

**MINUTES**

A regular meeting of the Buchanan County Board of Supervisors was held on Monday the 3<sup>rd</sup> day of April, 2017 starting at 10:00 o'clock a.m. in the boardroom of the Buchanan County Courthouse located in Grundy, Virginia.

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

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

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

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**IN RE: CONSIDER APPROVING MINUTES FOR MARCH 6<sup>th</sup>, 2017**

After a general discussion by the board upon motion by Trey Adkins seconded by Harold H. Fuller and with a roll call vote of seven (7) yeas, William P. Harris, G. Roger Rife, Harold H. Fuller, Earl Scott, J. Carroll Branham, Craig Stiltner, Trey Adkins and zero (0) nays, this board did hereby approve the minutes for March 6<sup>th</sup>, 2017.

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**IN RE: JON RIFE, WITH GRUNDY KIWANIS CLUB – REQUEST FOR A CONTRIBUTION TO ASSIST WITH THE ANNUAL KIWANIS EASTER EGG HUNT**

Jon Rife with Grundy Kiwanis Club requested a contribution in the amount of \$1,200 to assist with the annual Grundy Kiwanis Club Easter Egg Hunt.

After a general discussion by the board upon motion by Trey Adkins seconded by Craig Stiltner and with a roll call vote of seven (7) yeas, William P. Harris, G. Roger Rife, Harold H. Fuller, Earl Scott, J. Carroll Branham, Craig Stiltner, Trey Adkins and zero (0) nays, this board did hereby approve a contribution in the amount of \$1,400.00 to Grundy Kiwanis Club earmarked for their Annual Easter Egg Hunt to be divided among the following district accounts:

- South Grundy District
- North Grundy District
- Rocklick District
- Prater District
- Hurricane District
- Garden District
- Knox District

**IN RE: JON RIFE, WITH GRUNDY KIWANIS CLUB**

Jon Rife with Grundy Kiwanis Club requested the board to consider adopting a resolution supporting a ten (10) year lease from Norfolk & Southern Railroad for the Kiwanis Club. The Kiwanis Club is wanting to rebuild the bridge to the Kiwanis Park that was demolished by VDOT as part of the Rt6. 460 road widening project. He stated the club is paying \$400 per year for a yearly lease now to Norfolk & Southern Railroad. The property has been leased since 1980, he stated.

Mr. Rife stated the bridge is expected to cost approximately \$200,000 to \$300,000. The bridge will be wide enough for lawn mowers, wheel chairs etc. There's money in the Miller Richardson Trust account that could be utilized for the construction of the bridge, he stated.

After a general discussion by the board upon motion of Harold H. Fuller seconded by Craig Stiltner and with a roll call vote of six (6) yeas, Harold H. Fuller, Craig Stiltner, Earl Scott, William P. Harris, G. Roger Rife, J. Carroll Branham, zero (0) nays and one (1) abstention, Trey Adkins, this board did hereby adopt the following Resolution requesting Norfolk and Southern Railroad to give the Grundy Kiwanis Club a ten (10) year lease on property currently leased by the Kiwanis Club:

***RESOLUTION***

***SUPPORT OF BUILDING NEW BRIDGE TO KIWANIS PARK***

WHEREFORE, the bridge to Kiwanis Park in Grundy, Va. was demolished by VDOT as part of a Rt. 460 road widening project; and

WHEREFORE, the Kiwanis Club of Grundy, Va. desires to rebuild the bridge to Kiwanis Park in Grundy, Virginia; and

WHEREFORE, before expending substantial funds in rebuilding the bridge, the Kiwanis Club has requested Norfolk & Southern Railroad to grant a 10-year lease to the property upon which the Kiwanis Park is located as opposed to one year annual renewal leases; and

NOW THEREFORE BE IT RESOLVED, by the Buchanan County, Va. Board of Supervisors, that the Buchanan County, Va. Board of Supervisors, states its support for the Kiwanis Club to request N&S Railroad to grant the Kiwanis Club of Grundy, Va. a ten (10) year lease prior to the construction of a new bridge to the Kiwanis Park of Grundy, Va.

Adopted on this the 3<sup>rd</sup> day of April 2017.

Recorded Vote:

Moved by: Harold H. Fuller

Seconded by: Craig Stiltner

Yeas: Six

Nays: Zero

Absentition: One

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

ATTEST:

\_\_\_\_\_  
Robert Craig Horn, County Administrator

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**IN RE: PUBLIC HEARING – 10:30 A.M. – TO HEAR PUBLIC COMMENTS REGARDING THE ABANDONMENT OF JUANITA MATNEY BRIDGE, COUNTY ROAD NUMBER 2126, LOCATED IN THE KNOX MAGISTERIAL DISTRICT; CONSIDER ADOPTING THE ORDER REGARDING THE ABANDONMENT OF JUANITA MATNEY BRIDGE, COUNTY ROAD NUMBER 2126, LOCATED IN THE KNOX MAGISTERIAL DISTRICT; CONSIDER CANCELATION OF THE PUBLIC HEARING AT 10:35 A.M. REGARDING THE ABANDONMENT OF J.J. BRIDGE, COUNTY ROAD NUMBER 2141**

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

- Table the Public Hearing at 10:30 a.m. to hear public comments regarding the abandonment of Juanita Matney Bridge, County Road number 2126, located in the Knox Magisterial District;
- Table adopting the Order regarding the abandonment of Juanita Matney Bridge, County Road number 2126, located in the Knox Magisterial District and
- Cancel the Public Hearing at 10:35 a.m. regarding the abandonment of J.J. Bridge, County Road number 2141.

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**IN RE: CONSIDER APPROVING BID FROM WASTEQUIP IN THE AMOUNT OF \$48,581.00 FOR THE PURCHASE OF 13 ROLL-OFF CONTAINERS AND AUTHORIZE THE CHAIRMAN OF THE BUCHANAN COUNTY BOARD OF SUPERVISORS AND COUNTY ADMINISTRATOR FOR BUCHANAN COUNTY, VIRGINIA TO EXECUTE SUCH CONTRACT ON BEHALF OF BUCHANAN COUNTY WITH THE APPROVAL AS TO FORM BY THE COUNTY ATTORNEY**

Trey Adkins, Knox District Supervisor stated the roll-off containers has been a win/win for the county. The tonnage numbers are going up, which is very profitable for the county.

G. Roger Rife, South Grundy District Supervisor stated while trash pick-up is good for the county, I wished that people would stop throwing trash out from their automobiles. Someone doing this should be punished and made an example for others. I can't see why the sheriff's office hasn't sited someone for littering as much as it's done.

After a general discussion by the board upon motion by Trey Adkins seconded by Harold H. Fuller and with the following roll call vote of seven (7) yeas, Craig Stiltner, Trey Adkins, J. Carroll Branham, Earl Scott, G. Roger Rife, Harold H. Fuller, William P. Harris and zero (0) nays, this board did hereby approve the bid from Wastequip in the amount of \$48,581.00 for the purchase of 13 roll-off containers 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.

Upon motion by Trey Adkins seconded by Craig Stiltner and with the following roll call vote of seven (7) yeas, Craig Stiltner, Trey Adkins, J. Carroll Branham, Earl Scott, G. Roger Rife, Harold H. Fuller, William P. Harris and zero (0) nays, this board did hereby approve the bid from Wastequip in the amount of \$48,581.00 for the purchase of 13 roll-off containers and authorized to issue payment for the roll-off containers from the E-911 account.

Craig Stiltner, Rocklick District Supervisor stated people will throw out trash right next to the orange bags that's been picked up by community services workers.

The county hasn't seen the full effect of the roll-off containers yet, he stated. There's two (2) big companies to sign on for the containers.

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**IN RE: PUBLIC HEARING - 10:15 A.M. – CONSIDER CONTINUING THE PUBLIC HEARING TO MAY 1<sup>ST</sup> AT 10:15 A.M. TO HEAR PUBLIC COMMENTS REGARDING THE PROPOSED ADOPTION OF THE CABLE FRANCHISE AGREEMENT WITH CHARTER BETWEEN BUCHANAN COUNTY AND TIME WARNER SOUTHEAST LLC, LOCALLY KNOWN AS CHARTER COMMUNICATIONS**

Upon motion by G. Roger Rife seconded by Earl Scott and with a roll call vote of five (5) yeas, G. Roger Rife, Earl Scott, William P. Harris, Craig Stiltner, J. Carroll Branham, zero (0) nays and two (2) absent, Harold H. Fuller and Trey Adkins, this board did hereby approve to continue the public hearing to May 1<sup>st</sup>, at 10:15 a.m. to hear public comments regarding the proposed adoption of the Cable Franchise Agreement with Charter between Buchanan County and Time Warner Southeast, LLC locally known as Charter Communications.

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**IN RE: PUBLIC HEARING – 10:20 A.M. - CONSIDER CONTINUING THE PUBLIC HEARING TO MAY 1<sup>ST</sup> AT 10:20 A.M. TO HEAR PUBLIC COMMENTS REGARDING THE PROPOSED ADOPTION OF A REVISED ORDINANCE ENTITLED: “BUCHANAN COUNTY CABLE TELEVISION SYSTEM FRANCHISE ORDINANCE” CHAPTER 28 OF THE BUCHANAN COUNTY CODE**

Upon motion by William P. Harris seconded by Earl Scott and with a roll call vote of six (6) yeas, Harold H. Fuller, G. Roger Rife, Earl Scott, William P. Harris, Craig Stiltner, J.

Carroll Branham, zero (0) nays and one (1) absent, Trey Adkins, this board did hereby approve to continue the public hearing **to May 1<sup>st</sup> at 10:20 a.m.** to hear public comments regarding the proposed adoption of a Revised Ordinance entitled: “Buchanan County Cable Television System Franchise Ordinance” Chapter 28 of the Buchanan County Code.

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**IN RE:   MARCUS STILTNER, COAL HAUL ROAD ENGINEER- CONSIDER RATIFYING THE CONTRACT BETWEEN BUCHANAN COUNTY AND W-L CONSTRUCTION & PAVING, INC. FOR THE LOWEST RESPONSIVE AND RESPONSIBLE BID TO PROVIDE HOT MIX ASPHALT ON COUNTY MAINTAINED ROADS**

Marcus Stiltner, Coal Haul Road Engineer stated only one (1) bid was received for hot mix asphalt for county maintained road projects.

After a general discussion by the board upon motion by Harold H. Fuller seconded by Craig Stiltner and with a roll call vote of seven (7) yeas, Trey Adkins, Harold H. Fuller, G. Roger Rife, Earl Scott, William P. Harris, Craig Stiltner, J. Carroll Branham and zero (0) nays, this board did hereby ratify the following Contract between Buchanan County and W-L Construction & Paving, Inc. for the lowest responsive and responsible bid to provide hot mix asphalt on county maintained roads:

**COUNTY HOT MIX ASPHALT SUPPLIER CONTRACT**

**THIS AGREEMENT**, made and entered into this the \_\_\_\_ day of\_\_\_\_, 2017 by and between **BUCHANAN COUNTY**, a political subdivision of the Commonwealth of Virginia, party of the first part, and **W-L CONSTRUCTION & PAVING, INC.**, party of the second part, hereinafter referred to as “Contractor”.

**WITNESSETH:**

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

**I. GENERAL PROVISIONS**

The Contractor agrees to furnish Hot Mix Asphalt for the construction and satisfactory completion of Buchanan County paving projects within Buchanan County, VA in accordance with plans and specifications furnished by the Buchanan County Engineering Department.

The Contractor agrees to supply Hot Mix Asphalt material in accordance with the current Virginia Department of Transportation Road and Bridge Specifications, and special provisions, additions and amendments thereto. Attached and made part of this Agreement by incorporation by reference, identified as Exhibit ‘A’, is the “Invitation for Bid”. Standard County Contract Provisions is attached and is incorporated by reference and made a part of this contract as Exhibit “B”.

## II. CONTRACT DURATION

The Hot Mix Asphalt Supplier contract per district shall be for a ten (10) month period with the commencement date to begin March 15, 2017 and shall terminate on December 31, 2017.

