchase of Salt.

During the Term, Seller agrees to sell to Buyer, and Buyer agrees to purchase from Seller, a total of Twenty Five (25) tons of deicing salt (the "Quantity") at the Purchase Price (as hereinafter defined) and on the other terms and conditions set forth in this Contract. Seller shall deliver and Buyer shall accept the delivery of the Quantity in accordance with a mutually agreeable delivery schedule during the Term. Buyer further acknowledges and agrees that Seller retains the right during the Term to sell Salt to customers other than Buyer.

Seller shall deliver Salt to Buyer FOB Destination, at which point delivery shall be deemed complete, and title to, and all risk of loss of, such Salt shall pass to Buyer.

Payment Terms. The purchase price for the Salt shall be \$119.84 per ton FOB Destination ("Purchase Price"). Buyer shall pay Seller's invoice in full within thirty (30) days of its receipt thereof ("Due Date").

Material Safety Data Sheet. Seller's Material Safety Data Sheet for Road Salt as of the Effective Date is attached hereto as Exhibit A.

Notices. All notices required or permitted to be given to either party under this Contract shall be in writing and shall be deemed to have been duly given if hand-delivered, sent by courier, mailed by United States first class mail, postage prepaid, or sent via electronic mail (with confirmation of receipt), in each case properly addressed to such party at the address set forth below for such party, or to such other address as such party may specify by written notice duly given in accordance with the requirements of this Section 9:

If to Seller:
Morton Sale, Inc.
123 North Wacker Drive
Chicago, IL 60606-1743

If to Buyer:
Buchanan County Board of Supervisors
Attn: Purchasing/Insurance Department
P.O. Box 950
Grundy, VA 24614

Any notice given in accordance with the requirements of this Section 9 shall be deemed to have been duly given upon actual receipt thereof by the party to which such notice is addressed.

Binding Effect. This Contract shall be binding upon and shall inure to the benefit of the parties and their successors and permitted assigns, Except as provided in Section 6 hereof, nothing in this Contract shall be construed to give any person or entity, other than Seller and Buyer and their respective successors and permitted assigns, any legal or equitable right, remedy or claim hereunder.

Severability. It is the intent of the parties that the provisions of this Contract shall be enforceable to the fullest extent permissible under applicable law. If one or more provisions of this Contract shall be deemed unenforceable or otherwise invalid, either in whole or in part, the parties agree that this Contract shall be deemed to be amended to delete or modify, as appropriate, the offending provision or provisions.

Entire Contract. This Contract represents the entire agreement between the parties with respect to the subject matter hereof and supersedes all other agreements, representations and understandings, oral or written, between the parties to the extent the same relate to such subject matter.

Governing Law; Compliance with Laws. This Contract shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. The parties agree that the venue for any dispute in regard to this agreement will be the Circuit Court of Buchanan County, Virginia, regardless of any federal jurisdiction that might be available. Each party agrees to comply fully at all times relevant to this Agreement with all applicable laws, rules, regulations and court orders.

Counterparts. This Contract may be executed (including by facsimile or Portable Document Format (pdf) transmission) in two or more counterparts and by the different parties hereto on separate counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same document Facsimile or pdf transmission of any signed original document or retransmission of any signed facsimile or pdf transmission will be deemed the same as delivery of an original.

Standard County Contract provisions are attached hereto as Exhibit "A" and are incorporated into this contract by reference.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be duly executed by their duly authorized representatives as of the Effective Date.

Seller:

Buyer: Buchanan County Board of Supervisors

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

_____ 000 _____

IN RE: CONSIDER APPROVING RATIFYING THE ANNUAL CERTIFICATION REPORT AND SHARING AGREEMENT REGARDING THE ASSET FORFEITURE FUND ACTIVITY

After a general discussion by the board upon motion by Harold H. Fuller seconded by G. Roger Rife and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby ratify Annual Certification Report and Sharing Agreement regarding the Asset Forfeiture Fund Activity.

