

MINUTES

A regular meeting of the Buchanan County Board of Supervisors was held on the 5th day of August 2024 starting at 5:00 o'clock p.m. in the Board of Supervisors Meeting Room, 3rd floor of the Buchanan County Government Center, 4447 Slate Creek Road, Grundy, Virginia 24614. **This meeting was conducted by electronic communication (Zoom). The media and public were invited to participate.**

PRESENT: G. Roger Rife, Chairman
Jeff Cooper, Vice-Chairman
Tim Hess
Trey Adkins
Craig Stiltner
David Rose
Lee Dotson

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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IN RE: CONSENT AGENDA

After a general discussion by the board upon motion by Jeff Cooper seconded by Tim Hess and with a roll call vote of six (6) yeas, Trey Adkins, Jeff Cooper, Tim Hess, David Rose, Lee Dotson, G. Roger Rife, zero (0) nays and one (1) absent, Craig Stiltner, this board did hereby approve the Consent Agenda:

- a. Consider approving minutes for June 3rd, 2024;
- b. Consider ratifying payroll after review;
- c. Consider ratifying the payment of bills by Resolution adopted on January 8th, 2024.
(Including the Buchanan County Head Start ratified bill list and bill list)
- d. Consider approving the following coyote claims in the amount of \$100.00 per claim and to issue a check (final list of \$100 per claim):

James Mitchell	One claim
Theo Justus	One claim
Leslie Blankenship	One claim
Michael Viers	Two claims
Justin Davis	One claim
Richard Rife	One claim
Michael Yates	One claim

Leonard Stacy	One claim
Thomas Riddle	One claim
Garman Lee Rice	One claim
Anthony St. Clair	One claim
Herman Ball	Two claims

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IN RE: PUBLIC COMMENTS

There was no public comments.

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IN RE: MARCUS STILTNER – COAL HAUL ROAD ENGINEER

Jeff Cooper, Garden District Supervisor stated since Loggy Bottom Road is fully funded as a 100% Coal Servance Tas funded project as a Locally Administered Project, we need an on-site pre-construction meeting be held with myself, the county road engineer, county administrator and the Virginia Department of Transportation (VDOT) to ensure all parties involved are in agreement with the project scope of work before any coal tax money is spent on the project.

Trey Adkins, Knox District Supervisor stated I’ve had issues with the Locally Administered Project that was done at Hurley Elementary/Middle School by VDOT.

Mr. Stiltner needs to be on-site while VDOT is working on these projects, commented Mr. Cooper.

Marcus Stiltner stated if the county participates in the cost through Coal Severance Taxes (CST), these road projects need to be done correctly.

Craig Stiltner, Rocklick District Supervisor stated the Weller Yard project where the county was forced into providing appropriately \$400,000 to VDOT, they subcontracted about 90% of the project out.

I just came from Pound, Virginia where there was over 6 miles of new asphalt to six homes, stated Craig Stiltner. The Rocklick District roads are a mess. VDOT puts around ¼ mile of new asphalt down and leaves the rest. We need to schedule a meeting with J.P. Richardson with Wellmore Coal, VDOT representative, Norfolk and Southern Railway representative, myself and Marcus Stiltner to discuss an area of roadway near Big Rock, he stated.

Mr. Adkins stated we used to do revenue sharing projects and now VDOT calls it a Smart Scale Projects. This is to help those in Northern Virginia.

After a general discussion by the board upon motion by Craig Stiltner seconded by Jeff Cooper and with a roll call vote of seven (7) yeas, G. Roger Rife, Jeff Cooper,

Tim Hess, David Rose, Lee Dotson, Craig Stiltner, Trey Adkins and zero (0) nays, this board did hereby approve that before any incidental construction projects are started with VDOT, which are paid for through Coal Severance Taxes (CST), a meeting with the county administrator, the district supervisor, Jeff Buchanan and Marcus Stiltner be held and agreed upon, along with the scope of work before any CST funding VDOT project moves forward and payment is issued to VDOT.

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IN RE: JEFF BUCHANAN, VDOT REPRESENTATIVE - CONSIDER APPROVING THE VDOT ADMINISTERED- LOCALLY FUNDED PROJECT ADMINISTRATION AGREEMENT BETWEEN BUCHANAN COUNTY, VIRGINIA AND THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION REGARDING THE 121/460 POPLAR CREEK PHASE A & B PROJECTS AND AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT ON BEHALF OF BUCHANAN COUNTY

Jeff Buchanan, VDOT Representative wasn't present for the meeting.

After a general discussion by the board upon motion by Jeff Cooper seconded by Craig Stiltner and with a roll call vote of seven (7) yeas, G. Roger Rife, Jeff Cooper, Tim Hess, David Rose, Lee Dotson, Craig Stiltner, Trey Adkins and zero (0) nays, this board did hereby approve the VDOT Administered- Locally Funded Project Administration Agreement between Buchanan County, Virginia and the Commonwealth of Virginia, Department of Transportation regarding the 121/460 Poplar Creek Phase A & B projects and authorized the county administrator to execute the agreement on behalf of Buchanan County.

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IN RE: CONSIDER REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO REMOVE BRUSH ALONG STATE RIGHT-OF-WAYS

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, G. Roger Rife, Jeff Cooper, Tim Hess, David Rose, Lee Dotson, Craig Stiltner, Trey Adkins and zero (0) nays, this board did hereby approve to request the Virginia Department of Transportation to remove/cut brush along state rights-of-ways to allow tractors and dump trucks to travel safely along the state routes.

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**IN RE: MARCUS STILTNER, COAL HAUL ROAD ENGINEER -
CONSIDER APPROVING REQUEST #1 FROM BUCHANAN
COUNTY PUBLIC SERVICE AUTHORITY IN THE AMOUNT OF
\$258,589.60 FROM THE COAL HAUL ROAD FY 2024-2025
(VARIOUS INVOICES)**

After a general discussion by the board upon motion by David Rose seconded by Trey Adkins and with a roll call vote of seven (7) yeas, G. Roger Rife, Jeff Cooper, Tim Hess, David Rose, Lee Dotson, Craig Stiltner, Trey Adkins and zero (0) nays, this board did hereby approve request #1 from Buchanan County Public Service Authority in the amount of \$258,589.60 from the Coal Haul Road FY 2024-2025 (various invoices).