## III. CONTACT INFORMATION

Any questions regarding this contract shall be addressed to Marcus Stiltner @ 276-935-4013, 276-870-2212, 276-935-5032, or [marcus.stiltner@buchanancounty-va.gov](mailto:marcus.stiltner@buchanancounty-va.gov).

## IV. SUBCONTRACTOR REQUIREMENTS

Not Applicable

## V. AWARD AND EXECUTION OF CONTRACT

An official contract Notice – of – Award will be mailed certified by the county engineering department.

## VI. PRECONSTRUCTION MEETING

Not Applicable

## VII. INVOICING REQUIREMENTS

All Hot Mix Asphalt material invoices will be paid through the County Administrator's Office. Buchanan County will issue purchase orders for all Hot Mix Asphalt material. Contractor shall be responsible to ensure purchase order numbers are on all material tickets prior to leaving supplier.

## VIII. SPECIAL TERMS AND CONDITIONS

No additional compensation not provided in this Agreement shall be demanded or received by the Contractor for any additional material provided, unless the foregoing provisions of this Agreement have been complied with strictly and modification of said contract is compliant with VA Code Section 2.2-4309.

No additional material furnished unless on written order of the Board of Supervisors certifying that such material has been approved and authorized by it.

No modification of any of the terms of this contract, nor any extension of contract time shall be valid without the advance written approval of the Buchanan County Board of Supervisors and in compliance with VA Code Section 2.2-4309.

Claims by the Contractors shall be made in accordance with Section 2.2-4363 of the 1950 Code of Virginia, as amended, and shall include a sworn written statement of facts substantiating such claims, together with copies of all documents and photographs which tend to substantiate such claim. The Contractor shall be allowed to appear before the Board of Supervisors within thirty (30) days after having filed such claim to present its argument in support of such claim. The Board of Supervisors which tends to substantiate such claim in writing within sixty (60) days of the time set for such hearing.

The parties agree that in the event the Contractor defaults in its performance of this Agreement or in the event that any money is paid by the Contractor's surety for the completion of this Contract, that the Contractor shall be disqualified from bidding on any future county construction projects for a period of two (2) years.

The County may cancel this Agreement at any time based upon a majority vote by the Buchanan County Board of Supervisors that such cancellations is in the best interest of the Buchanan County. Any such decision shall be a discretionary decision of the Board.

In the event of a cancellation pursuant to this paragraph, then the County shall not be liable to the Contractor for his bidding cost or for any amount other than the fair market value of the construction work completed by the Contractor pursuant to this Contract as of the time of the cancellation.

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

If any provisions of this Agreement shall be deemed by a court of competent jurisdiction to be invalid, the remainder of this Agreement shall nevertheless remain in full force and effect.

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

**IX. AUTHORITIES AND DUTIES OF ROAD INSPECTOR**

Not Applicable

**X. PROJECT SPECIFICS**

Hot Mix Asphalt material mix designations supplied to Buchanan County under this Agreement shall include Asphalt Type SM-12.5AL, Asphalt Type SM-19.0A, and Asphalt Type BM-25.0A. All asphalt mixes shall have a performance grade (PG) 64-22 and shall conform to the Virginia Department of Transportation Road and Bridge Specifications, current edition, section 211.

**EXECUTED IN DUPLICATE ORIGINALS**

WITNESS the following signatures and seals:

Name of Prime Contractor: W-L Construction & Paving, Inc.

Duly Representative for Contractor(Print): \_\_\_\_\_

Duly Representative for Contractor(Signature): \_\_\_\_\_

**BUCHANAN COUNTY BOARD OF SUPERVISORS**

By: \_\_\_\_\_  
Chairman, Buchanan County Board of Supervisors

ATTEST:

By: \_\_\_\_\_  
County Administrator for Buchanan County

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**IN RE: CONSIDER APPROVING THE LAND USE AGREEMENT FROM CNX GAS COMPANY, LLC REGARDING THE CONSTRUCTION OF A ROAD ACCESS OFF OF COUNTY ROAD NUMBER 3200, LOCATED IN THE SOUTH GRUNDY MAGISTERIAL DISTRICT**

Robert Staton with CNX Gas Company, LLC requested the board to consider approving the Land Use Agreement with CNX Gas, which was tabled at last

month's board meeting. He stated CNX Gas is four (4) weeks behind schedule with rigs standing by to begin work. Also, without the Land Use Permit being approved it stopped additional revenue coming into the county.

The board approved to table this issue until after closed session.

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**IN RE: CONSIDER APPROVING ADDITIONAL APPROPRIATIONS**

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 seven (7) yeas, Trey Adkins, Harold H. Fuller, J. Carroll Branham, Earl Scott, G. Roger Rife, William P. Harris, Craig Stiltner and zero (0) nays, this board did hereby approve the following additional appropriations:

- Additional appropriation to Hurricane District Park and Rec., account number 71040-6022-02 in the amount of \$825.00;
- Additional appropriation to Rowe Community Center, account number 53050-5604-02 in the amount of \$100.00;
- Additional appropriation to Commonwealth Attorney's Office, (books and subscriptions) account number 22010-6012 in the amount of \$530.00;
- Additional appropriation to Circuit Court Clerk's Office, account number 21060-3320 in the amount of \$141.53;
- Additional appropriation to Garden District Park and Rec., account number 71040-5604-01 in the amount of \$10.00;
- Additional appropriation to Rocklick Park and Rec., account number 71040-5604-06 in the amount of \$525.00.

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**IN RE: CONSIDER APPROVING THE AMENDED BY-LAWS FOR THE BUCHANAN COUNTY TOURISM COMMITTEE**

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

**BY-LAWS  
BUCHANAN COUNTY TOURISM COMMITTEE**

**I. PURPOSE**

The Code of Virginia provides for the creation of a Regional Tourism Authority and to support the Authority, mandates that each County/City shall appoint a committee to promote tourism in the County/City. These committees shall:

- a. Promote and assist tourism development in their individual localities.



- b. Develop and assist in the implementation of a tourism development plan to increase tourism revenue in their respective localities.
- c. Encourage individuals, business, and their local government to invest in tourism development, as an integral part of overall economic development.
- d. Assist the Regional Tourism Development Authority in planning and implementing a regional tourism development plan.

## II. COMPOSITION

- a. The Committee shall consist up to twelve (12) members appointed by the Buchanan County Board of Supervisors. Each member shall be appointed to serve at the pleasure of the governing body, as specified in the Code of Virginia 15.2-1411. Positions shall be filled according to the interest and availability of people willing to serve.
- b. The Committee shall have the following officers. As specified in the Code of Virginia 15.2-5505, the Chairman of the Committee shall be appointed for a four-year term. All other officers shall be appointed for two years each and may be reappointed by the tourism committee. The Committee shall elect officers each July and fill vacancies as required during the intervening months.

**Chairman:** To be elected by the Committee from among its membership for a four-year term, whose duties shall be to develop an agenda and preside over meetings, see to the development and implementation of a County plan, report quarterly to the County Board of Supervisors, serve on the Board of the Regional Tourism Development Authority. If the Chairman is unable to attend the Regional Tourism Development Authority meeting, he/she may send a proxy to vote on their behalf and as appropriate, in other tourism development activities and organizations.

**Vice-Chairman:** who shall serve in the absence of the Chairman and oversee the Plan of Work.

**Secretary:** who shall maintain the minutes of the meetings and issue notices of meetings as provided herein.

**Treasurer:** who shall be responsible for maintaining accounts and records of such funds as become available to the Committee.

The offices of Secretary and Treasurer may be combined if the Committee so votes.

- c. The Committee may appoint such committees or subcommittees or advisory groups within County as necessary for the conduct of its work. The Chairman of the Committee shall be an ex-officio of all such committees or groups.
- d. Upon approval of the County Board of Supervisors, members of the Committee may be reimbursed for their actual expenses, pursuant as allowed by Section 15.2-1411 of the Code of Virginia, 1950, as amended. Claims for expenses by Committee members shall be submitted to the Board of Supervisors and paid in accordance with the governing procedures for such claims and shall also be subject to the County/City's allocation and budgeting procedures.

## III. FINANCIAL MATTERS

In accordance with the Code of Virginia Section 15.2-5507, applications for and acceptance of gifts and grants – the local tourism development committees are

authorized to apply for, accept and expend gifts, grants or donations from public or private sources to enable them to carry out their objectives.

- a. The Committee shall designate a fiscal agent to administer and maintain fiscal records for the Committee.

#### **IV. ADMINISTRATIVE MATTERS**

- a. The Committee shall make quarterly reports to the County Board of Supervisors if necessary for any new projects and/or events.
- b. The Committee shall report monthly to the Regional Tourism Development Authority.
- c. No individual member of the Committee shall make representations of commitments on the Committee's behalf without formal approval or endorsement by the majority of the membership of the Committee.

#### **V. MEETINGS**

- a. The Committee shall schedule meetings as deemed necessary. Notice of time and place of regular meetings shall be forwarded via postal mail, e-mail or fax by the Secretary to the Committee and interested parties at least fourteen (14) days in advance of each meeting. Special meetings may be called by the Chairman or on request of three members of the Committee by postal mail, e-mail, or fax at least seven (7) days in advance of the date of such special meeting. Emergency meetings may be convened by the Chairman with a 24-hour telephone notice attempt to reach all members.
- b. Meetings shall be open to the general public and news media within the provisions of the Freedom of Information Act.
- c. A quorum shall consist of four (4) or more members to conduct business on behalf of the committee.
- d. Minutes of all meetings shall be kept and retained by the Secretary.
- e. Robert's Rules of Order shall govern the conduct of meetings.

#### **VI. GOALS OF THE COMMITTEE**

Consistent with its purpose, the Committee shall establish objectives and strategies (work plan) for achieving the goals. In doing so, the Committee will provide direction and oversight to any public employees who may be specifically assigned to carry out the Committee's mission.

- a. *Citizen Understanding* – Increase citizen understanding of the economic value of tourism and travel to the County and its people, and encourage inter-community collaboration on all matters relating to tourism development and promotion.
- b. *Tourism Promotion* – Broaden awareness of the County's existing attractions, both natural and man-made; its heritage and historic sites; and services provided for travelers. This effort shall include awareness within the tourism industry and among the traveling public, with emphasis on multi-county initiatives whenever possible.
- c. *Hospitality* – Ensure that travelers to and through Buchanan County are served hospitably and have ready access to information on tourist services and points of interest.

- d. *Tourism Development* – Pursue within the County’s overall economic development program the development of additional visitor accommodations such as lodgings and conference facilities, restaurants, campgrounds, and public parks and other attractions.
- e. *Protection of Heritage and History* – Encourage and coordinate as necessary the revitalization and restoration of Main Streets in the various County communities, and the preservation and accessibility of historic sites and structures elsewhere in the County. To the end, the Committee may seek and administer grants for the purpose from public and private sources.
- f. *Scenic Beauty* – Encourage local and county programs whose purposes are to preserve and enhance the scenic beauty of the County, particularly along its public roads and highways. To this end, the Committee may seek and administer grants for the purpose from public and private sources.

**VII. AMENDMENTS**

These Bylaws may be amended, repealed, or altered in whole or in part by the majority of a quorum at any regular meeting of the Committee, provided that proposal for such action is made available in writing to the Committee at least one week prior to such meeting. Electronic voting may be substituted for amendment of Bylaws. All such modifications are provisional until approved by the Board of Supervisors.

**VIII. SEAL**

The Committee may have a seal or logo type which identifies its purposes for use in any brochures, letterheads, and other official publications issued by the Committee or on its behalf. The Committee may authorize the use of such a graphic device by others when such use helps further the Committee’s goals and objectives.

These By-Laws were adopted by the Buchanan County Tourism Committee on \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
 Chairman of the Buchanan County  
 Tourism Committee

Approved by the Buchanan County Board of Supervisors on 3<sup>rd</sup> day of April, 2017.