IN RE: CONSIDER APPROVING ADDITIONAL APPROPRIATIONS

After a general discussion by the board upon motion by G. Roger Rife seconded by Harold H. Fuller and with the following roll call vote of five (5), G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, 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 \$150.00;
- Additional appropriation to South Grundy District Park and Development, account number 71060-7010-05 in the amount of \$324.00;
- Additional appropriation to South Grundy District Park and Development, account number 71060-7010-05 in the amount of \$1,636.00;
- Additional appropriation to Landfill, (construction) account number 42040-7010 in the amount of \$228.00;
- Additional appropriation to Sheriff's Office, (Dare Program) account number 31020-5899 in the amount of \$50.00;
- Additional appropriation to WPH Community Center, account number 71040-7010-02 in the amount of \$1,670.00;
- Additional appropriation to WPH Community Center, account number 71040-6022-02 in the amount of \$475.00;
- Additional appropriation to Keen Mt. Park and Whitewood Community Center, account number 71040-5604-01 in the amount of \$375.00;
- Additional appropriation to Rocklick District Park and Rec., account number 71040-5604-06 in the amount of \$22.00;
- Additional appropriation to Rocklick District Park and Rec., account number 71040-5604-06 in the amount of \$225.00;
- Additional appropriation to South Grundy District Park and Development, account number 71060-7010-05 in the amount of \$1,185.00;
- Additional appropriation to Rocklick District Park and Rec., account number 71040-5604-06 in the amount of \$150.00;
- Additional appropriation to Rocklick District Park and Rec., account number 71040-5604-06 in the amount of \$22.99;
- Additional appropriation to Buchanan County Public Library, account number 73010-8101 (computers and equipment) in the amount of \$1,182.19;
- Additional appropriation to Buchanan County Sheriff's Office, (vehicle power equipment), account number 31020-6009 in the amount of \$7,497.00;
- Additional appropriation to Garden District Park and Rec., account number 71040-5603-01 in the amount of \$600.00;
- Additional appropriation to Rocklick District Park and Rec., account number 71040-5604-06 in the amount of \$175.00;
- Additional appropriation to Southern Gap Raceway, account number 71040-5606-05 in the amount of \$155.09;
- Additional appropriation to Rocklick District Park and Rec., account number 71040-5604-06 in the amount of \$86.92.

IN RE: CONSIDER APPROVING SCHEDULING A PUBLIC HEARING ON MONDAY, DECEMBER 5TH, 2016 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

This issue was tabled, no action taken.

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IN RE: CONSIDER APPROVING REQUEST FROM THE BUCHANAN COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS)

After a general discussion by the board upon motion by Harold H. Fuller seconded by Earl Scott and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby approve to reimburse the DSS the funds from the sale of the three (3) Ford Explores less the county expense.

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IN RE: EARL RIFE, PUBLIC WORKS DIRECTOR – 1:00 P.M.- CONSIDER PURCHASING TWO (2) ROLL-OFF TRUCKS AND THIRTY (30) ROLL-OFF CONTAINERS

After a general discussion by the board upon motion by Harold H. Fuller seconded by Earl Scott and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby approve a transfer/additional appropriation in the amount of \$393,892.00 to Fund 1, Landfill, (machinery and equipment) account number 42040-8101 from Fund 2, E-911 earmarked for the purchase of two (2) Roll-Off Trucks and 25 roll-off containers to be used by the Buchanan County Sanitation Department. Also, the funds transferred from Fund 2, E-911 would be reimbursed from the landfill account as it's collected to Fund 2, E-911 account.

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IN RE: CONSIDER APPROVING AN ADDITIONAL APPROPRIATION IN THE AMOUNT OF \$8,524.00 TO THE BUCHANAN COUNTY LITTER CONTROL (MISCELLANEOUS) ACCOUNT NUMBER 82050-5899 FOR GRANT FUNDING RECEIVED FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND TO ISSUE A CHECK IN THE AMOUNT OF \$1,048.00 TO THE TOWN OF GRUNDY FOR THE TOWN'S PORTION OF THE GRANT FROM ACCOUNT NUMBER 82050-5899

After a general discussion by the board upon motion by Harold H. Fuller seconded by Earl Scott and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby approve an additional appropriation in

the amount of \$8,524.00 to the Buchanan County Litter Control (miscellaneous) account number 82050-5899 for grant funding received from the Department of Environmental Quality and to issue a check in the amount of \$1,048.00 to the Town of Grundy for the town's portion of the grant from account number 82050-5899.

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IN RE: CONSIDER APPOINTMENT AND/OR REAPPOINTMENT TO THE BUCHANAN GENERAL HOSPITAL BOARD OF DIRECTORS FOR THE ROCKLICK MAGISTERIAL DISTRICT

After a general discussion by the board upon motion by Harold H. Fuller seconded by William P. Harris with a roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby reappoint Danny Elswick representative for the Rocklick Magisterial District on the Buchanan General Hospital Board of Directors for a five year term ending February 24th, 2022.