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**IN RE: MARCUS STILTNER, COAL HAUL ROAD ENGINEER -
CONSIDER ADOPTING THE RESOLUTION ACCEPTING THE
DEED OF GIFT BY AND BETWEEN JOSEPH MELVIN MOUNTS,
ELISA MARIE MOUNTS, LOUISE JACKSON (WIDOW); TASHA
MEADOWS AND LARRY RAY JUSTUS TO BUCHANAN
COUNTY REGARDING EMERALD ROAD, LOCATED IN THE
KNOX MAGISTERIAL DISTRICT, COUNTY ROAD NUMBER
2073**

Marcus Stiltner, Coal Haul Road Engineer stated Emerald Road is a new county road with a turnaround area and goes to three (3) homes and a cemetery. Emerald Road is located in the Knox District.

After a general discussion by the board upon motion by Trey Adkins seconded by Lee Dotson and with a roll call vote of seven (7) yeas, G. Roger Rife, Jeff Cooper, Tim Hess, David Rose, Lee Dotson, Craig Stiltner, Trey Adkins and zero (0) nays, this board did hereby adopt the following Resolution accepting the Deed of Gift by and between Joseph Melvin Mounts, Elisa Marie Mounts, Louise Jackson (widow); Tasha Meadows and Larry Ray Justus to Buchanan County regarding Emerald Road, located in the Knox Magisterial District, County Road Number 2073.

RESOLUTION

**IN RE: ACCEPTANCE OF DEED OF GIFT BY AND BETWEEN JOSEPH
MELVIN MOUNTS, ELISA MARIE MOUNTS, LOUISE JACKSON (WIDOW),
TASHA MEADOWS AND LARRY RAY JUSTUS TO BUCHANAN COUNTY,
VIRGINIA REGARDING EMERALD ROAD, LOCATED IN THE KNOX
MAGISTERIAL DISTRICT, COUNTY ROAD NUMBER 2073**

BE IT RESOLVED, by the Buchanan County Board of Supervisors that we approve acceptance of the property described in that Deed of Gift attached hereto between Joseph Melvin Mounts, Elisa Marie Mounts, Louise Jackson (widow), Tasha Meadow and Larry Ray Justus and Buchanan County, Virginia and authorized the

Chairman of the Buchanan County Board of Supervisors and Robert Craig Horn, County Administrator for Buchanan County, Virginia to execute such Deed on behalf of Buchanan County to acknowledge its acceptance of such property with the approval as to form by the County Attorney.

This Resolution was adopted by the Buchanan County Board of Supervisors on this the 5th day of August, 2024 by a roll call vote of seven for and zero against.

Chairman of the
Buchanan County Board of Supervisors

ATTEST:

Robert Craig Horn, County Administrator

THIS DEED OF GIFT, made and entered into on this the 5th day of August, 2024, by and between **JOSEPH MELVIN MOUNTS, ELSIA MARIE MOUNTS, LOUISE JACKSON (widow), TASHA MEADOWS, LARRY RAY JUSTUS** hereinafter sometimes referred to as “**GRANTORS**”, and **BUCHANAN COUNTY, VIRGINIA**, a Political Subdivision of the Commonwealth of Virginia, hereinafter sometimes referred to as “**GRANTEE**”. [Exempt from recordation taxes pursuant to Code §58.1-811 (A) (3).]

WITNESSETH

WHEREAS, the Grantee wishes to maintain a road with turn around which is a part of the public road in the Knox Magisterial District for the traveling public, namely Emerald Road, County Road #2073; and

WHEREAS, the Grantors desire to give and donate and the Grantee desires to accept such property as set forth in this deed of conveyance to provide the right of way for a road with turn around which is part of the public road known as Emerald Road, County Road #2073; and

NOW THEREFORE, for and in consideration of promoting the public interest by providing a road with turn around which is part of a public road known as Emerald Road, County Road #2073 for use of the traveling public, the Grantors do hereby give, donate, grant and convey unto the Grantee, **WITH GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE**, all their right, title and interest in and to all of those certain tracts or parcels of land situate in the Knox Magisterial District, in Buchanan County, Virginia, and being a portion of the same property which were acquired by the Grantors as set out in the sources of title herein, and being more particularly bounded and described as follows:

Property to be conveyed:

Joseph Melvin Mounts & Elsia Marie Mounts REFERENCE INTS. #060002036

BEGINNING at a point on the East edge of Emerald Road; thence with said East edge the following N 28°59'34" W a distance of 17.77'to a point; thence N 44°43'47" W a distance of 57.81'to a point; thence N 40°38'34" W a distance of 13.75'to a point; thence N 32°20'07" W a distance of 22.98'to a point; thence N 27°30'29" W a distance of 32.30'to a point; thence N 15°24'01" W a distance of 74.91'to a point; thence N 01°01'17" E a distance of 20.89'to a point; thence leaving said East edge of Emerald Road S 11°55'50" E a distance of 44.76'to a point on the new right-of-way; thence with said right-of-way the following S 18°59'53" E a distance of 59.74'to a point; thence S 32°13'08" E a distance of 58.58'to a point; thence S 46°29'13" E a distance of 28.51'to a point; thence N 43°43'17" E a distance of 7.64'to a point; thence S 43°57'28" E a distance of 27.46'to a point; thence S 43°43'17" W a distance of 9.07'to a point; thence S 33°06'25" E a distance of 16.28'to a point; thence S 30°58'02" W a distance of 5.03'to the point of beginning, having an area of 1339.343 square feet, and containing 0.031 acres more or less.

Randy Lee Jackson (deceased) & Louise Jackson REFERENCE DEED BOOK 282 PG 708

BEGINNING at a point on the East edge of Emerald Road; thence leaving said East edge and crossing Emerald Road S 34°35'16" W a distance of 16.73'to a point on the West right-of-way; thence with said West right-of-way the following N 33°06'25" W a distance of 33.92'to a point; thence N 46°29'13" W a distance of 44.97'to a point; thence N 32°13'08" W a distance of 63.40'to a point; thence N 18°59'53" W a distance of 63.29'to a point; thence N 11°54'24" W a distance of 58.27'to a point; thence S 80°05'27" E a distance of 21.54'to a point; thence leaving said West right-of-way and with the East edge of Emerald Road the following S 11°39'22" E a distance of 4.27'to a point; thence S 01°01'17" W a distance of 20.89'to a point; thence S 15°24'01" E a distance of 74.91'to a point; thence S 27°30'29" E a distance of 32.30'to a point; thence S 32°20'07" E a distance of 22.98'to a point; thence S 40°38'34" E distance of 13.75'to a point; thence S 44°43'47" E a distance of 57.81'to a point; thence S 28°59'34" E a distance of 17.77'to the point of beginning, having an area of 3907.854 square feet, and containing 0.090 acres more or less.