\_\_\_\_\_  
 Chairman of the Buchanan County  
 Board of Supervisors

Attest:

\_\_\_\_\_  
 Robert Craig Horn, County Administrator

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**IN RE: CONSIDER ADOPTING THE RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN BUCHANAN COUNTY, VIRGINIA AND BIG SANDY SOIL AND WATER CONSERVATION DISTRICT AND AUTHORIZE THE CHAIRMAN OF THE BUCHANAN COUNTY BOARD OF SUPERVISORS AND COUNTY ADMINISTRATOR FOR BUCHANAN COUNTY, VIRGINIA TO EXECUTE SUCH MOU 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 Harold H. Fuller seconded by Craig Stiltner and with a roll call vote of seven (7) yeas, Harold H. Fuller, Craig Stiltner, Trey Adkins, William P. Harris, Earl Scott, G. Roger Rife, J. Carroll Branham and zero (0) nays, this board did hereby approve the Memorandum of Understanding between Buchanan County, Virginia and Big Sandy Soil and Water Conservation District and authorized the Chairman of the Buchanan County Board of Supervisors and Robert Craig Horn, County Administrator for Buchanan County, Virginia to execute such MOU on behalf of Buchanan County with the approval as to form by the County Attorney:

**MEMORANDUM OF UNDERSTANDING**

**THIS MEMORANDUM OF UNDERSTANDING** (“Agreement”) is made this 3<sup>rd</sup> day of April , 2017, by and between **BUCHANAN COUNTY, VIRGINIA, a political subdivision of the COMMONWEALTH OF VIRGINIA, through the BUCHANAN COUNTY BOARD OF SUPERVISORS**, a county governing body organized pursuant to Virginia Code 15.2-400 et seq. (1950), as amended, (hereafter, “County”), and the **BIG SANDY SOIL AND WATER CONSERVATION DISTRICT, a political subdivision of the COMMONWEALTH OF VIRGINIA**, duly created by Virginia Code § 10.1-500 et seq. (1950), as amended. (hereafter, “Big Sandy”).

*W I T N E S S E T H:*

**WHEREAS**, Big Sandy has expressed the desire to continue to assist County with administration of the Buchanan County, Virginia Erosion and Sediment Control Ordinance, sections 31.1-1 et seq.;

**WHEREAS**, the County is willing to provide an annual payment of Fifteen Thousand dollars (\$15,000.00) to Big Sandy to defray Big Sandy’s costs in providing trained and certified personnel to administer the Erosion and Sediment Control Ordinance; and

**NOW THEREFORE, BE IT UNDERSTOOD,**

- (1) The County will issue a check on July 1<sup>st</sup>, 2017 to Big Sandy in the amount of \$15,000.00, representing the annual payment of \$15,000.00 for the 2017-2018 fiscal year for administration of the County’s Erosion and Sediment Control Ordinance; and on July 1<sup>st</sup>, 2018 the County will issue a check in the amount of \$15,000.00 representing the annual payment to Big Sandy for the administration of the County’s Erosion and Sediment Control Ordinance for the fiscal year 2018-2019.

- (2) Big Sandy agrees that it will provide the appropriately trained and certified personnel to administer the County's Erosion and Sediment Control Ordinance;
- (3) Big Sandy's administration of the Erosion and Sediment Control Ordinance shall include the duties outlined for "certified inspector", "certified plan reviewer" and "certified program administrator" in the attached BUCHANAN COUNTY, VIRGINIA EROSION AND SEDIMENT CONTROL ORDINANCE, which is incorporated made a part of this MOU by reference (hereafter referred to as "Ordinance"), as Exhibit "A";
- (4) The Big Sandy SWCD Erosion and Sediment Control Local Program Review—FY 2013 as approved by DCR is attached, and made a part of this Memorandum of Understanding by reference, as Exhibit "B". If there is any conflict between the Ordinance (Exhibit "A") and the Big Sandy SWCD Erosion and Sediment Control Program Review-FY2013, (Exhibit "B") the provisions of the Ordinance (Exhibit "A") shall control;
- (5) The County shall be responsible for the enforcement of the ordinance and Big Sandy shall cooperate with the County in regard to enforcement of the ordinance;
- (6) The County shall be responsible for the collection of all fees provided for in the ordinance, with said fees being payable to the Treasurer of Buchanan County, Va. and to be collected and accounted for through the County's Building Code Official Office. Big Sandy and the County's Building Code Official Office shall work together to develop a payment collection system that can be verified by both the County and Big Sandy;
- (7) This Memorandum of Understanding shall be for a two (2) year term, fiscal year 2017-2018 and for the fiscal year 2018-2019, unless either party provides Sixty (60) days written notice to the other party of the intent to terminate this Memorandum of Understanding. If the MOU is terminated during one of the fiscal years covered by the MOU, an appropriate adjustment will be made in regard to the annual payment to Big Sandy on a pro-rated basis for the time the MOU was in force prior to termination.
- (8) The Buchanan County, Virginia Board of Supervisors, on the 3<sup>rd</sup> day of April, 2017, at a duly called meeting, did approve this Memorandum of Understanding by resolution and authorized the Chairman and the County Administrator to execute this Memorandum of Understanding in a form approved by the County Attorney. A copy of said resolution is attached and made a part of this Memorandum of Understanding as Exhibit "C".

- (9) The Big Sandy Soil and Water Conservation District Board, on the \_\_\_\_\_ day of \_\_\_\_\_ 2017, at a duly called meeting, did approve this Memorandum of Understanding by resolution and authorized Bobby O’Quin the Chairman of said Board to execute this Memorandum of Understanding. A copy of said resolution is attached and made a part of this Memorandum of Understanding as Exhibit “D”.
- (10) **IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as of the date set forth above.

**BUCHANAN COUNTY BOARD OF SUPERVISORS,  
A Virginia County Board Form of Government**

**BY:** \_\_\_\_\_

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

**ATTEST:**

\_\_\_\_\_  
Robert Craig Horn, County Administrator

**APPROVED AS TO FORM ONLY:**

\_\_\_\_\_  
Lawrence L. Moise III, Esq.  
County Attorney

\_\_\_\_\_ 000 \_\_\_\_\_

**IN RE: CONSIDER APPROVING THE PROPOSAL FROM SKANSKA USA BUILDING, INC. TO PROVIDE PROJECT MANAGEMENT SERVICES DURING THE PRELIMINARY PLANNING PHASE OF THE PROPOSED BUCHANAN COUNTY GOVERNMENT CENTER PROJECT**

This issue was tabled, no action taken.

\_\_\_\_\_ 000 \_\_\_\_\_

**IN RE: CONSIDER COURTHOUSE RENOVATIONS**

Trey Adkins, Knox District Supervisor stated the seven (7) of us that votes for the proposed courthouse renovation project representatives seven (7) districts. Do not be disrespectful to me and I won’t be disrespectful to you. I don’t want to see the county raise taxes to pay a debt back, but the judge has been extremely patience, he commented.

We’ve looked at the courthouse renovation project 7,500 different ways, stated Mr. Adkins. Also, we’ve had political pressure about this and the three (3) different options.

The first option was estimated at \$21 million, which would renovate the courthouse for the court system and build a new government center at Watkins Branch, he stated. Option two (2) was estimated at \$16 million for renovations to the courthouse and option three (3)

was estimated at \$18 million, but there would be some demolition to the courthouse, which could cause the 1911 section of the courthouse to collapse.

If we don't purchase the old gas station next to the courthouse, option one (1) could be cheaper, stated Mr. Adkins. Instead of spending \$21 million it could go down to \$18 million.

We can consolidate the Buchanan County Mapping Office, Building Code Office, School Board Office, Public Service Authority into the new government center, commented Mr. Adkins. The county will then be able to sell these buildings and put them back on the tax tickets. Also, it'll eliminate phone bills, electric bills etc. I've talked to the judge and he supports option number one (1), he stated.

Connie Bausell, resident stated I don't like option number three (3), because possible damages to the courthouse and option two (2) is \$16 million, which is a very expensive band aid. Option one (1), in the long run, will be actually what everyone needs, she stated. Also, it'll be cheaper when you are trying to start building different buildings for the other entities that would be included in the proposed government center, stated Mrs. Bausell.

Lee Keen, resident stated he was in favor of option one (1). The town should give the property to the county, since it was given to them. It would have plenty of parking and easy access, he stated.

Ruth Horn, Commissioner of Revenue stated we need a safe environment for county residents and employees. Option one (1) is the best proposed plan, but is the most expensive. The Buchanan County Building Code Office and Mapping Office needs to be located near the commissioner of revenue's office, she stated. At the end of the day, it's up to the board of supervisors and I respect your decision, commented Mrs. Horn.

Also, option two (2) will not work with the commissioners of revenue's office and treasurer's office being on two (2) different floors, stated Mrs. Horn. Option 3, I don't want any of the courthouse demolished.

Upon motion by Trey Adkins to accept option one (1) to construct a new government center at Watkins Branch and to renovate the courthouse for all court related offices. He stated this will allow the county to move on to phase II of the project. Craig Stiltner seconded Mr. Adkins motion and with the following roll call vote of two (2) yeas, Craig Stiltner, Trey Adkins and five (5) nays, J. Carroll Branham, G. Roger Rife, Earl Scott, William P. Harris and Harold H. Fuller. The motion failed.

Mr. Adkins stated I'm going to publicly ask the judge to enter the order and have somebody that's competent enough to make these decisions.

**IN RE: CONSIDER APPROVING THE CUMBERLAND PLATEAU REGIONAL WASTE MANAGEMENT AUTHORITY MANPOWER SERVICE AGREEMENT AND AUTHORIZE THE CHAIRMAN OF THE BUCHANAN COUNTY BOARD OF SUPERVISORS AND ROBERT CRAIG HORN, COUNTY ADMINISTRATOR FOR BUCHANAN COUNTY, VIRGINIA TO EXECUTE SUCH AGREEMENT ON BEHALF OF BUCHANAN COUNTY WITH THE APPROVAL AS TO FORM BY THE COUNTY ATTORNEY**

After a general discussion by the board upon motion of Trey Adkins seconded by Harold H. Fuller and with a roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, J. Carroll Branham, G. Roger Rife, Earl Scott, William P. Harris, Harold H. Fuller and zero (0) nays, this board did hereby approve the following Cumberland Plateau Regional Waste Management Authority Manpower Service Agreement and authorized the Chairman of the Buchanan County Board of Supervisors and Robert Craig Horn, County Administrator for Buchanan County, Virginia to execute such Agreement on behalf of Buchanan County with the approval as to form by the County Attorney:

**CUMBERLAND PLATEAU REGIONAL WASTE MANAGEMENT AUTHORITY  
MANPOWER SERVICE AGREEMENT**

THIS AGREEMENT made as of this 3<sup>rd</sup> day of April, 2017, by and between Cumberland Plateau Regional Waste Management Authority (hereinafter referred to as the "Authority") and the County of Buchanan, Virginia, a political subdivision of the Commonwealth of Virginia, (hereinafter referred to as "County").

WHEREAS, the Authority, after causing the construction thereof, has agreed to operate and manage a transfer station in the County of Buchanan to ensure the availability of an economical and environmentally sound method to handle and dispose of solid waste generated in Buchanan County; and

WHEREAS, the Authority desires to secure manpower services to operate the Authority's transfer station; and

WHEREAS, the County has offered to provide said manpower services; and

WHEREAS, the Authority agrees to retain County for manpower services in order to efficiently and economically operate the Authority's transfer station in Buchanan County; and

WHEREAS, in reliance on this Agreement, the County will employ the personnel necessary to ensure County's performance hereunder and will provide a leachate truck for the purpose of pumping and transporting leachate from the transfer station to an approved disposal location.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the respective covenants herein contained, the parties have agreed as follows:

**REPRESENTATIONS AND CERTIFICATIONS**

Both parties hereto specifically represent and certify that each has (1) reviewed and understands the terms and conditions as stated herein; (2) that each has the requisite right, power and authority necessary for the execution hereof; and (3) that any and all requirements imposed by the Virginia Public Procurement Act have been satisfied.



Both parties hereto, by the execution hereof, expressly and unequivocally agree, that County shall be considered as an Independent Contractor hereunder and that no liability resulting from any willful or negligent act or failure to act by County's employees shall be attributable to the Authority. The County specifically agrees unless otherwise prohibited by law, to fully indemnify and protect the Authority from any suit or claim arising out of any breach of this Agreement by the County. The Authority specifically agrees unless otherwise prohibited by law, to fully indemnify and protect the County from any suit or claim arising out of any breach of this Agreement by the Authority.