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IN RE: CONSIDER APPROVING TO ISSUE A CHECK FOR COYOTE CLAIMS IN THE AMOUNT OF \$50.00

After a general discussion by the board upon motion by Harold H. Fuller seconded by Earl Scott and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby approving to issue a check for the following coyote claims in the amount of \$50.00:

- Shaun Keen
- Denver Lester
- Ira Hardin
- Ben Looney
- Ruby Helton
- Charles Compton (three claims)

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IN RE: CONSIDER RATIFYING THE MANUAL BILL LIST FOR SEPTEMBER 2016

After a general discussion by the board upon motion by G. Roger Rife seconded by Harold H. Fuller and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby ratify the following manual bills.

- Public Safety Training Consultants - \$1,969.00
- BMS Direct - \$6,913.50

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IN RE: CONSIDER ADOPTING THE RESOLUTION AND A APPOINTMENT TO THE SOUTHWEST VIRGINIA ALCOHOL SAFETY ACTION PROGRAM (VASAP) FOR A ONE TO THREE YEAR TERM BEGINNING DECEMBER 1ST, 2016

After a general discussion by the board upon motion by Harold H. Fuller seconded by G. Roger Rife and with a roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby adopt the following Resolution regarding the appointment of Ray Foster, Sheriff of Buchanan County to the Southwest Virginia Alcohol Safety Action Program (VASAP) for a one year term beginning December 1st, 2016:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF BUCHANAN, ESTABLISHING BY JOINT ACTION OF THE BOARDS OF SUPERVISORS OF THE COUNTIES OF BUCHANAN, DICKENSON, LEE, RUSSELL, SCOTT, TAZEWELL, WISE, AND THE CITY COUNCIL OF THE CITY OF NORTON, THE MEMBERSHIP OF THE REGIONAL POLICY BOARD OF THE ALCOHOL SAFETY ACTION PROGRAM (SOUTHWEST VIRGINIA ASAP) TO SERVE THE REGION COMPOSED OF THOSE COUNTIES AND CITY

WHEREAS, the General Assembly of Virginia has, by statute codified as Virginia Code Section 18.2-271.1 (H) provided that any county, city, town, or any combination thereof may establish and operate alcohol safety action programs in connection with highway safety, and that each such program shall operate under the direction of a local independent policy board chosen in accordance with procedures approved and promulgated by the Commission on VASAP; and

WHEREAS, the Commission on VASAP has approved and promulgated such procedures, which are set out in 24 Virginia Administrative Code 35-20-180; and

WHEREAS, Boards of Supervisors of the Counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, Wise, and the City Council of the City of Norton have established and do operate Southwest Virginia ASAP, which is a regional alcohol safety action program In connection with highway safety, and the Commission on VASAP had approved and promulgated procedures for the policy board of that regional alcohol safety action program to be reconstituted; and

NOW THEREFORE, in accordance with the procedures approved and promulgated by the Commission on VASAP, and pursuant to the authority granted to this Board by Virginia Code Section 15.2-1411 and the organic law of the Commonwealth:

IT IS RESOLVED:

- 1. That one member of the policy board shall be appointed by the governing body of each participating jurisdiction and the remaining members of the Policy Board shall be selected by those appointees in accordance with law and regulations;*
- 2. That this Board of Supervisors appoints Ray Foster, Sheriff of Buchanan County, to Southwest Virginia ASAP's Policy Board for a period of a one (1) year term to end December 1st, 2017.*

Action taken this 14th day of November, 2016, by the Buchanan County Board of Supervisors.

Teste:

*Chairman of the Buchanan County
Board of Supervisors*

Robert C. Horn, Clerk

IN RE: CONSIDER APPROVING INVOICE FROM SOUTHWEST VIRGINIA COMMUNITY COLLEGE FOR FUNDS BUDGETED IN 2016/2017

After a general discussion by the board upon motion by Harold H. Fuller seconded by William P. Harris and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby approve to issue a check in the amount of \$40,000.00 to Southwest Virginia Community College for funds budgeted in 2016/2017.

IN RE: CONSIDER APPROVING THE VENDOR SERVICE AGREEMENT FOR SNOW REMOVAL FROM NELLMA R. HENSLEY

After a general discussion by the board upon motion by Harold H. Fuller seconded by William P. Harris and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby approve the enclosed Vendor Service Agreement for Snow Removal from Nellma R. Hensley.