Source and title for grantors: Joseph Melvin Mounts and Elisa Marie Mounts acquired a portion of the land affected by this right-of-way deed by a deed recorded on Instrument #060002036 in the Clerk's Office of the Circuit Court of Buchanan County, Virginia. For a more particular description of said conveyance reference is made to the recorded deed. Said land affected by this right-of-way deed is shown as parcel #064 Tax Map #2HH-159.

Source and title for grantors: Randy Lee Jackson (deceased) and Louise Jackson acquired a portion of the land affected by this right-of-way deed by a deed recorded in Deed Book 282 Page 708 in the Clerk's Office of the Circuit Court of Buchanan County, Virginia. For a more particular description of said conveyance reference is made to the

recorded deed. Said land affected by this right-of-way deed is shown as parcel #063 Tax Map #2HH-159.

Source and title for grantors: Louise Jackson (widow), Tasha Meadows, and Larry Ray Justus acquired a portion of the land affected by this right-of-way deed by a deed recorded on Instrument #210001045 in the Clerk's Office of the Circuit Court of Buchanan County, Virginia. For a more particular description of said conveyance reference is made to the recorded deed. Said land affected by this right-of-way deed is shown as parcel #063 Tax Map #2HH-159.

Included in this deed of conveyance is the permanent right and easement to use such additional areas for cut and/or fill slopes as being required for the proper execution of the work to be performed. Said work shall include location and construction of, or other improvement to, a public road to be used and utilized by the general public at large for all public transportation purposes. Said permanent easement will be utilized for maintenance of cut and/or fill slopes created as a requirement for the proper execution of the work to be performed.

Included in this deed of conveyance is the right and easement to construct, improve, relocate and maintain any creek, drain, drainage ditch or other drainage facilities that may exist on the lands of the Grantors or that may be needed or convenient for the proper and adequate drainage of the aforesaid road and surrounding property and/or location, construction, reconstruction or other improvement of a road within the property to be conveyed.

AND FURTHER WITNESSETH: That the Grantors, for the consideration stated above, also covenant and agree, upon demand of any public utility company or corporation having its facilities in, over or across the lands herein conveyed, that they, the said Grantors, will give, grant and convey unto such public utility company or corporation an easement in, over and across the lands of the Grantor lying adjacent to the lands herein conveyed for the relocation, construction, operation and maintenance of said facilities.

The Grantors covenant to and with the Grantee that they will warrant generally the title to the property hereby conveyed; that they have the right to convey same to the Grantee; that the Grantee shall have quiet possession of same, free from encumbrances, that Grantors have done no act to encumber same; and, that Grantors will execute such other and further assurances of title as may be requisite.

There is hereby excepted and reserved from the operation of this conveyance such of the coal, oil, minerals, rights, privileges, etc., as may have been heretofore sold or excepted from said land by prior owners. Additionally, this conveyance is subject to all exceptions, limitations or conditions contained in any document which constitutes a

muniment of title to the property being conveyed herein and that have been heretofore been recorded in the Clerk's Office of the Circuit Court of Buchanan County, Virginia.

That on the 5th day of August, 2024, the Buchanan County Board of Supervisors, at a duly held meeting of the Board, approved the acquisition of the property described herein and the Chairman of the Buchanan County Board of Supervisors and the County Administrator for Buchanan County by their execution of this Deed acknowledge that the Buchanan County Board of Supervisors has authorized this property acquisition.

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

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**IN RE: MARCUS STILTNER, COAL HAUL ROAD ENGINEER -
CONSIDER ADOPTING THE RESOLUTION ACCEPTING THE
DEED OF GIFT BY AND BETWEEN DONALD ESTEP AN ETTA
RUTH ESTEP, HUSBAND AND WIFE; JAMES DUTY AND
SHARON KAY ESTEP-DUTY, HUSBAND AND WIFE; CARTER
AUSTIN MCCOY AND DONNA E. MCCOY, HUSBAND AND
WIFE TO BUCHANAN COUNTY REGARDING MISTY
MOUNTAIN LANE, LOCATED IN THE KNOX MAGISTERIAL
DISTRICT, COUNTY ROAD NUMBER 2169**

Marcus Stiltner, Coal Haul Road Engineer stated Misty Mountain Road is a new county road which was reviewed six or seven months ago by the road committee appointed by the board of supervisors. Misty Mountain Road will serve three (3) homes in the Knox Magisterial District.

After a general discussion by the board upon motion by Trey Adkins seconded by Jeff Cooper and with a roll call vote of seven (7) yeas, G. Roger Rife, Jeff Cooper, Tim Hess, David Rose, Lee Dotson, Craig Stiltner, Trey Adkins and zero (0) nays, this board did hereby adopt the following Resolution accepting the Deed of Gift by and between Donald Estep an Etta Ruth Estep, husband and wife; James Duty and Sharon Kay Estep-Duty, husband and wife; Carter Austin McCoy and Donna E. McCoy, husband and wife to Buchanan County regarding Misty Mountain Lane, located in the Knox Magisterial District, County Road Number 2169.

RESOLUTION

**IN RE: ACCEPTANCE OF DEED OF GIFT BY AND BETWEEN DONALD
ESTEP AND ETTA RUTH ESTEP, HUSBAND AND WIFE; JAMES DUTY AND
SHARON KAY ESTEP-DUTY, HUSBAND AND WIFE; CARTER AUSTIN
MCCOY AND DONNA E. MCCOY, HUSBAND AND WIFE TO BUCHANAN
COUNTY, VIRGINIA REGARDING MISTY MOUNTAIN LANE, LOCATED IN
THE KNOX MAGISTERIAL DISTRICT, COUNTY ROAD NUMBER 2169**

BE IT RESOLVED, by the Buchanan County Board of Supervisors that we approve acceptance of the property described in that Deed of Gift attached hereto between Donald Estep and Etta Ruth Estep, Husband and Wife; James Duty and Sharon Kay Estep-Duty, husband and wife; Carter Austin McCoy and Donna E. McCoy, husband and wife and Buchanan County, Virginia and authorized the Chairman of the Buchanan County Board of Supervisors and Robert Craig Horn, County Administrator for Buchanan County, Virginia to execute such Deed on behalf of Buchanan County to acknowledge its acceptance of such property with the approval as to form by the County Attorney.