#### AUTHORITY AND COUNTY OBLIGATIONS

The Authority agrees to be responsible for costs associated with the operation of the transfer station *except* those cleaning and personal hygiene items, wages, taxes, workmen's compensation insurance, liability insurance and other fringe benefits paid to, or for the benefit of, the workers employed by the County assigned to the Authority's transfer station.

#### QUALITY OF SERVICE ON PERSONNEL/PERFORMANCE EVALUATION

The Authority shall maintain the Transfer Station open for performance of this Agreement between the hours of 7:30 a.m. and 4:00 p.m., Monday through Friday, excluding observed holidays as provided for in the User Agreement executed between the Authority and the County. If the County wishes to open additional hours, it shall do so at its own manpower expense. The actual operating hours may be altered, provided both parties agree to changes in the normal posted hours.

#### SCOPE OF SERVICE CONTRACTOR OBLIGATIONS

The County shall be responsible for securing necessary certification and approvals from relevant federal, state and local governmental agencies having jurisdiction over its personnel; provided however, the Authority shall retain responsibility for obtaining all permits and approvals relating to the general operation of the Transfer Station. During the term hereof, the County shall provide the necessary personnel for the daily operation of the Transfer Station, all in compliance and certified with applicable laws and regulations. The County shall provide a leachate truck for the purpose of pumping and transporting leachate from the transfer station to an approved disposal location and County will supply fuel, tags and insurance for this leachate truck

#### TERM OF CONTRACT

This Agreement shall be effective as of the 5<sup>th</sup> day of April, 2017. The initial term of

this Agreement shall be one (1) year commencing on the 5<sup>th</sup> day of April, 2017. The term of this Agreement shall extend for additional one-year, upon the same terms and conditions as herein, unless either party elects to cancel this Agreement by three (3) months written notice to the other party prior to the end of this term or of any hold over term.

#### NONDISCRIMINATION

The County shall not discriminate against any person because of race, sex, age, creed, color, religion, natural origin or handicap.

#### INSURANCE

The County or its sub-contractor shall provide and maintain during active operations hereunder, Workers' Compensation Insurance which shall meet the requirement of the Commonwealth of Virginia.

The County or its sub-contractor shall provide and maintain during active operations hereunder Public Liability Insurance, to protect against all claims arising out of the County's negligent or willful acts or omissions in the course of its operations that result in bodily injury, death or property damage.

The County or its sub-contractor shall upon the full execution of this Agreement and thereafter upon request, furnish Authority evidence that the insurance relative to its said acts or omissions is in force, provided, however, any certificate of insurance shall in no way alter or amend such insurance coverage to increase the level or extent expressly set forth herein.

The limits of liability of all insurance required herein not expressly set forth hereinabove shall be as set forth in Exhibit "A", which is attached hereto and made a part hereof.

#### DEFAULT

Except as otherwise provided herein, if either party defaults in the performance of any of the warranties, covenants or conditions contained herein for thirty (30) days after the other party has given the defaulting party written notice of such default and the party defaulting shall not have commenced to cure such default within said period and to pursue diligently the completion thereof, the other party may: (i) terminate this Agreement as of any date at least thirty (30) days after the last day of the thirty (30) day period; (ii) cure the default at the expense of the defaulting party and (iii) have recourse to any other right or remedy to which it may be entitled by law or equity, including, but not limited to, the right for all damage or loss suffered as a result of such default and termination. In the event either party waives default by the other party, such waiver shall not be construed or determined to be a continuing waiver of the same or any subsequent default. In the event that in the exercise of due diligence during the aforesaid thirty (30) day period such cure cannot reasonably be effected or completed, such cure period shall be necessary extended to include such additional time as is reasonably

necessary to effect or complete such cure provided the defaulting party exercises continuous diligent efforts to cure such default during such extended period.

#### GENERAL PROVISIONS

Neither party shall assign or transfer, or permit the assignment or transfer of this Agreement or the rights hereunder without the prior written consent of the other party. The Authority expressly reserves the power to demand Contractor to provide qualified personnel at the transfer station. In the event that said employees are not performing to the Authority's needs or specifications, the County will immediately cure said deficiency by supplying alternative qualified personnel. The Contractor will as outlined in this agreement supply at least (1) certified operator as approved by the Virginia Department of Professional and Occupational Regulation Board during daily operations.

This Agreement constitutes the entire agreement and understanding between the parties hereto, and it shall not be considered modified, altered, changed, amended or revoked unless in writing and signed by the parties hereto.

From and after the date of this Agreement, the County's performance hereunder may be suspended and its obligations hereunder excused in the event and during the period that such performance is prevented by a cause or causes beyond the reasonable control of the County. Such causes may include, by way of example and not limitations, acts of God, acts of war, riot, fire, explosion, accident, flood or sabotage, lack of adequate fuel, power or raw materials, judicial, administrative or governmental laws, regulations, requirements, rules, orders or actions; injunctions or restraining orders; the failure of any governmental body to issue or grant, or the suspension or revocation or modification of any license, permit or other authorization for the services envisioned by the Agreement; national defense requirements; labor strike, lockout or injunction.

If any term, clause or provision of this Agreement or the application thereof to any person or circumstances shall, to any extent be illegal, invalid or unenforceable under present or future laws effective during the term hereof, then it is the intention of the parties hereto that the remainder of this Agreement, or the application of such term, clause or provision to persons or circumstances other than those to which it is held illegal, invalid or unenforceable, shall not be affected thereby, and it is also the intention of the parties hereto that in lieu of each term, clause or provision that is illegal, invalid or unenforceable term, clause or provision as may be possible to effect the expressed intent of the parties and be legal, valid and enforceable.

This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia and any disputes hereunder shall be resolved by the Circuit Court of Buchanan County, Virginia.

The covenants, terms, conditions and provisions of this Agreement shall extend to and be binding upon the successors and assigns of the respective parties.

All notices or other communications to be given hereunder shall be in writing and shall

be deemed given when mailed by registered or certified United States mail, addressed to the Cumberland Plateau Regional Waste Management Authority, P.O. Box 548, Lebanon, VA 24266, or addressed to Buchanan County, P.O. Drawer 950, Grundy, VA 24614.

IN WITNESS WHEREOF, the parties hereto cause their presence to be signed and sealed this 3<sup>rd</sup> day of April, 2017, written by their respective officers pursuant to authorizations contained in duly adopted resolutions or ordinances, as the case may be.

Cumberland Plateau Regional  
Waste Management Authority

By: \_\_\_\_\_  
Chairman of the Authority

County of Buchanan Board of Supervisors

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
County Administrator

\_\_\_\_\_ 000 \_\_\_\_\_

**IN RE:            CONSIDER APPROVING MODIFICATION TO THE AGREEMENT WITH BVU DATED JULY 13<sup>TH</sup>, 2012 SUCH MODIFICATION WILL PROVIDE AN ADDITIONAL TERM OF THE ATTACHED AGREEMENT DATED MARCH 28<sup>TH</sup>, 2017 AND AUTHORIZE THE CHAIRMAN OF THE BUCHANAN COUNTY BOARD OF SUPERVISORS AND ROBERT CRAIG HORN, COUNTY ADMINISTRATOR FOR BUCHANAN COUNTY, VIRGINIA TO EXECUTE SUCH AGREEMENT 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 Earl Scott and with the following roll call vote of six (6) yeas, William P. Harris, G. Roger Rife, Earl Scott, Craig Stiltner, Harold H. Fuller, J. Carroll Branham, zero (0) nays and one (1) abstention, Trey Adkins, this board did hereby approve the modification to the Agreement with BVU dated July 13<sup>th</sup>, 2012 such modification will provide an additional term of the attached Agreement dated March 28<sup>th</sup>, 2017 and authorized the Chairman of the Buchanan County Board of Supervisors and Robert Craig Horn, County Administrator for Buchanan County, Virginia to execute such Agreement on behalf of Buchanan County with the approval as to form by the County Attorney.

\_\_\_\_\_ 000 \_\_\_\_\_

**IN RE:           JESSE LEE HORN, RESIDENT**

Jesse Lee Horn, resident in the Garden District stated a logging company has damaged and left logs to Kelly Cemetery Road, near Route 654. He stated there's muddy water running off, which could be hurting our drinking water.

Also, the county and state has an ordinance that an individual or company isn't supposed to cover up logs with dirt, he stated.

Mr. Horn requested the board to consider adopting a Resolution requesting the Virginia Department of Transportation and the Department of Forestry to review these issues.

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

**RESOLUTION**

**RE: REQUEST TO VDOT TO REVIEW MAINTENANCE ISSUES ON RT. 654 AND DAMAGE DONE TO PROPERTY ADJACENT TO RT 654 DURING PREVIOUS CONSTRUCTION ON RT 654**

**WHEREAS**, the Buchanan County Board of Supervisors has received a complaint about maintenance issues with Rt. 654 and damage to property adjacent to Rt 654 owned by Jesse Lee Horn from previous construction work in regard to said Rt. 654; and

**NOW THEREFORE BE IT RESOVED**, that the Board of Supervisors of Buchanan County, Va. does hereby request the Virginian Department of Transportation to review the maintenance issues of Rt. 654; and to review the issue of damages to property adjacent to Rt. 654 owned by Jesse Lee Horn from previous road construction. The County Administrator is directed to forward this resolution to the attention of J.R. Watson, VDOT, P. O. Box 127, Lebanon, Va. 24266.

This resolution was adopted on the 3<sup>rd</sup> day of April, 2017.

Recorded Vote:

Motion made by: William P. Harris

Second by: Harold H. Fuller

Yeas: Seven

Nays: Zero

\_\_\_\_\_  
J. Carroll Branham, Chairman

Buchanan County, Va. Board of Supervisors

ATTEST:

\_\_\_\_\_  
Robert Craig Horn, County Administrator

**RESOLUTION**

**RE: REQUEST TO THE DEPARTMENT OF FORESTRY TO REVIEW DEBRIS AND DAMAGE ISSUES WITH KELLY CEMETERY ROAD AND RT. 654 CAUSED BY A LOGGING COMPANY**

**WHEREAS**, the Buchanan County Board of Supervisors has received a complaint about damage and debris issues with Rt. 654 and Kelly Cemetery Road resulting from logging operation; and

**NOW THEREFORE BE IT RESOVED**, that the Board of Supervisors of Buchanan County, Va. does hereby request the Virginian Department of Forestry to review the damage and debris issues involving Kelly Cemetery Road and Rt. 654 in the Garden Magisterial District. The County Administrator is directed to forward this resolution to the attention of Rocky Wood, Virginia Department of Forestry, 3961 Lovers Gap Road, Vansant, Va. 24656.

This resolution was adopted on the 3<sup>rd</sup> day of April, 2017.

Recorded Vote:

Motion made by: William P. Harris

Second by: Harold H. Fuller

Yeas: Seven

Nays: Zero

\_\_\_\_\_  
J. Carroll Branham, Chairman

Buchanan County, Va. Board of Supervisors

ATTEST:

\_\_\_\_\_  
Robert Craig Horn, County Administrator

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**IN RE: CONSIDER APPROVING DOCUMENTS FOR THE 2017 BUCHANAN COUNTY FAIR AND AUTHORIZE THE CHAIRMAN OF THE BUCHANAN COUNTY BOARD OF SUPERVISORS AND ROBERT CRAIG HORN, COUNTY ADMINISTRATOR FOR BUCHANAN COUNTY, VIRGINIA TO EXECUTE SUCH AGREEMENT ON BEHALF OF BUCHANAN COUNTY WITH THE APPROVAL AS TO FORM BY THE COUNTY ATTORNEY**

After a general discussion by the board upon motion by Craig Stiltner seconded by Trey Adkins and with the following roll call vote of seven (7) yeas, William P. Harris, G. Roger Rife, Harold H. Fuller, Trey Adkins, Craig Stiltner, J. Carroll Branham, Earl Scott and zero (0) nays, this board did hereby approve the following for the 2017 Buchanan County Fair and authorize the Chairman of the Buchanan County Board of Supervisors and Robert Craig Horn, County Administrator for Buchanan County, Virginia to execute such Agreement on behalf of Buchanan County with the approval as to form by the County Attorney:

- Sole Source Notice for the pending award of Contract with Confederate Railroad through Rick Modesitt & Associates, Inc.;
- Resolution for determination of a Sole Source Vendor for providing the performance of Confederate Railroad;
- Contract between Rick Modesitt & Associates, Inc. and Buchanan County for the performance of Confederate Railroad.