IN RE: CONSIDER SCHEDULING A PUBLIC HEARING ON MONDAY, DECEMBER 5TH, 2016 AT 11:00 A.M. TO HEAR PUBLIC COMMENTS CONCERNING 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

L. Lee Moise, County Attorney stated we sent a good faith letter in June to Penn Virginia regarding the property across the road from the Harman Baptist Church. They are willing to lease the property, but not convey it to the county. Also, we haven't heard from them since the letter was sent in June. The Enhancement Grant through Virginia Department of Transportation will not allow any grant funds to be used on the Bull Creek Trail if the property isn't owned by the county.

After a general discussion by the board upon motion by Harold H. Fuller seconded by G. Roger Rife and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby approve to schedule a Public Hearing on **Monday, December 5th, 2016 at 11:00 a.m.** to hear public comments concerning 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.

NOTICE OF PUBLIC HEARING

PURSUANT TO VIRGINIA CODE SECTION 15.2-1905 NOTICE is hereby given that the Buchanan County Board of Supervisors will conduct a Public Hearing on the **5th day of December 2016 at 11:00 o'clock a.m.**, in the Board of Supervisors meeting room, in the basement of the Buchanan County Courthouse, on Courthouse Square, in Grundy, Virginia, to hear public comments concerning 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. It is the intent of the Buchanan County Board of Supervisors to enter and take the property for the purposes as authorized by Virginia Code section 15.2-1904 (A) utilizing the condemnation procedure set forth in 25.1-200, et. seq. and 25.1-300, et. seq., of the Virginia Code of 1950, as amended. The tract involved in the above-proposed resolution to proceed with condemnation is as follows:

The property needed consists of three small parcels as described below:

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.

The proposed resolution to authorize condemnation proceedings and the plat of the property subject to the proposed condemnation proceeding are available for review in the County Administrator's Office located on the fourth floor of the Buchanan County Courthouse.

PLEASE CONDUCT YOURSELF ACCORDINGLY.

Robert Craig Horn, County Administrator

Date

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IN RE: CONSIDER APPROVING CONTRIBUTION/S

After a general discussion by the board upon motion by Harold H. Fuller seconded by Earl Scott and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby approve the following contributions:

Twin Valley High School
(Buchanan County Bands) \$1,000.00

Council Elementary/Middle School (White Christmas Program)	\$2,000.00
Council High School (Career Day)	\$500.00
Whitewood Volunteer Fire Department	\$8,089.00
Jewell Ridge Volunteer Fire Department	\$3,594.99
Knox Creek Volunteer Fire Department	\$671.98
Whitewood Volunteer Fire Department	\$2,762.00
Dismal River Rescue Squad	\$55,000.00

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IN RE: CONSIDER APPROVING A CONTRIBUTION TO FEEDING MY SHEEP

After a general discussion by the board upon motion by Earl Scott seconded by Harold H. Fuller and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby approve to issue a check in the amount of \$10,000.00 to Feeding My Sheep from Prater District Park and Recreation account number 71040-5604-05.

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IN RE: CONSIDER RATIFYING PAYROLL AFTER REVIEW

After a general discussion by the board upon motion by Harold H. Fuller seconded by Earl Scott and with the following roll call vote of five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, this board did hereby ratify the payroll after review.

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

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 five (5) yeas, G. Roger Rife, Harold H. Fuller, Earl Scott, William P. Harris, J. Carroll. Branham, zero (0) nays and two (2) absent, Trey Adkins and Craig Stiltner, 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: ADJOURNMENT

Upon motion by Harold H. Fuller seconded by William P. Harris 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

MINUTES

A special called meeting of the Buchanan County Board of Supervisors was held on the 18th day of November, 2016 starting at 10:00 a.m. in the boardroom of the Buchanan County Courthouse located in Grundy, Virginia:

PRESENT: J. Carroll Branham, Chairman
G. Roger Rife
Earl Scott
Trey Adkins, Participated in the meeting through electronic communications.

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

ABSENT: Craig Stiltner
Harold H. Fuller
William P. Harris

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

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REQUEST FOR A SPECIAL MEETING OF THE BUCHANAN COUNTY BOARD OF SUPERVISORS

J. Carroll Branham, Chairman of the Buchanan County Board of Supervisors hereby requested pursuant to Section 15.2-1417 and 15.2-1418 of the Code of Virginia that a special meeting of the Buchanan County Board of Supervisors be held on the date, at the time, and place stated below, and for the purpose stated herein, as amended.