This Resolution was adopted by the Buchanan County Board of Supervisors on this the 5th day of August, 2024 by a roll call vote of seven for and zero against.

Chairman of the
Buchanan County Board of Supervisors

ATTEST:

Robert Craig Horn, County Administrator

THIS DEED OF GIFT, made and entered into on this the 5th day of August, 2024, by and between **DONALD ESTEP AND ETTA RUTH ESTEP, husband and wife, JAMES DUTY AND SHARON KAY ESTEP - DUTY, husband and wife, CARTER AUSTIN MCCOY AND DONNA E. MCCOY, husband and wife,** hereinafter sometimes referred to as “**GRANTORS**”, and **BUCHANAN COUNTY, VIRGINIA,** a Political Subdivision of the Commonwealth of Virginia, hereinafter sometimes referred to as “**GRANTEE**”. [Exempt from recordation taxes pursuant to Code §58.1-811 (A) (3).]

WITNESSETH:

WHEREAS, the Grantee wishes to maintain a road with turn around which is a part of the public road in the Knox Magisterial District for the traveling public, namely Misty Mountain Lane, County Road #2169; and

WHEREAS, the Grantors desire to give and donate and the Grantee desires to accept such property as set forth in this deed of conveyance to provide the right of way for a road with turn around which is part of the public road known as Misty Mountain Lane, County Road #2169; and

NOW THEREFORE, for and in consideration of promoting the public interest by providing a road with turn around which is part of a public road known as Misty Mountain Lane, County Road #2169 for use of the traveling public, the Grantors do

hereby give, donate, grant and convey unto the Grantee, **WITH GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE** , all their right, title and interest in and to all of those certain tracts or parcels of land situate in the Knox Magisterial District, in Buchanan County, Virginia, and being a portion of the same property which were acquired by the Grantors as set out in the sources of title herein, and being more particularly bounded and described as follows:

Property to be conveyed:

REFERENCE INTS. #180000905

BEGINNING at a point on the North right-of-way of Route 643 said point has an approximate NAD 1983 Virginia State Plane South Zone coordinate value of N=3,692,924.985 and E=10,464,873.512; thence leaving said right-of-way and with the proposed Southern right-of-way of Misty Mountain Lane the following N 52°19'23" W a distance of 13.53'to a point ;thence N 78°52'59" W a distance of 84.91'to a point; thence N 89°34'15" W a distance of 69.13'to a point; thence S 88°54'52" W a distance of 92.38'to a point; thence N 73°48'55" W a distance of 63.06'to a point; thence leaving said right-of-way N 00°00'00" W a distance of 20.83'to a point; thence S 73°48'55" E a distance of 20.83'to a point; thence N 00°00'00" W a distance of 19.17'to a point; thence N 90°00'00" E a distance of 40.00'to a point; thence S 00°00'00" E a distance of 30.78'to a point on the proposed Northern right-of-way off Misty Mountain Lane; thence with said Northern right-of-way the following S 73°48'55" E a distance of 3.54'to a point; thence N 90°00'00" E a distance of 28.54'to a point; thence N 88°20'54" E a distance of 60.79'to a point; thence S 89°34'15" E a distance of 71.37'to a point; thence S 78°52'59" E a distance of 91.50'to a point; thence S 52°19'23" E a distance of 70.75'to a point on the North right-of-way of Route 643; thence with said North right-of-way of Route 643 N 73°10'43" W a distance of 56.18'to the point of beginning, having an area of 8091.315 square feet, and containing 0.186 acres more or less.

Source and title for grantors: Donald Estep and Etta Ruth Estep acquired a portion of the land affected by this right-of-way deed by a deed recorded on Instrument #180000905 in the Clerk's Office of the Circuit Court of Buchanan County, Virginia. For a more particular description of said conveyance reference is made to the recorded deed. Said land affected by this right-of-way deed is shown as parcel #102 Tax Map #2HH-087.

Source and title for grantors: James Duty and Sharon Kay Estep-Duty acquired a portion of the land affected by this right-of-way deed by a deed recorded on Instrument #180000905 in the Clerk's Office of the Circuit Court of Buchanan County, Virginia. For a more particular description of said conveyance reference is made to the recorded deed. Said land affected by this right-of-way deed is shown as parcel #102 Tax Map #2HH-087.

Source and title for grantors: Carter Austin McCoy and Donna E. McCoy acquired a portion of the land affected by this right-of-way deed by a deed recorded on Instrument #180000905 in the Clerk's Office of the Circuit Court of Buchanan County,

Virginia. For a more particular description of said conveyance reference is made to the recorded deed. Said land affected by this right-of-way deed is shown as parcel #102 Tax Map #2HH-087.

Included in this deed of conveyance is the permanent right and easement to use such additional areas for cut and/or fill slopes as being required for the proper execution of the work to be performed. Said work shall include location and construction of, or other improvement to, a public road to be used and utilized by the general public at large for all public transportation purposes. Said permanent easement will be utilized for maintenance of cut and/or fill slopes created as a requirement for the proper execution of the work to be performed.

Included in this deed of conveyance is the right and easement to construct, improve, relocate and maintain any creek, drain, drainage ditch or other drainage facilities that may exist on the lands of the Grantors or that may be needed or convenient for the proper and adequate drainage of the aforesaid road and surrounding property and/or location, construction, reconstruction or other improvement of a road within the property to be conveyed.

AND FURTHER WITNESSETH: That the Grantors, for the consideration stated above, also covenant and agree, upon demand of any public utility company or corporation having its facilities in, over or across the lands herein conveyed, that they, the said Grantors, will give, grant and convey unto such public utility company or corporation an easement in, over and across the lands of the Grantor lying adjacent to the lands herein conveyed for the relocation, construction, operation and maintenance of said facilities.

The Grantors covenant to and with the Grantee that they will warrant generally the title to the property hereby conveyed; that they have the right to convey same to the Grantee; that the Grantee shall have quiet possession of same, free from encumbrances, that Grantors have done no act to encumber same; and, that Grantors will execute such other and further assurances of title as may be requisite.