**SOLE SOURCE NOTICE**

**RE: PENDING AWARD OF CONTRACT WITH  
CONFEDERATE RAILROAD THROUGH RICK MODESITT & ASSOCIATES TO  
PERFORM DURING THE 2017  
BUCHANAN COUNTY FAIR**

**PLEASE TAKE NOTICE:**

- 1) Due to the individual nature of the performance of Confederate Railroad and rights of the booking agent it has been determined that the one source practicably available for the purchase of a performance of Confederate Railroad at the Buchanan County Fair of 2017 is Confederate Railroad through Rick Modesitt & Associates.
- 2) The Buchanan County, Va., Board of Supervisors has passed a Resolution to approve and award the contract for Confederate Railroad through Rick Modesitt & Associates at its April 3<sup>rd</sup>, 2017 board meeting held in the Board of Supervisors meeting room on the bottom floor of the Courthouse in Grundy, Va.

PLEASE CONDUCT YOURSELF ACCORDINGLY.

Issued by directive of the County Administrator this 3<sup>rd</sup> day of April 2017.

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Robert Craig Horn  
County Administrator  
For Buchanan County, Virginia

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Date

**RESOLUTION**

**RE: DETERMINATION OF A SOLE SOURCE VENDOR FOR  
PROVIDING THE PERFORMANCE OF CONFEDERATE RAILROAD  
DURING THE BUCHANAN COUNTY FAIR  
TO BE HELD DURING THE SUMMER OF 2017**

WHEREAS, the Buchanan County, Va., Board of Supervisors authorized procurement for live music performances for the Buchanan County Fair 2017; and

WHEREAS, prior to the issuance of an invitation to bid, Brooke Boyd, the Manager of Parks & Recreation conducted an investigation of potential vendors who could provide musical performances at the Buchanan County Fair 2017; and

WHEREAS, after a thorough investigation, Brooke Boyd has concluded that Confederate Railroad through Rick Modesitt & Associates is the only one source practicably available to provide the performance of Confederate Railroad at the Buchanan County Fair for the summer of 2017; and

WHEREAS, a contract needs to be negotiated with Confederate Railroad through Rick Modesitt & Associates in the amount of \$8,900.00 to provide the performance of Confederate Railroad at the Buchanan County Fair of 2017; and

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the Buchanan County, Va., Board of Supervisors and the County Administrator are hereby authorized to execute the contract with Confederate Railroad through the booking agent Rick Modesitt & Associates in the amount of \$8,900.00 as approved in form by the County Attorney, that provides for the performance of Confederate Railroad at the Buchanan County Fair during the summer of 2017. Be It Furthermore Resolved that the County Administrator is directed to post a Notice as required by Virginia Code Section 2.2-4303(E) in the designated public notice area and on the County's official web site, stating that the contract was awarded this day to Confederate Railroad through Rick Modesitt & Associates and was determined to be the only source

practicably available for the purchase of the performance of Confederate Railroad at the Buchanan County Fair during the summer of 2017.

This resolution was adopted this the 3<sup>rd</sup> day of April, 2017 by the Buchanan County, Va., Board of Supervisors.

Recorded Vote:

Moved by: Craig Stiltner  
Seconded by: Trey Adkins  
Yeas: Seven  
Nays: Zero

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

ATTEST:

\_\_\_\_\_  
Robert Craig Horn, County Administrator

### **CONTRACT**

**THIS AGREEMENT**, made and entered into this the 3<sup>rd</sup> day of April, 2017, by and between **Rick Modesitt & Associates, Inc.** party of the first part; hereinafter sometimes referred to as “**Vendor,**” and **Buchanan County, Virginia**, a political subdivision of the Commonwealth of Virginia, interested party hereto, hereinafter referred to as “**County**”.

#### **WITNESSETH:**

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

#### **I.**

The Vendor agrees to provide one (1) 90-minute set for the 2017 Buchanan County Fair on Saturday, June 24<sup>th</sup>, 2017. This is an all-inclusive job and the price will include all instruments, backline equipment, travel expense and liability insurance for the event. The County agrees to sound/lighting as per the rider; meals and hospitality for ten as per the rider. The Vendor’s contract is attached and made a part of this contract by reference as Exhibit “A”. However, in the event there is any language in Exhibit “A” that is in conflict with the language of this Contract, the language in this Contract shall be controlling.

#### **II.**

The Vendor agrees to perform and complete or cause to be performed or completed all such work as set forth in the scope of services set forth in Exhibit “A” (Booking Agent documents) in accordance with the techniques and methods of provided for by applicable law.

#### **III.**

The Vendor shall, at his own cost and expense, procure and maintain insurance required under the Virginia Workers, Compensations Act as well as General Liability insurance covering damages to persons and property in the minimum amount of \$1,000,000.00. Buchanan County, its officers, agents, and employees shall be listed as additional insured on such policies of General Liability insurance and worker compensation insurance. The Vendor shall furnish certificates of insurance to Buchanan County verifying such coverages with the Buchanan County, Va. Board of Supervisors listed as an additional insured. At all times during the performance of this contract it is understood that the Vendor is an independent contractor.



**IV.**

Contract bid price is: **EIGHT THOUSAND NINE HUNDRED DOLLARS (\$8,900.00).**

The County shall pay Vendor on June 24<sup>th</sup> 2017 one (1) hour prior to performance.

**V.**

The Vendor shall indemnify and save harmless Buchanan County, and their officers, agents and employees against all losses, or damages on account of injury to persons or property occurring in the performance of this Agreement together with any and all attorney fees incurred by them on account of any thereof.

**VI.**

No modification of any of the terms of this Agreement, nor any extension of the length of time allowed for the completion of the work governed by this Agreement, shall be valid without the advance written approval of the Buchanan County, Va. Board of Supervisors and/or compliance with the provisions of Virginia Code Section 2.2-4309.

**VII.**

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

**VIII.**

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

**EXECUTED IN DUPLICATE ORIGINALS NEXT TWO PAGES.**

**WITNESS** the following signatures and seals:

**BUCHANAN COUNTY**

By: \_\_\_\_\_  
J. Carroll Branham, Chairman of the  
Buchanan County Board of Supervisors

**ATTEST:**

\_\_\_\_\_  
Robert Craig Horn, County Administrator  
For Buchanan County, Virginia

**APPROVED AS TO FORM ONLY:**

\_\_\_\_\_  
Lawrence L. Moise III, County Attorney

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

After a general discussion by the board upon motion by Harold H. Fuller seconded by Craig Stiltner and with the following roll call vote of seven (7) yeas, G. Roger Rife, Earl Scott, Harold H. Fuller, William P. Harris, Trey Adkins, Craig Stiltner J. Carroll Branham and zero (0) nays, this board did hereby approve to issue a check for the following coyote claims in the amount of \$50.00 from Fund 10:

- Charles Compton (four claims)
- Clinton Hurley (five claims)
- Morgan Hall (Two claims)
- Leslie Ball
- Steven Keen
- Chris Wolford (two claims)

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**IN RE: CONSIDER APPOINTING MRS. JESSIE HUNT AS A TRUSTEE EMERITUS TO THE BUCHANAN COUNTY PUBLIC LIBRARY BOARD OF TRUSTEE'S AND APPOINT MRS. GARNETT OWENS TO THE BOARD OF TRUSTEE'S FOR A ONE-YEAR TERM**

After a general discussion by the board upon motion by G. Roger Rife seconded by Earl Scott and with a roll call vote of six (6) yeas, G. Roger Rife, Earl Scott, William P. Harris, Trey Adkins, Craig Stiltner, J. Carroll Branham, zero (0) nays and one (1) absent, Harold H. Fuller, this board did hereby appoint Mrs. Jessie Hunt as a Trustee Emeritus to the Buchanan County Public Library Board of Trustee's and appointed Mrs. Garnett Owens to fill this position for a one year term beginning April 3<sup>rd</sup>, 2017.

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**IN RE: CONTINUANCE OF THE PUBLIC HEARING – 10:30 A.M. – TO HEAR PUBLIC COMMENTS ON THE PROPOSED ADOPTION OF AN ORDINANCE ENTITLED: “AN ORDINANCE TO CREATE A REGIONAL INDUSTRIAL FACILITIES AUTHORITY PURSUANT TO SECTION 15.2-6400 ET. SEQ. OF THE CODE OF VIRGINIA”**

J. Carroll Branham, Chairman opened the public hearing for comments. With no comments from the public and with a motion by Harold H. Fuller seconded by William P. Harris and with a roll call vote of seven (7) yeas, G. Roger Rife, Earl Scott, William P. Harris, Trey Adkins, Craig Stiltner, Harold H. Fuller, J. Carroll Branham and zero (0) nays, this board did hereby approved to close the public hearing.

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**IN RE:            CONSIDER ADOPTING THE PROPOSED ORDINANCE ENTITLED:  
                      “AN ORDINANCE TO CREATE A REGIONAL INDUSTRIAL  
                      FACILITIES AUTHORITY PURSUANT TO SECTION 15.2-6400 ET.  
                      SEQ. OF THE CODE OF VIRGINIA”**

After a general discussion by the board upon motion by Craig Stiltner seconded by Harold H. Fuller and with the following roll call vote of seven (7) yeas, G. Roger Rife, Earl Scott, Harold H. Fuller, William P. Harris, Trey Adkins, Craig Stiltner J. Carroll Branham and zero (0) nays, this board did hereby adopt the following Ordinance entitled: An Ordinance to Create a Regional Industrial Facilities Authority Pursuant to Section 15.2-6400 et. seq. of the Code of Virginia”:

VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF BUCHANAN COUNTY, VIRGINIA HELD AT THE COUNTY COURTHOUSE IN THE TOWN OF GRUNDY, VIRGINIA, ON THE 3<sup>rd</sup> DAY OF APRIL, 2017, FOLLOWING A PUBLIC HEARING BEFORE THE BOARD HELD ON THE 3<sup>rd</sup> DAY OF APRIL, 2017, UPON NOTICE TO THE PUBLIC BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY OF BUCHANAN, THE FOLLOWING ORDINANCE WAS ADOPTED, FOLLOWING PUBLIC HEARING, A MOTION AND SECOND:

Ordinance No. \_\_\_\_\_

Date: \_\_\_\_\_

**AN ORDINANCE TO CREATE  
A REGIONAL INDUSTRIAL FACILITIES AUTHORITY  
PURSUANT TO SECTION 15.2-6400 ET SEQ. OF THE CODE OF VIRGINIA**

**WHEREAS**, the Board recognizes that economic development of the County is dependent in large measure on the economic development of the Region as a whole;

**WHEREAS**, to promote and encourage economic activity, including but not limited to investment and employment of county residents, the Board desires to work in cooperation with neighboring Counties, Tazewell, Russell, and Dickenson, to facilitate the development of Industrial Facilities in the four County Region;

**NOW THEREFORE**, the Board of Supervisors for Buchanan County, Virginia does hereby Ordain and establish a Regional Industrial Facilities Authority for Tazewell, Dickenson, Russell and Buchanan Counties pursuant to Section 15.2-6400 et seq. of the Code of Virginia and further resolves as follows:

1. The name of the Authority shall be the "Cumberland Industrial Facilities Authority", hereinafter "the Authority".
2. The member localities shall be Buchanan, Tazewell, Russell and Dickenson. Each locality's participation shall become effective as of the date their respective governing body enacts an ordinance substantially similar to this ordinance authorizing creation of the Authority.
3. The Authority shall be governed by an initial Board of Six (6) members. Three (3) members shall be appointed by the Board of Supervisors for Buchanan County and Three (3) members shall be appointed by the Board of Supervisors for Tazewell County.