DATE OF MEETING: FRIDAY, NOVEMBER 18th, 2016

TIME OF MEETING: 10:00 O'CLOCK A.M.

PLACE OF MEETING: BOARDROOM OF THE BUCHANAN COUNTY
COURTHOUSE, ON WALNUT STREET IN GRUNDY,
VIRGINIA

PURPOSE

1. Call to order.
2. Prayer and Pledge of Allegiance.
3. Consider setting a burn ban in the county.
4. Consider approving loan payments for Buchanan County Public Service Authority.
5. Consider closed session for Items #3 and #4 of this agenda.
6. Adjournment.

Trey Adkins, Knox District Supervisor stated he wasn't able to attend today's meeting due to a scheduled doctor appointment and work.

L. Lee Moise, County Attorney stated that the Board's resolution pursuant to Virginia Code Section 2.2-3708.1 does allow a member of the public body to participate in a meeting through electronic communications.

IN RE: CONSIDER SETTING A BURN BAN IN THE COUNTY

Rocky Woods, Forest Technician for the Buchanan County Forestry Department, requested the board to consider a Declaration of Local Emergency and declare a ban on open burning in the county. He stated the forestry department cannot declare a local emergency for a ban on open burning. This is due to the large number of fires in the county because of high temperatures, high winds coming in tonight and dry conditions. This weekend the wind is supposed to be 50 mph, he stated.

All the surrounding counties except Tazewell County has a burn ban in place, he stated. The sheriff's office is ready to assist the forestry department, stated Mr. Woods.

The burn ban needs to be set until December 1st or till a substantial rainfall, he stated.

L. Lee Moise, County Attorney stated Virginia Code Section 15.2-922.1 allows the board of supervisors to establish a ban on open-air-burning for the county upon the declaration of a local emergency pursuant to Va. Code section 46-144.21.

Trey Adkins, Knox District Supervisor asked how long the ban would be set?

Mr. Moise stated the board of supervisors would be required to end the local emergency to end the ban on open-air-burning when the circumstances leading to the declaration of the local emergency, i.e extreme dry conditions, no longer existed .

After a general discussion by the board upon motion by G. Roger Rife seconded by Earl Scott and with a roll call vote of four (4) yeas, Earl Scott, G. Roger Rife, Trey Adkins, J. Carroll Branham, zero (0) nays and three (3) absent, William P. Harris, Harold H. Fuller and Craig Stiltner, this board did hereby adopt the following Resolution declaring a local emergency in the county as of today, November 18th, 2016:

RESOLUTION

**IN RE: DECLARATION OF LOCAL EMERGENCY
ON NOVEMBER 18, 2016**

THAT WHEREAS, experience has shown that suspending open burning is an effective way of preventing fire escapes and allows a quick fire agency response, especially as Buchanan County continues to experience warmer and drier weather. Although all fires cannot be prevented through a burn suspension, their numbers can be significantly reduced. Buchanan County Emergency Management wants to remind everyone that it is each individual's responsibility to help prevent fires that destroy lives, property and our wild land areas; and

WHEREAS, this is a Declaration of Emergency due to dry weather conditions in accordance with Section 44-146.21 and 15.2-922.1 of the Code of Virginia and hereby establishes a ban on open-air burning for the County of Buchanan until further notice and putting on alert the response and recovery programs of all applicable local and inter jurisdictional emergency operations plans should activation be warranted; and

WHEREAS, on November 18, 2016 Robert Craig Horn, Buchanan County Emergency Management Director, declared a local emergency effective as of November 18, 2016 a result of extreme dry conditions due to lack of precipitation; and

WHEREAS, the local emergency will be ended once the County has received sufficient precipitation to end the extreme dry conditions; and

NOW THEREFORE, BE IT RESOLVED, by the Buchanan County Board of Supervisors that such declaration of a local emergency is declared and ratified pursuant to the terms of this resolution.

This Resolution was adopted by the Buchanan County Board of Supervisors on this the 18th day of November, 2016.

Recorded Vote:

Moved: G. Roger Rife
Seconded: Earl Scott
Yeas: Four
Nays: Zero
Absent: Three

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

ATTEST:

Robert Craig Horn, County Administrator

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IN RE: CONSIDER APPROVING LOAN PAYMENTS FOR BUCHANAN COUNTY PUBLIC SERVICE AUTHORITY

Trey Adkins, Knox District Supervisor stated the Buchanan County Public Service Authority's (PSA) budget was cut close to 90 percent. The other offices in the county's budget were cut only 10 percent. Also, the Sheriff's Office is receiving an additional \$600,000 from the E-911 account earmarked for the School Resource Officers (SRO), he stated.