There is hereby excepted and reserved from the operation of this conveyance such of the coal, oil, minerals, rights, privileges, etc., as may have been heretofore sold or excepted from said land by prior owners. Additionally, this conveyance is subject to all exceptions, limitations or conditions contained in any document which constitutes a muniment of title to the property being conveyed herein and that have been heretofore recorded in the Clerk's Office of the Circuit Court of Buchanan County, Virginia.

That on the 5th day of August, 2024, the Buchanan County Board of Supervisors, at a duly held meeting of the Board, approved the acquisition of the property described herein and the Chairman of the Buchanan County Board of Supervisors and the County

Administrator for Buchanan County by their execution of this Deed acknowledge that the Buchanan County Board of Supervisors has authorized this property acquisition. The execution of this Deed by Lawrence L. Moise III, County Attorney for Buchanan County, Virginia indicates his approval of the form of this Deed.

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IN RE: CONSIDER ADOPTING THE RESOLUTION ACCEPTING THE DEED OF GIFT BY AND BETWEEN BRADLEY SWVA SPORTSMEN, INC. AND ELK VIEW FARMS, LLC. TO BUCHANAN COUNTY REGARDING BANNER CHURCH ROAD, LOCATED IN THE PRATER MAGISTERIAL DISTRICT, COUNTY ROAD NUMBER 3203

After a general discussion by the board upon motion by David Rose seconded by Trey Adkins and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby adopt the following Resolution accepting the Deed of Gift by and between Bradley D. Vandyke and Cynthia S. Vandyke, husband and wife; SWVA Sportsman, Inc. and Elk View Farms, LLC. to Buchanan County regarding Banner Church Road, located in the Prater Magisterial District, County Road Number 3203.

RESOLUTION

IN RE: ACCEPTANCE OF DEED OF GIFT BY AND BETWEEN BRADLEY D. VANDYKE AND CYNTHIA S. VANDYKE, HUSBAND AND WIFE; SWVA SPORTSMEN, INC., AND ELK VIEW FARMS, LLC TO BUCHANAN COUNTY, VIRGINIA REGARDING BANNER CHURCH ROAD, LOCATED IN THE PRATER MAGISTERIAL DISTRICT, COUNTY ROAD NUMBER 3203

BE IT RESOLVED, by the Buchanan County Board of Supervisors that we approve acceptance of the property described in that Deed of Gift attached hereto between Bradley D. Vandyke and Cynthia S. Vandyke, Husband and Wife; SWVA Sportsmen, Inc., and Elk View Farms, LLC. and Buchanan County, Virginia and authorized the Chairman of the Buchanan County Board of Supervisors and Robert Craig Horn, County Administrator for Buchanan County, Virginia to execute such Deed on behalf of Buchanan County to acknowledge its acceptance of such property with the approval as to form by the County Attorney.

This Resolution was adopted by the Buchanan County Board of Supervisors on this the 5th day of August, 2024 by a roll call vote of seven for and zero against.

Chairman of the
Buchanan County Board of Supervisors

ATTEST:

Robert Craig Horn, County Administrator

THIS DEED OF GIFT, made and entered into on this the 5th day of August, 2024, by and between **BRADLEY D. VANDYKE & CYNTHIA S. VANDYKE, husband and wife, SWVA SPORTSMEN, INC., and ELK VIEW FARMS, LLC.,** hereinafter sometimes referred to as "**GRANTORS**", and **BUCHANAN COUNTY, VIRGINIA,** a Political Subdivision of the Commonwealth of Virginia, hereinafter sometimes referred to as "**GRANTEE**". [Exempt from recordation taxes pursuant to Code §58.1-811 (A) (3).]

WITNESSETH:

WHEREAS, the Grantee wishes to maintain a road with turn around which is a part of the public road in the Prater Magisterial District for the traveling public, namely Banner Church Road (extension), County Road #3203; and

WHEREAS, the Grantors desire to give and donate and the Grantee desires to accept such property as set forth in this deed of conveyance to provide the right of way for a road with turn around which is part of the public road known as Banner Church Road (extension), County Road #3203; and

NOW THEREFORE, for and in consideration of promoting the public interest by providing a road with turn around which is part of a public road known as Banner Church Road (extension), County Road #3203 for use of the traveling public, the Grantors do hereby give, donate, grant and convey unto the Grantee, **WITH GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE**, all their right, title and interest in and to all of those certain tracts or parcels of land situate in the Prater Magisterial District, in Buchanan County, Virginia, and being a portion of the same property which were acquired by the Grantors as set out in the sources of title herein, and being more particularly bounded and described as follows:

Property to be conveyed:

BRADLEY D. VANDYKE and CYNTHIA S. VANDYKE INSTRUMENT #060002698

BEGINNING at a point on the proposed Southeastern right-of-way of Banner Church Road, said point has an approximate NAD 1983 Virginia South Zone Coordinate value of N=3,623,917.734 and E=10,424,029.851; thence crossing Banner Church Road N 19°01'46" W a distance of 21.43' to a point on the proposed Northwestern right-of-way of Banner Church Road; thence N 47°24'40" E a distance of 13.05' to a point; thence S 71°33'30" E a distance of 24.13' to a point; thence S 49°55'48" W a distance of 33.33' to the point of beginning, having an area of 471.053 square feet, and containing 0.011 acres more or less.

SWVA SPORTSMEN, INC. REFERENCE INST. #220001352

BEGINNING at a point on the proposed Southeastern right-of-way of Banner Church Road, said point has an approximate NAD 1983 Virginia State Plane South Zone Coordinate value of N=3,623,917.734 and E=10,424,029.851; thence with said Southeastern proposed right-of-way the following S 49°55'48" W a distance of 31.26' to a point; thence S 50°51'50" W a distance of 131.54' to a point; thence S 32°40'21" W a distance of 90.93' to a point a corner to the proposed turn around area; thence with said turn around area the following S 61°27'27" E a distance of 16.89' to a point; thence S 28°32'33" W a distance of 40.00' to a point; thence N 61°27'27" W a distance of 40.00' to a point; thence N 28°32'33" E a distance of 40.00' to a point; thence S 61°27'27" E a distance of 3.05' to a point on the proposed Northwestern right-of-way; thence with said proposed Northwestern right-of-way the following N 32°40'21" E a distance of 95.58' to a point; thence N 50°51'50" E a distance of 134.58' to a point; thence N 49°55'48" E a distance of 38.79' to a point; thence crossing Banner Church Road S 19°01'46" E a distance of 21.43' to the point of beginning, having an area of 6826.699 square feet, and containing 0.157 acres more or less.