In the event a third County shall enact an ordinance to join the Authority the number of members of the Board shall remain at Six (6), the most recently joining County's governing body shall be allowed to appoint Two (2) members of the Board to replace the longest serving member from each of the two initial member counties, such that each of the three member Counties' governing body shall have appointed two members of the Board.

In the event a fourth County shall enact an ordinance to join the Authority the number of members of the Board shall be increased to Eight (8) and the governing body of the fourth

locality joining the Board may appoint two new members to the Board.

Each member of the Board shall be a resident of the locality whose governing body appointed the member. The Board members shall serve terms of four years, except that one of the first two members appointed by the governing body of each locality shall be appointed to a term of just two years, such that the terms of the members of the Board from each locality are staggered.

The Board shall have such authority and exercise such powers as are permitted by the Code of Virginia.

4. The Chairmanship of the Board shall be rotated annually among the member localities, such that no chairperson may serve as chairperson for more than one year consecutively and no two members appointed by the same locality may serve consecutive terms as chairperson.

5. No member may serve more than two consecutive terms, except that initial members who may be appointed to an initial two-year term may serve two additional four year terms.

6. The Authority may adopt such rules and by-laws as are consistent with the Code of Virginia and this ordinance and may exercise all powers granted to such authorities under Virginia Law.

It is so ORDAINED this 3<sup>rd</sup> day of April, 2017.

RECORDED VOTE:

MEMBERS PRESENT: Seven

MEMBERS ABSENT: Zero

AYES: Seven

NAYS: Zero

ABSTENTIONS: Zero

ATTEST:

\_\_\_\_\_  
Robert Craig Horn, County Administrator

\_\_\_\_\_  
J. Carroll Branham, Chairman

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**IN RE: CONSIDER APPROVING THE LETTER OF AGREEMENT FOR PAYMENT TERMS FOR THE ADMINISTRATIVE SERVICES ONLY CONTRACT EFFECTIVE OCTOBER 1<sup>ST</sup>, 2016 BETWEEN ANTHEM BLUE CROSS BLUE SHIELD AND BUCHANAN COUNTY CONSOLIDATED GROUP AND AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT**

After a general discussion by the board upon motion by Craig Stiltner seconded by William P. Harris and with the following roll call vote of six (6) yeas, Craig Stiltner, Harold H. Fuller, William P. Harris, G. Roger Rife, Earl Scott, J. Carroll Branham, zero (0) nays and one (1) abstention, Trey Adkins, this board did hereby approve the Letter of Agreement for Payment Terms for the administrative services only contract effective October 1<sup>st</sup>, 2016 between Anthem Blue Cross Blue Shield and Buchanan County Consolidated Group and authorize the County Administrator to execute the agreement.

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**IN RE: CONSIDER APPROVING THE CONTRACTOR'S APPLICATIONS FOR PAYMENT TO TWO WAY RADIO SERVICE IN THE AMOUNTS OF \$23,172.73 AND \$10,839.96 REGARDING THE RELOCATION OF THE BUCHANAN COUNTY E-911 OFFICE**

After a general discussion by the board upon motion by Trey Adkins seconded by Craig Stiltner and with the following roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, Harold H. Fuller, William P. Harris, G. Roger Rife, Earl Scott, J. Carroll Branham, and zero (0) nays, this board did hereby approve the Contractor's Applications for Payment to Two Way Radio Service in the amounts of \$23,172.73 and \$10,839.96 regarding the relocation of the Buchanan County E-911 Office.

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**IN RE: PUBLIC HEARING – 11:00 A.M. – TO HEAR PUBLIC COMMENTS CONCERNING AMENDING THE BUDGET OF BUCHANAN COUNTY PURSUANT TO VIRGINIA CODE SECTION 15.2-2507, SO TO PROVIDE AN ADDITIONAL APPROPRIATION IN THE AMOUNT OF \$815,000 TO THE BUCHANAN COUNTY DEPARTMENT OF SOCIAL SERVICES**

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

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**IN RE: CONSIDER APPROVING AN ADDITIONAL APPROPRIATION IN THE AMOUNT OF \$815,000 TO THE BUCHANAN COUNTY DEPARTMENT OF SOCIAL SERVICES, FUND 17 ACCOUNT NUMBER 24010-0002 (REVENUE) AND TO EXPENDITURES ACCOUNT NUMBER 91100-5847 FOR FUNDING RECEIVED FROM STATE/FEDERAL GOVERNMENT**

After a general discussion by the board upon motion by Trey Adkins seconded by Harold H. Fuller and with the following roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, Harold H. Fuller, William P. Harris, G. Roger Rife, Earl Scott, J. Carroll Branham and zero (0) nays, this board did hereby approve an additional appropriation in the amount of \$815,000 to the Buchanan County Department of Social Services, Fund 17 account number 24010-0002 (revenue) and to expenditures account number 91100-5847 for funding received from state/federal government.

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**IN RE: CONSIDER RATIFYING PART-TIME EMPLOYEES**

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 seven (7) yeas, Trey Adkins, Craig Stiltner, Harold H. Fuller, William P. Harris, G. Roger Rife, Earl Scott, J. Carroll Branham and zero (0) nays, this board did hereby approve to ratify the following part-time employees and approved for each supervisor to hire two (2) individuals for weed cutting and mowing in their district:

- Matthew Horn
- Samatha Fields

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**IN RE: CONSIDER CLAIM FROM JASMINE HAGY**

Robert C. Horn, County Administrator stated one of the county’s sanitation trucks hit Jasmine Hagy’ s car.

Trey Adkins, Knox District Supervisor asked why didn’t the county’s insurance pay for damages to the vehicle?

L. Lee Moise, County Attorney stated because the county has sovereign immunity, so VACo denied the claim. If there was gross negligence’s, then the sovereign immunity wouldn’t apply.

Craig Stiltner, Rocklick District Supervisor stated then why pay for insurance if it’s not going to pay for any claims. He asked the county attorney to file a claim for reimbursement from VACo, once the county pays for the damages.

John F. Smith, resident stated if an accident is the county employee’s fault, then the claim should be paid.

After a general discussion by the board upon motion by Craig Stiltner seconded by Trey Adkins and with the following roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, Harold H. Fuller, William P. Harris, G. Roger Rife, Earl Scott, J. Carroll Branham and zero (0) nays, this board did hereby approve the claim in the amount of \$2,198.54 to Jasmine Hagy regarding her claim for damages to her 2006 Chevy Cobalt LS, which was hit by the Buchanan County Sanitation Dept. and requested Mr. Moise, County Attorney to request reimbursement from VACo for the damages to Ms. Hagy’ s car.

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**IN RE: CONSIDER RATIFYING PAYROLL AFTER REVIEW**

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

**IN RE: CONSIDER RATIFYING THE PAYMENT OF BILLS BY RESOLUTION ADOPTED ON JANUARY 9<sup>TH</sup>, 2017. (INCLUDING THE BUCHANAN COUNTY HEAD START RATIFIED BILL LIST AND BILL LIST)**

After a general discussion by the board upon motion by Earl Scott seconded by William P. Harris and with the following roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, Harold H. Fuller, William P. Harris, G. Roger Rife, Earl Scott, J. Carroll Branham and zero (0) nays, this board did hereby ratify the payment of bills by Resolution adopted on January 9<sup>th</sup>, 2017. (including the Buchanan County Head Start ratified bill list and bill list)

**IN RE: GENERAL DISCUSSION CONCERNING THE COURTHOUSE RENOVATION PROJECT**

G. Roger Rife, South Grundy District Supervisor asked if the county has all the numbers together on financing the proposed courthouse project? How much payments will be and how many years we'll be making the payments?

Robert C. Horn, County Administrator stated we've talked to a loan company about borrowing \$15.5. If we borrow that amount, we'll be paying back \$26 million with a yearly payment of \$800,000.

Craig Stiltner, Rocklick District Supervisor stated we could use some of the CNX Gas funding for a down payment.

Mr. Rife stated to have a good budget you need to have ten (10) percent on hand. I want to make sure we can pay what we go in debt for and if something happens we have a way to cover repairs.

We shouldn't have to start spending money for repairs on a new building, stated Mr. Stiltner.

**IN RE: CONSIDER APPROVING THE THREE (3) GRANT APPLICATIONS TO THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICE FOR THE VIRGINIA SEXUAL AND DOMESTIC VIOLENCE VICTIM FUND GRANT PROGRAM**

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 seven (7) yeas, Trey Adkins, Craig Stiltner, Harold H. Fuller, William P. Harris, G. Roger Rife, Earl Scott, J. Carroll Branham and zero (0) nays, this board did hereby approve the three (3) grant applications to the Virginia Department of Criminal Justice Service for the Virginia Sexual and Domestic Violence Victim Fund Grant Program.

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**IN RE: CONSIDER HIRING DAKOTA SUTHERLAND AT \$12.00 PER HOUR AND MATTHEW GILBERT AT \$10.00 PER HOUR AS WEEDEATERS FOR COUNCIL PARK**

After a general discussion by the board upon motion by William P. Harris seconded by Trey Adkins and with the following roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, Harold H. Fuller, William P. Harris, G. Roger Rife, Earl Scott, J. Carroll Branham and zero (0) nays, this board did hereby approve to hire Dakota Sutherland at \$12.00 per hour and Matthew Gilbert at \$10.00 per hour as temporary part-time weed eaters for the Council Park.

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**IN RE: CONSIDER RATIFYING LETTER TO THE VIRGINIA COAL AND ENERGY ALLIANCE (VECA) AND PRESS RELEASE REGARDING THE OPPOSITION TO BUDGET AMENDMENT IN THE BUDGET OF THE COMMONWEALTH OF VIRGINIA PROVIDING TO REMOVE FUNDS FROM THE VIRGINIA COALFIELD ECONOMIC DEVELOPMENT AUTHORITY (VCEDA)**

After a general discussion by the board upon motion by Craig Stiltner seconded by Harold H. Fuller and with the following roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, Harold H. Fuller, William P. Harris, G. Roger Rife, Earl Scott, J. Carroll Branham and zero (0) nays, this board did hereby ratify the letter to the Virginia Coal and Energy Alliance (VECA) and Press Release regarding the opposition to budget amendment in the budget of the Commonwealth of Virginia providing to remove funds from the Virginia Coalfield Economic Development Authority (VCEDA).

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**IN RE: CONSIDER APPROVING MODIFICATION TO THE AGREEMENT WITH BVU DATED JULY 13<sup>TH</sup>, 2012 SUCH MODIFICATION WILL PROVIDE ADDITIONAL TERMS OF THE ATTACHED AGREEMENT DATED MARCH 30<sup>TH</sup>, 2017 AND AUTHORIZE THE CHAIRMAN OF THE BUCHANAN COUNTY BOARD OF SUPERVISORS AND ROBERT CRAIG HORN, COUNTY ADMINISTRATOR FOR BUCHANAN COUNTY, VIRGINIA TO EXECUTE SUCH AGREEMENT ON BEHALF OF BUCHANAN COUNTY WITH THE APPROVAL AS TO FORM BY THE COUNTY ATTORNEY**

After a general discussion by the board upon motion by Craig Stiltner seconded by Harold H. Fuller and with the following roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, Harold H. Fuller, William P. Harris, G. Roger Rife, Earl Scott, J. Carroll Branham and zero (0) nays, this board did hereby approve the modification to the Agreement with BVU dated July 13<sup>th</sup>, 2012 such modification will provide additional terms of the attached Agreement dated March 30<sup>th</sup>, 2017 and authorized the Chairman of the Buchanan County Board of Supervisors and Robert Craig Horn, County Administrator for Buchanan County,



Virginia to execute such Agreement on behalf of Buchanan County with the approval as to form by the County Attorney.

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**IN RE: CONSIDER APPROVING TO ISSUE A CHECK TO JASMINE HAGY**

After a general discussion by the board upon motion by Craig Stiltner seconded by Trey Adkins and with the following roll call vote of seven (7) yeas, Craig Stiltner, Trey Adkins, Harold H. Fuller, J. Carroll Branham, William P. Harris, Earl Scott, G. Roger Rife and zero (0) nays, this board did hereby approve to issue payment in the amount of \$2,198.54 to Jasmine Hagy regarding her claim for damages to her 2006 Chevy Cobalt LS, which was hit by the Buchanan County Sanitation Dept. and requested Mr. Moise, County Attorney to request reimbursement from VACo for the damages to Ms. Hagy's car.