At the end of the month the PSA will have payroll due as well as two (2) loan payments, stated Mr. Adkins. The board of supervisors signed the loan agreements and if the PSA doesn't make the payments the board of supervisors is responsible, he commented.

At the end of the day the PSA doesn't have the money to pay the loan payment, he stated. This is not a situation where the PSA could lay-off a couple employees to solve the issue.

Regina O'Quinn, Office Manager at the PSA stated there are two (2) payments due on December 1st, 2006 in the amount of \$337,518.04.

Upon motion by Trey Adkins with no second to his motion, Mr. Adkins requested a roll call vote of four (4) yeas, Trey Adkins, Earl Scott, G. Roger Rife, J. Carroll Branham,

zero (0) nays and three (3), absent, Harold H. Fuller, William P. Harris and Craig Stiltner, this board did hereby approve a transfer/additional appropriation in the amount of \$337,518.04 and to issue a check in this amount to the Buchanan County PSA account number 82090-5604 from the CNX Gas Special Account earmarked for the two (2) loan payments due to the Virginia Resources Authority (VRA) for Project ID: WSL-08-12E in the amount of \$294,510.16 and Project ID: WSL-15-01 in the amount of \$43,007.88.

G. Roger Rife, South Grundy District Supervisor stated all seven (7) board members should've been here before action was taken on the PSA. It should be recorded how they vote. I will vote for it, but this amount should be part of the \$1 million the PSA has requested.

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IN RE: CONSIDER ADDITIONAL LANGUAGE FOR BURN BAN RESOLUTION

Upon motion by Trey Adkins seconded by Earl Scott and with a roll call vote of four (4) yeas, Earl Scott, G. Roger Rife, Trey Adkins, J. Carroll Branham, zero (0) nays and three (3) absent, William P. Harris, Harold H. Fuller and Craig Stiltner, this board did hereby adopt the following Resolution declaring a local emergency in the county as of today, November 18th, 2016 and adding the additional language to the Resolution: Furthermore, this ban on open burning is to be enforced upon penalty of a Class 1 misdemeanor.

RESOLUTION

IN RE: DECLARATION OF LOCAL EMERGENCY ON NOVEMBER 18, 2016

THAT WHEREAS, experience has shown that suspending open burning is an effective way of preventing fire escapes and allows a quick fire agency response, especially as Buchanan County continues to experience warmer and drier weather. Although all fires cannot be prevented through a burn suspension, their numbers can be significantly reduced. Buchanan County Emergency Management wants to remind everyone that it is each individual's responsibility to help prevent fires that destroy lives, property and our wild land areas; and

WHEREAS, this is a Declaration of Emergency due to dry weather conditions in accordance with Section 44-146.21 and 15.2-922.1 of the Code of Virginia and hereby establishes a ban on open-air burning for the County of Buchanan until further notice and putting on alert the response and recovery programs of all applicable local and inter jurisdictional emergency operations plans should activation be warranted; and

WHEREAS, on November 18, 2016 Robert Craig Horn, Buchanan County Emergency Management Director, declared a local emergency effective as of November 18, 2016 a result of extreme dry conditions due to lack of precipitation; and

WHEREAS, the local emergency will be ended once the County has received sufficient precipitation to end the extreme dry conditions; and

NOW THEREFORE, BE IT RESOLVED, by the Buchanan County Board of Supervisors that such declaration of a local emergency is declared and ratified pursuant to the terms of this resolution. Furthermore, this ban on open burning is to be enforced upon penalty of a Class 1 misdemeanor.

This Resolution was adopted by the Buchanan County Board of Supervisors on this the 18th day of November, 2016.

Recorded Vote:

Moved: Trey Adkins
Seconded: Earl Scott
Yeas: Four
Nays: Zero
Absent: Three

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

ATTEST:

Robert Craig Horn, County Administrator

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IN RE: CONSIDER CLOSED SESSION FOR ITEMS #3 AND #4 OF THIS AGENDA

There was no closed session during this meeting

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IN RE: ADJOURNMENT

After a general discussion by the board 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.

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

Robert Craig Horn, County Administrator