ELK VIEW FARMS, LLC. REFERENCE INST. #220001352

BEGINNING at a point on the proposed Southeastern right-of-way of Banner Church Road, said point has an approximate NAD 1983 Virginia State Plane South Zone Coordinate value of N=3,623,917.734 and E=10,424,029.851; thence with said Southeastern proposed right-of-way the following S 49°55'48" W a distance of 31.26' to a point; thence S 50°51'50" W a distance of 131.54' to a point; thence S 32°40'21" W a distance of 90.93' to a point a corner to the proposed turn around area; thence with said turn around area the following S 61°27'27" E a distance of 16.89' to a point; thence S 28°32'33" W a distance of 40.00' to a point; thence N 61°27'27" W a distance of 40.00' to a point; thence N 28°32'33" E a distance of 40.00' to a point; thence S 61°27'27" E a distance of 3.05' to a point on the proposed Northwestern right-of-way; thence with said proposed Northwestern right-of-way the following N 32°40'21" E a distance of 95.58' to a point; thence N 50°51'50" E a distance of 134.58' to a point; thence N 49°55'48" E a distance of 38.79' to a point; thence crossing Banner Church Road S 19°01'46" E a distance of 21.43' to the point of beginning, having an area of 6826.699 square feet, and containing 0.157 acres more or less.

Source and title for grantors: Bradley D. Vandyke and Cynthia S. Vandyke acquired a portion of the land affected by this right-of-way deed by a deed recorded on Instrument # 060002698 in the Clerk's Office of the Circuit Court of Buchanan County, Virginia. For a more particular description of said conveyance reference is made to the recorded deed. Said land affected by this right-of-way deed is shown as parcel #027 Tax Map #2HH-214.

Source and title for grantors: SWVA Sportsmen, Inc acquired a portion of the land affected by this right-of-way deed by a deed recorded on Instrument # 220001352 in the Clerk's Office of the Circuit Court of Buchanan County, Virginia. For a more particular description of said conveyance reference is made to the recorded deed. Said land affected by this right-of-way deed is shown as parcel #030B Tax Map #2HH-214. **Elk View**

Farms, LLC, is listed as a Grantor in this Deed to reflect that it is granting permission for the transfer in this deed from SWVA Sportsmen, Inc., though technically not in compliance with the restriction in the deed at Instrument #220001352 barring any transfers during the three year period following the conveyance of the property to SWVA Sportsmen, Inc. from Elk View Farms, LLC.

Included in this deed of conveyance is the permanent right and easement to use such additional areas for cut and/or fill slopes as being required for the proper execution of the work to be performed. Said work shall include location and construction of, or other improvement to, a public road to be used and utilized by the general public at large for all public transportation purposes. Said permanent easement will be utilized for maintenance of cut and/or fill slopes created as a requirement for the proper execution of the work to be performed.

Included in this deed of conveyance is the right and easement to construct, improve, relocate and maintain any creek, drain, drainage ditch or other drainage facilities that may exist on the lands of the Grantors or that may be needed or convenient for the proper and adequate drainage of the aforesaid road and surrounding property and/or location, construction, reconstruction or other improvement of a road within the property to be conveyed.

AND FURTHER WITNESSETH: That the Grantors, for the consideration stated above, also covenant and agree, upon demand of any public utility company or corporation having its facilities in, over or across the lands herein conveyed, that they, the said Grantors, will give, grant and convey unto such public utility company or corporation an easement in, over and across the lands of the Grantor lying adjacent to the lands herein conveyed for the relocation, construction, operation and maintenance of said facilities.

The Grantors covenant to and with the Grantee that they will warrant generally the title to the property hereby conveyed; that they have the right to convey same to the Grantee; that the Grantee shall have quiet possession of same, free from encumbrances, that Grantors have done no act to encumber same; and, that Grantors will execute such other and further assurances of title as may be requisite.

There is hereby excepted and reserved from the operation of this conveyance such of the coal, oil, minerals, rights, privileges, etc., as may have been heretofore sold or excepted from said land by prior owners. Additionally, this conveyance is subject to all exceptions, limitations or conditions contained in any document which constitutes a muniment of title to the property being conveyed herein and that have been heretofore been recorded in the Clerk's Office of the Circuit Court of Buchanan County, Virginia.

That on the 5th day of August, 2024, the Buchanan County Board of Supervisors, at a duly held meeting of the Board, approved the acquisition of the property described herein

and the Chairman of the Buchanan County Board of Supervisors and the County Administrator for Buchanan County by their execution of this Deed acknowledge that the Buchanan County Board of Supervisors has authorized this property acquisition.

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

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IN RE: CONSIDER APPROVING TO SCHEDULE A PUBLIC HEARING ON MONDAY, OCTOBER 7TH AT 5:30 P.M. REGARDING THE ABANDONMENT OF SEVERAL COUNTY ROADS

After a general discussion by the board upon motion by Tim Hess seconded by David Rose and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, with Craig Stiltner requesting to remove Cabin Fork Road, this board did hereby approve to schedule a public hearing on Monday, October 7th, 2024 at 5:30 p.m. to hear public comments regarding the abandonment of the following county roads:

- 2003 Melody Road – Rocklick District
- 4291 Compton & Combs Road – Hurricane District
- 4207 Turner Road – Hurricane District
- 4274 Snoopy Lane Road – Hurricane District
- 4162 Arnold Road – Hurricane District
- 4163 Vance Road – Hurricane District
- 4165 Square Corner Road – Hurricane District
- 4288 Johnson Road – Hurricane District – RIGHT FORK 0.10 mile to be abandoned. Total Distance of Road is 0.40 mile. We want to keep 0.30 mile (From SRI to LEFT FORK)
- 3059 Day Lily Road – North Grundy District
- 3073 Green Road – North Grundy District
- 3151 Marcus Road – North Grundy District
- 3160 Valleyview Road – North Grundy District
- 3155 Myrtle Road – North Grundy District - LAST 0.90 mile to be abandoned. Total Distance of Road is 1.40 mile. We want to keep the FIRST 0.50 mile.
- 5078 Hensley Road – North Grundy District - LAST 0.10 mile to be abandoned. Total Distance of Road is 0.25 mile. We want to keep the FIRST 0.15 mile.