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**IN RE: GENERAL DISCUSSION CONCERNING THE COURTHOUSE RENOVATION PROJECT**

Harold H. Fuller, Garden District Supervisor stated he would like to discuss in closed session the alternate plan regarding the courthouse renovation project.

Craig Stiltner, Rocklick District Supervisor asked what alternate plan, everything concerning the courthouse project is supposed to be in open session. Evidently something has been discussed somewhere else.

G. Roger Rife, South Grundy District Supervisor stated we need to get the most money for our buck and we need to know how we're going to pay for it. Like buying a new home, we know we're going to have to pay for it, he stated.

William P. Harris, Hurricane District Supervisor stated I don't like none of the three proposals.

J. Carroll Branham, Chairman stated we need more time to see what we're doing.

If this board has been discussing an alternate plan, then this board broke their agreement, stated Mr. Stiltner. We agreed no discussion concerning the courthouse unless in open session.

The \$21 million proposal for the courthouse renovations and new government center looked good to me, but how are we going to pay for it, asked Mr. Branham.

Since we've started this project, we've discussed 75 different plans, stated Mr. Fuller.

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

Upon a motion by Trey Adkins seconded by Earl Scott and with a roll call vote of seven (7) yeas, Trey Adkins, Harold H. Fuller, Craig Stiltner, William P. Harris, J. Carroll

Branham, G. Roger Rife, Earl Scott and zero (0) nays, this board agreed to convene in closed session as permitted by Virginia Code Section, 2.2-3711 (A)(1), a personnel matter involving regarding the E-911 employee; Virginia Code Section, 2.2-3711 (A)(1), a personnel matter involving the Special Conservator's of the Peace (SCOP); Virginia Code Section, 2.2-3711 (A)(7) consultation with legal counsel regarding Johnson Control and school system project; Virginia Code Section, 2.2-3711 (A)(7), consultation with legal counsel regarding Land Use Permit from CNX Gas Company; Virginia Code Section, 2.2-3711 (A)(7), consultation with legal counsel regarding the revised Land Use Permit and Virginia Code Section, 2.2-3711 (A)(7), consultation with legal counsel regarding the case between the Town of Grundy vs. Buchanan County and Public Service Authority.

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Motion was made by Harold H. Fuller to return from closed session seconded by Earl Scott and with a unanimous voice vote by the board.

This board's meeting resumed in open session after being in executive session for two (1) hour and forty-six (46) minutes.

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A motion by Trey Adkins seconded by William P. Harris, with J. Carroll Branham, Chairman of the Buchanan County Board of Supervisors announcing during such session the board had also discussed Virginia Code Section, 2.2-3711 (A) (7), consultation with legal counsel regarding acquisition of property from Penn Virginia; Virginia Code Section, 2.2-3711 (A) (7), consultation with legal counsel regarding the right-of-way status for Southwest Regional Recreation Authority (SRRA) from CNX Gas Company; Virginia Code Section, 2.2-3711 (A) (7), consultation with legal counsel regarding the Miller Richardson trustee and Virginia Code Section, 2.2-3711 (A) (7), consultation with legal counsel regarding right-of-way issue on Little Prater.

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

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

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**IN RE: CONSIDER APPROVAL TO PURCHASE UNIFORMS FOR SPECIAL CONSERVATOR'S OF THE PEACE**

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

for the Special Conservator's of the Peace to perform their positions from the Garden District account.

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**IN RE: CONSIDER APPROVING THE LAND USE AGREEMENT FROM CNX GAS COMPANY, LLC REGARDING THE CONSTRUCTION OF A ROAD ACCESS OFF OF COUNTY ROAD NUMBER 3200, LOCATED IN THE SOUTH GRUNDY MAGISTERIAL DISTRICT**

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 seven (7) yeas, William P. Harris, G. Roger Rife, J. Carroll Branham, Harold H. Fuller, Earl Scott, Craig Stiltner, Trey Adkins and zero (0) nays, this board did hereby approve the Land Use Agreement from CNX Gas Company, LLC regarding the construction of a road access off of county road number 3200, located in the South Grundy Magisterial District.

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**IN RE: CONSIDER ADOPTING A RESOLUTION REQUESTING CNX GAS COMPANY, LLC TO EXPEDITE THE SOUTHWEST VIRGINIA RECREATIONAL AUTHORITY LAND USE EASEMENT REQUEST**

After a general discussion by the board upon motion by Craig Stiltner seconded by Harold H. Fuller and with the following roll call vote of seven (7) yeas, William P. Harris, G. Roger Rife, J. Carroll Branham, Harold H. Fuller, Earl Scott, Craig Stiltner, Trey Adkins and zero (0) nays, this board did hereby adopt the following Resolution requesting CNX Gas Company, LLC to expedite the Southwest Virginia Recreational Authority land use easement Request:

***RESOLUTION***

**IN RE: SRRA LAND USE EASEMENTS ON CNX PROPERTIES  
BETWEEN SOUTHERN GAP AND GRUNDY**

**WHEREAS**, the Southwest Virginia Recreation Authority is duly engaged in developing a recreation trail system in Buchanan County known as the Coal Canyon Trail System; and

**WHEREAS**, the success of this trail system is of vital importance to the local commerce, tourism development, and overall economic diversification of the community; and

**WHEREAS**, significant public and private investment has been made on establishing Southern Gap as the anchor for the portion of the Spearhead Trail System in Buchanan County, which currently has over 50 miles of trail presently open; and

**WHEREAS**, acquisitions of easements crossing surface tracts presently owned by CNX are vital and necessary for the connection of the existing trail system to existing lodging, restaurants, and commerce in the Town of Grundy and the community of Vansant; and

**THEREFORE, BE IT RESOLVED**, by the Buchanan County, VA Board of Supervisors, that the Buchanan County, VA Board of Supervisors, do request that every effort be made by CNX to expedite, without delay, the approval of the requested easements by the Southwest Regional Recreational Authority for the Coal Canyon Trail System.

Adopted on this the 3<sup>rd</sup> day of April 2017.

Recorded Vote:

Moved by: Craig Stiltner

Seconded by: Harold Fuller

Yeas: 7

Nays: 0

\_\_\_\_\_  
J. Carroll Branham, Chairman

Buchanan County VA Board of Supervisors

ATTEST:

\_\_\_\_\_  
Robert Craig Horn, County Administrator

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**IN RE:            CONSIDER APPROVING THE REVISED BUCHANAN COUNTY  
                         TEMPORARY LAND USE PERMIT APPLICATION**

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

**BUCHANAN COUNTY TEMPORARY LAND USE PERMIT APPLICATION**

DATE: \_\_\_\_\_

Robert Craig Horn  
County Administrator  
Buchanan County, VA  
P.O. Drawer 950  
Grundy, VA 24614

RE: \_\_\_\_\_

Dear Mr. Horn,

\_\_\_\_\_ is requesting the Board of Supervisors to:

Issue a temporary land use permit to \_\_\_\_\_  
\_\_\_\_\_.

Attached for the Board's review and approval is a Buchanan County Land Use Permit application and the \$\_\_\_\_\_ permit fee.(\$45.00 for individual non-commercial applicants; \$500 for commercial applicants)

The installation will conform to the Virginia Department and Transportation's policies for erosion and sediment control and traffic control.

Thank you for your review and approval of this permit. If you should have any questions or concerns, please do not hesitate to call.

Sincerely,

\_\_\_\_\_  
Name (Sign):

**BUCHANAN COUNTY TEMPORARY LAND USE PERMIT**

PERMIT NO: \_\_\_\_\_(leave blank, to be filled out by building code department)

PERMITEE NO: \_\_\_\_\_

MAGISTERIAL DISTRICT: \_\_\_\_\_

ROUTE NO: \_\_\_\_\_ COUNTY: \_\_\_\_\_

PERMITEE OR AGENT: \_\_\_\_\_

PHONE ( \_\_\_\_ ) \_\_\_\_\_

CONTACT: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PERMISSION is hereby granted insofar as the Board of Supervisors has the right, power, and authority, to grant by Special Agreement and/or by the rights granted herein to perform the work as described: \_\_\_\_\_

\_\_\_\_\_ as shown on the accompanying plan or sketch and as described on the attached sheet. Said work to be completed in a manner satisfactory to the Board of Supervisors within 180 days from the date of this permit, and if not completed, the Board of Supervisors may, at its discretion, complete or have completed at the expense of the applicant. The Board of Supervisors reserves full municipal control over the subject matter of this permit. **IT IS UNDERSTOOD THAT THIS IS A TEMPORARY LAND USE PERMIT. ANY AND ALL PERMANENT USES OR CROSSINGS OF COUNTY PROPERTY WILL REQUIRE THE NEGOTIATION OF A RIGHT-OF-WAY/SURFACE USE AGREEMENT. A TEMPORARY LAND USE PERMIT SHALL NOT BE ISSUED UNTIL THE PERMANENT RIGHT-OF-WAY/SURFACE USE AGREEMENT HAS BEEN NEGOTIATED AND SIGNED BY THE APPLICANT. FURTHERMORE, THE BOARD OF SUPERVISORS RESERVES THE RIGHT TO WITHHOLD PERMISSION TO TEMPORARILY USE OR CROSS COUNTY PROPERTY WHEN THE APPLICANT IS DEEMED TO BE IN DEFAULT TO THE COUNTY IN REGARD TO AN OBLIGATION, DUTY OR PROMISE OF COOPERATION BY THE APPLICANT. IN THE CASE THAT THE BOARD OF SUPERVISORS WITHHOLDS PERMISSION TO USE OR CROSS COUNTY PROPERTY THE MATTER WILL BE REFERRED TO THE PLANNING COMMISSION FOR REVIEW UNDER THE COUNTY'S COMPREHENSIVE PLAN FOR THE COMMISSION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS FOR FUTHER CONSIDERATION.**

Payment is acknowledged (certified cashier's check) in the amount of \$ \_\_\_\_\_ (Permit Fee \$45.00 for individuals/ \$500.00 commercial); Surety Fee \_\_\_\_\_) which covers fees for inspection, etc., and to guarantee the faithful performance of the work herein referred to. When guaranty is covered by bond, provide the name, address of bonding company, amount of bond, and bond number. When guaranty is covered by irrevocable Letter of Credit, give the name and address of bank, amount of escrow, and irrevocable Letter of Credit number.

Date: \_\_\_\_\_

BY: \_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Robert C. Horn, County Administrator

\_\_\_\_\_ 000 \_\_\_\_\_

**IN RE: CONSIDER APPROVING TO PURCHASE THE BOOTH CENTER**

Trey Adkins, Knox District Supervisor stated I don't support this and I get aggravated in the secret conversations of the board of supervisors misleading certain people on the board of supervisor's position in buying the Booth Center for \$4 million.

Mr. Adkins made a motion to buy the Booth Center for \$4 million, this will let the public know our position on buying the Booth Center. Craig Stiltner seconded his motion.

Then Mr. Stiltner withdrew his motion, due to the most current amount that was given to the county to purchase the Booth Center, which was \$3 million.

Mr. Adkins made a motion to purchase the Booth Center for \$3 million, seconded by Mr. Stiltner, with the following roll call vote of zero (0) yeas and seven (7) nays, Trey Adkins, Craig Stiltner, G. Roger Rife, Earl Scott, J. Carroll Branham, Harold H. Fuller and William P. Harris, the motion failed.

\_\_\_\_\_ 000 \_\_\_\_\_

**IN RE: CONSIDER APPROVAL TO PROCURE AND PURCHASE A PA SYSTEM FOR THE ATHLETIC FIELDS AT SOUTHERN GAP BASED UPON THE LOW QUOTE**

After a general discussion by the board upon motion by G. Roger Rife seconded by Earl Scott and with the following roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, G. Roger Rife, Earl Scott, J. Carroll Branham, Harold H. Fuller and William P. Harris and zero (0) nays, this board did hereby approve to procure and purchase a PA System for the athletic fields at Southern Gap based upon the low quote.

**IN RE: CONSIDER APPROVING A CONTRIBUTION IN THE AMOUNT OF \$2,500.00 TO SWVA SPORTSMEN**

After a general discussion by the board upon motion by Harold H. Fuller seconded by Craig Stiltner and with the following roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, G. Roger Rife, Earl Scott, J. Carroll Branham, Harold H. Fuller and William P. Harris and zero (0) nays, this board did hereby approve a contribution in the amount of \$2,500.00 to SWVA Sportsmen to be divided among the seven (7) district accounts, earmarked for the South Gap Wildlife Habitat Project.

**IN RE: CONSIDER RATIFYING THE PAYMENT OF BILLS BY RESOLUTION ADOPTED ON JANUARY 9<sup>TH</sup>, 2017. (INCLUDING THE BUCHANAN COUNTY HEAD START RATIFIED BILL LIST AND BILL LIST)**

After a general discussion by the board upon motion by Earl Scott seconded by William P. Harris and with the following roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, William P. Harris, Harold H. Fuller, G. Roger Rife, Earl Scott, J. Carroll Branham and zero (0) nays, this board did hereby ratify the payment of bills by Resolution adopted on January 9<sup>th</sup>, 2017. (including the Buchanan County Head Start ratified bill list and bill list)

**IN RE: CONSIDER APPROVING CONTRIBUTIONS**

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

Patterson Volunteer Fire Dept. (Dismal River Kids Day)	\$3,800.00
Council Elementary/Middle School (Little League Baseball & Softball)	\$425.00
Appalachian College of Pharmacy (Garden High School Alumni Assoc.)	\$500.00
Hurley High School (FBLA)	\$250.00

**IN RE: JOHN F. SMITH, RESIDENT**

John F. Smith, resident stated at the end of 2016, Buchanan County had only ten (10) underground mines. Buchanan 1 Mine accounts for 70.65% of revenue from severance tax last year in the county, based upon statistics from the Virginia Department of Labor. If

Buchanan 1 Mines projects 20 years of mining, then you're guaranteed, in 20 years to lose 70% of your revenue.

When meeting with Judge Johnson regarding the proposed courthouse renovation project, then bring up these numbers, stated Mr. Smith. Look at what we are putting on the backs of our children and children's children. This board needs to look at this and how sovereign you will be with the next two (2) boards that comes on.

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**IN RE:            CONSIDER RESCINDING MOTION TO REHIRE RICKEY BAILEY,  
FORMER E-911 COORDINATOR**

Trey Adkins, Knox District Supervisor made a motion to rescind the previous motion to rehire Rickey Bailey, former E-911 Coordinator due to budget concerns, his motion was seconded by Craig Stiltner and with a roll call vote of four (4) yeas, Craig Stiltner, Harold H. Fuller, Trey Adkins, J. Carroll Branham and three (3) nays, Earl Scott, William P. Harris and G. Roger Rife, the motion failed due to the issue not being on the agenda and proper notice given and the board not having 2/3 votes.

Mr. Adkins requested this issue to be on the next agenda. I think we need to hire that position in-house to ease our budget problems.

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**IN RE:            ADJOURNMENT**

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

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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 7<sup>th</sup> day of April, 2017 starting at 10:00 a.m. in the boardroom of the Buchanan County Courthouse located in Grundy, Virginia:

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

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

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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, APRIL 7<sup>th</sup>, 2017

**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 closed session regarding number 4 of the agenda.
4. Consider selecting the Buchanan County Courthouse renovation option for submission to J.A. Street for a detailed proposal pursuant to the PPEA.
5. Adjournment.

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

There was no closed session during this meeting.

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**IN RE: CONSIDER SELECTING THE BUCHANAN COUNTY COURTHOUSE RENOVATION OPTION FOR SUBMISSION TO J.A. STREET FOR A DETAILED PROPOSAL PURSUANT TO THE PPEA**

Upon motion by G. Roger Rife seconded by Earl Scott and with a roll call vote of six (6) yeas, G. Roger Rife, Earl Scott, William P. Harris, Craig Stiltner, Harold H. Fuller, J. Carroll Branham and one (1) nay, Trey Adkins, with Mr. Adkins stating his vote no was due to the limited space for parking, this board did hereby adopt the following Resolution regarding the selection of courthouse renovation option for submission for preparation of a detailed proposal pursuant to the PPEA process:

***RESOLUTION***

**IN RE: SELECTION OF COURTHOUSE RENOVATION OPTION FOR SUBMISSION FOR PREPARATION OF A DETAILED PROPOSAL PURSUANT TO PPEA PROCESS**

**BE IT RESOLVED**, by the Buchanan County, Va. Board of Supervisors, that the Buchanan County, Va. Board of Supervisors, have selected the Courthouse Renovation Project option attached to and made a part of this resolution by reference as Exhibit "A" for submission to J.A. Street & Associates, Inc. for preparation of a detailed proposal pursuant to the PPEA process.

Adopted on this the 7<sup>th</sup> day of April 2017.

Recorded Vote:

Moved by: G. Roger Rife  
Seconded by: Earl Scott  
Yeas: Six  
Nays: One

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

ATTEST:

\_\_\_\_\_  
Robert Craig Horn, County Administrator

**COURTHOUSE AND COUNTY ADMINISTRATIVE ADDITION/RENOVATIONS**

Renovation of the existing courthouse structure (excluding basement which will be used as mechanical space) and a new addition to accommodate court functions and County offices. No demolition of existing courthouse required. This scheme will not require the construction of a new Government Center at Watkins Branch.

- Approx. 60,000 to 67,000 SF facility, \$16 M for Courthouse renovations and additions
- The new construction would include 6 floors with approximately 24,000 to 30,000 SF
- Renovated courthouse approximately 36,000 to 37,000 SF
- Exact amount of SF for new construction and renovated courthouse to be refined in the detailed proposal
- Estimated costs include temporary move costs and minor renovations to Optometry School but not acquisition of old fueling station property
- **Total estimated cost: \$16.0M**

Pros:

- No demolition of existing courthouse required
- Facility to house both court functions and County offices
- No separate government center building required
- Can proceed under the current PPEA process

Cons:

- Acquisition of old fueling station may be required for additional parking
- No expansion to accommodate other County offices for School Board, PSA, Mapping, etc.
- Parking remains limited

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**IN RE:            CONSIDER ADJOURNMENT**

Upon motion by Harold H. Fuller to adjourn the meeting, with no second to the motion, Mr. Fuller withdrew his motion.

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**IN RE:            CONSIDER APPROVING SURVEY AND APPRAISAL ON  
PROPERTY LOCATED NEXT TO THE GRUNDY POST OFFICE  
OWNED BY PHILLIP JUSTICE**

After a general discussion by the board upon motion by Trey Adkins seconded by Harold H. Fuller and with the following roll call vote of seven (7) yeas, G. Roger Rife, Earl Scott, William P. Harris, Craig Stiltner, Harold H. Fuller, J. Carroll Branham, Trey Adkins and zero (0) nays, this board did hereby approve to have a survey and appraisal done on the property located next to the Grundy Post Office owned by Phillip Justice.

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**IN RE:            DISCUSS THE BUCHANAN COUNTY COURTHOUSE  
RENOVATION PROJECT**

Craig Stiltner, Rocklick District Supervisor stated with all the whirlwind I think we need to explain to the public what we voted on today.

Billie Campbell, with Terra Tech Engineering Service stated the motion made about the proposed courthouse renovation project is a combination of scheme 1 and scheme 2 that was presented on Friday, March 31<sup>st</sup>. It allows for renovation to the existing courthouse structure (excluding the basement, which will be used as a mechanical space). This scheme will not require the construction of a new government center at Watkins Branch, he stated.

The next step is a final drawing through the PPEA process, he stated. This scheme will cost approximately \$16 million.

Trey Adkins, Knox District Supervisor stated we're going to lose 35 parking spaces. If the county purchases the parking lot next to the Grundy Post Office, there may be an even break with that lot of the spaces lost, due to the renovations.

Michael McGlothlin, Attorney stated I still haven't studied the proposed plans to an extent to spend \$16 million. To my understanding, scheme 1 involved renovations to this

building in an amount of \$12.3 million and building a new government center at the mouth of Watkins Branch.

Today, the county can buy a building built by the same contractor that is proposed for the new government center with 35,000 square foot space for \$3 million, stated Mr. McGlothlin. All county officials have been through the building.

Mr. Stiltner stated I haven't been in the Booth Center, nor invited to go through it.

I think all county officials should go through the Booth Center, stated Mr. McGlothlin. It has 58 parking spaces, thirty-eight underneath and 20 additional spaces.

You would have to do some additional renovations, but the cost would come in less or the same as being proposed today, stated Mr. McGlothlin. The Booth Center was built by J. A. Street Construction about ten (10) years ago. If the county decides to buy this building you would be helping the Appalachian School of Law (ASL) out, because the law school wouldn't have to continue maintaining it, which helps the local economy, he stated.

Also, the county could go through a local bank in borrowing the money to purchase the Booth Center, commented Mr. McGlothlin. This is a far better option, I think, he stated.

The Booth Center is a significantly nice structure and if it's not used in the future, then what's going to happen to it, stated Mr. McGlothlin.

When we talked to the Southwest Virginia Educational Foundation Board they were not willing to sell it, stated J. Carroll Branham, Chairman.

The Southwest Virginia Educational Foundation Board stated they were willing to sell for \$3 million and the ASL is waiving any fee, stated Mr. McGlothlin.

It was two (2) years ago that the Southwest Virginia Educational Foundation Board and ASL wanted \$3 million each for the Booth Center, stated Mr. Stiltner. I made a comment then to buy the property for \$4 million and I was laughed at and now they want \$3 million, he stated.

I'll vote today to buy the Booth Center for \$2.5 million, stated Mr. Stiltner. We're going to have to purchase a building for the school board office sooner or later. \

If the ASL is willing to work with us, then I think Southwest Virginia Educational Foundation Board should, stated Harold H. Fuller, Garden District Supervisor.

I'll vote today to purchase the Booth Center for \$2.5 million so we can move all entities into one (1) property, stated Mr. Stiltner.

Mr. Fuller agreed.

Mr. Stiltner made a motion to allow J. Carroll Branham, Chairman; Robert C. Horn, County Administrator and Michael McGlothlin, Attorney to make an offer of \$2.5 million for the Booth Center to the Southwest Virginia Educational Foundation Board, which is located next to the Appalachian School of Law.

Mr. Adkins stated people have been very cynical for different reasons and I feel like because scheme 1 was my ideal, then they wouldn't agree with me. I think the proposed government center at Watkins Branch is a better ideal.

Robert C. Horn, County Administrator stated remember Mr. Campbell stated if we buy the Booth Center, then we'll need to budget \$2 million for renovations.

The following roll call vote was taken on the motion, seven (7) yeas, Craig Stiltner, Trey Adkins, William P. Harris, G. Roger Rife, Earl Scott, Harold H. Fuller, J. Carroll Branham and zero (0) nays. This board did hereby approve to allow J. Carroll Branham, Chairman; Robert C. Horn, County Administrator and Michael McGlothlin, Attorney to negotiate and make an offer of \$2.5 million for the Booth Center to the Southwest Virginia Educational Foundation Board, which is located next to the Appalachian School of Law.

L. Lee Moise, County Attorney stated I think we need to clarify the motion that was just made by Mr. Stiltner.

Mr. Stiltner stated this motion doesn't change the first motion made regarding the Resolution concerning the selection of courthouse renovation option for submission for preparation of a detailed proposal pursuant to the PPEA process. The Booth Center will be used for the Buchanan County Public School System, Public Service Authority, Building Code Office, 911 Office and Mapping Office.

Mr. McGlothlin stated the county will have more money into this project by doing this, since you'll be renovating the courthouse for the commissioner of revenue's office, treasurer's office etc.

No, we'll still be saving \$2.5 million, stated Mr. Stiltner.

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**IN RE:           ADJOURNMENT**

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

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

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Robert Craig Horn, County Administrator