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IN RE: CONSIDER APPROVING TO INCREASE THE RATES BY \$7.00 PER TON REGARDING THE CONTRACTS BETWEEN BUCHANAN COUNTY, VA AND SHORTT & SON PAVING CO., INC.

After a general discussion by the board upon motion by David Rose seconded by Trey Adkins and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve to increase the rates by \$7.00 per ton regarding the Contracts between Buchanan County, VA and Shortt & Son Paving Co., Inc. for the following:

- Contract from \$42.00 per ton to \$49.00 per ton for over 60 tons of asphalt;
- Contract from \$53.00 per ton to \$60.00 per ton for under 60 tons of asphalt.

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IN RE: PRESENTATION OF PLAGUE FOR THE RECOGNITION OF JOSH HARRISON FOR HIS OUTSTANDING ACCOMPLISHMENTS AND EFFORTS OF ACHIEVING THE RANK OF EAGLE SCOUT, TROOP 749

At this time, Jeff Cooper, Garden District Supervisor recognized Josh Harrison for his outstanding accomplishment and efforts of achieving the rank of Eagle Scout, Troop 749.

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IN RE: CONSIDER APPROVING THE MUTUAL AID AND COOPERATION AGREEMENT FOR LAW ENFORCEMENT SERVICES BY AND BETWEEN BUCHANAN COUNTY AND RUSSELL COUNTY, VIRGINIA, THE SHERIFF OF RUSSELL COUNTY AND SHERIFF OF BUCHANAN COUNTY AND AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT ON BEHALF OF BUCHANAN COUNTY, VIRGINIA

After a general discussion by the board upon motion by Jeff Cooper seconded by Tim Hess and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve the Mutual Aid and Cooperation Agreement for Law Enforcement Services by and between Buchanan County and Russell County, Virginia, the Sheriff of Russell County and Sheriff of Buchanan County and authorized the chairman to execute the agreement on behalf of Buchanan County, Virginia. A copy of this agreement is located in the Buchana County Administrator’s Office.

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IN RE: GENERAL DISCUSSION

G. Roger Rife, Chairman requested Marcus Stiltner, Coal Haul Road Engineer to update the county road list for his district.

Craig Stiltner, Rocklick District Supervisor asked Benji Looney, Public Works Director if fuel tanks could be placed at the parks?

Lee Moise, County Attorney stated a permit would have to be obtained through the Department of Environmental Quality (DEQ) first.

Mr. Stiltner stated, if possible, I’d like to pursue this for the parks.

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IN RE: PUBLIC HEARING – 5:30 P.M. – TO HEAR PUBLIC COMMENTS ON THE PROPOSED ADOPTION OF AN ORDINANCE ENTITLED: “AN ORDINANCE TO ESTABLISH PAYMENT OF A ONE TIME TWO THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$2,500.00) INCENTIVE/BONUS FOR 34 (FULL AND PART-TIME) EMPLOYEES OF BUCHANAN COUNTY HEAD START”

G. Roger Rife, Chairman opened the public hearing for comments.

With no comments from the public, upon motion by Trey Adkins seconded by Craig Stiltner and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve to close the public hearing.

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IN RE: CONSIDER APPROVING THE ADOPTION OF AN ORDINANCE ENTITLED: “AN ORDINANCE TO ESTABLISH PAYMENT OF A ONE TIME TWO THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$2,500.00) INCENTIVE/BONUS FOR 34 (FULL AND PART-TIME) EMPLOYEES OF BUCHANAN COUNTY HEAD START.”

After a general discussion by the board upon motion by Tim Hess seconded by Craig Stiltner and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby adopt the following ordinance entitled: **“An Ordinance to Establish Payment of a One Time Two Thousand Five Hundred Dollars and No Cents (\$2,500.00) incentive/bonus for 34 (full and part-time) employees of Buchanan County Head Start.”**

ORDINANCE

“AN ORDINANCE TO ESTABLISH PAYMENT OF A ONE TIME TWO THOUSAND FIVE HUNDRED INCENTIVE/BONUS FOR BUCHANAN COUNTY HEAD START EMPLOYEES”

Section - Incentive/Bonus Authorized

- A.** A one-time bonus in the amount of Two Thousand Five Hundred Dollars and No Cents (\$2,500.00) is hereby authorized to be paid to each Buchanan County Head Start employee (34 full and part-time staff). Said incentive/bonuses are being paid from unused federal funds in the Personnel & Fringe account for FY 24. Such bonuses are authorized by the Federal Office of Head Start.

This ordinance was adopted by a roll call vote on the 5th day of August 2024.

Motion made by: Tim Hess
Seconded by: Craig Stiltner
David Rose Yea
Tim Hess Yea
Jeff Cooper Yea
Craig Stiltner Yea
Trey Adkins Yea
Lee Dotson Yea
Roger Rife Yea

By: _____
G. Roger Rife, Chairman
Buchanan County, Virginia Board of Supervisors

ATTEST:

Robert Craig Horn, County Administrator

_____ 000 _____

IN RE: CONSIDER APPROVE THE REQUEST FROM BUCHANAN COUNTY HEAD START FOR THE SUBMISSION OF THE \$2,258,374.00 FY 2025 CONTINUATION/REFUNDING GRANT APPLICATION FOR THE BUCHANAN COUNTY HEAD START

After a general discussion by the board upon motion by Trey Adkins seconded by Tim Hess and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve Buchanan County Head Start to submit the \$2,258,374.00 FY 2025 Continuation/Refunding Grant Application.

_____ 000 _____

IN RE: CONSIDER APPROVING BUCHANAN COUNTY HEAD START TO SUBMIT A ONE-TIME 100% FEDERAL FUNDED APPLICATION IN THE AMOUNT OF \$51,978.00 TO THE ADMINISTRATION FOR CHILDREN/OFFICE OF HEAD START (ACF/OHS)

After a general discussion by the board upon motion by Tim Hess seconded by Craig Stiltner and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve the Buchanan County Head Start to submit a One-Time 100% Federal Funded application in the amount of \$51,978.00 to the Administration for Children/Office of Head Start (ACF/OHS).

_____ 000 _____

IN RE: CONSIDER RATIFYING THE CONTRACT BY AND BETWEEN WILL GIBSON D/B/A L & J RECYCLING AND BUCHANAN COUNTY, VIRGINIA FOR DEMOLITION AND REMOVAL OF A MOBILE HOME ALONG WITH THREE OTHER PUBLIC NUISANCE STRUCTURES ON STATE ROUTE 460, HARMAN JUNCTION, WHICH WERE ALL DEEMED AS PUBLIC NUISANCE STRUCTURES THAT PRESENT AN IMMEDIATE AND IMMINENT THREAT TO LIFE OR PROPERTY

After a general discussion by the board upon motion by Craig Stiltner seconded by Jeff Cooper and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby ratify the Contract between Will Gibson d/b/a L & J Recycling and Buchanan County, Virginia for demolition and removal of a mobile home along with three other public nuisance structures on State Route 460, Harman Junction, which were all deemed as public nuisance structures that present an immediate and imminent threat to life or property. This includes an Assumption of Risk Acknowledgement Public Nuisance Structures Removal form signed by the contractor and approved by the county attorney.

CONTRACT

THIS AGREEMENT, made and entered into this the 15th day of July, 2024, by and between, **Will Gibson d/b/a L & J Recycling**, party of the first part; hereinafter sometimes referred to as “**Contractor**,” and **Buchanan County, Virginia**, a political subdivision of the Commonwealth of Virginia, 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 Contractor shall, at his own cost and expense, procure and maintain insurance required under the Virginia Workers, Compensations Act as well as liability insurance covering damages to persons and property in the minimum amount of \$1,000,000.00 and shall furnish a Certificate of insurance to the County. Buchanan County, its officers, agents, and employees shall be listed as additional insured on such policy of liability insurance. The Contractor shall furnish certificates of insurance to Buchanan County verifying such coverage.

II.

The Contractor agrees to provide all materials and perform all the work required of him under this Agreement in a good and workmanlike manner under the supervision, inspection and direction of Bart Chambers, Building Code Official, Buchanan County, Va. **The Scope of this contract is the demolition and removal of a blue single wide mobile home, a secondary structure and red shed structures located at 28657 Riverside Drive (U.S. Rt 460 and an old garage structure located at 28642 Riverside Drive (U.S. Rt. 460) all of which the Building Code Official has deemed a public nuisance structure thats presents and immediate and imminent threat to life or**

property. The Contractor guarantees the work performed by any sub-contractors under this Agreement and further agrees to notify the designated County Building Code Official at least 24 hours before commencing work hereunder. The Contractor understands that time is of the essence in the completion of this job. Specifically, that the job must be completed within 30 business days of the Contractor receiving a Notice to Proceed from the County.

III.

Contract bid price is Five Thousand Dollars and No Cents (\$5,000.00) to be paid in a lump sum upon completion of the job. Said Contract price is made up of \$700.00 to remove the blue single wide mobile home; \$300.00 for removal of secondary structure; \$1,000.00 for the removal of the red shed structures; and \$3,000.00 for the removal of the garage structure. Contractor has agreed to work with the property owner, Travin Looney, 276-935-1187 (work) in regards to salvaging some special glass from the old garage building.

IV.

The Contractor 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.

V.

In the event that the Contractor fails to complete the work required of him under this Agreement or abandons the said work or in any other way is in default of performance hereunder, the County and its agents shall have the right to enter upon the premises upon which the work is being done and take possession thereof and of any material thereon, whether supplied by the Contractor or otherwise, and use such material and complete the said Agreement through workmen or contractors or subcontractors employed by the Contractor, or County and in every way perform the Agreement as is required to be done by the Contractor. In the event that the cost, of such work and the furnishing of such material as may be required to be furnished exceeds the amount then remaining due the Contractor under the said Agreement, the Contractor shall pay to county the amount of such deficiency. If it becomes necessary for the County to pursue recovery of this deficiency, or other damages for any other breach of this agreement, the Contractor shall also be liable for the County's reasonable attorney's fees and court costs. But if such amount remaining in the hands of County under this Agreement at the time of the default of the Contractor exceeds the amount required to complete the said Agreement, then upon completion County shall pay such surplus to the Contractor.

VI.

In the performance of the work under this Agreement, the Contractor shall conform to all applicable laws, ordinances, rules and regulations now in force or hereafter adopted and shall obtain all permits, license and consents required by such laws, ordinances, rules and regulations, **including obtaining a demolition permit or permits from the Building Code Office.**

VII.

The Contractor shall, at all times, keep the construction area, safe and passable to normal traffic, considering short delays which may be necessary in the performance of the work covered by the Agreement.

VIII.

No extra work, not required by the plans and specifications hereinbefore mentioned shall be performed or other material furnished unless on written order of County certifying that the performance of such extra work has been approved and authorized by it.

IX.

No extra compensation not specified in this Agreement shall be demanded or received by the Contractor for any changes or alterations in the work performed under this Agreement, or for any extra work unless the provisions of this Agreement have been complied with strictly and prior approval is received by the Buchanan County Va., Board of Supervisors and/or such modification is permitted pursuant to the provisions of Va. Code section 2.2-4309.

X.

Not 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 such modification is permitted pursuant to the provisions of Va. Code section 2.2-4309.

XI.

County may cancel this Agreement at any time based upon a decision by County that such cancellation is in the best interest of County. Any such decision shall be a discretionary decision of County. In the event of a cancellation pursuant to this paragraph, then County shall not be liable to the Contractor for his bidding cost or for an amount other than the fair market value of the work completed by the Contractor pursuant to this Contract as of the time of the cancellation.

XII.

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.

XIII.

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.

XIV.

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

EXECUTED IN DUPLICATE ORIGINALS NEXT TWO PAGES.

WITNESS the following signatures and seals:

BUCHANAN COUNTY

By: _____

G. Roger Rife, Chairman of the
Buchanan County Board of Supervisors

ATTEST:

Robert C. Horn, County Administrator
For Buchanan County, Virginia

_____ 000 _____

**IN RE: CONSIDER APPROVING AND RATIFYING THE POLICY OF
 NOT SEEKING THE RECOVERY OF COSTS OF THE REMOVAL
 AND ABATEMENT OF PUBLIC NUISANCE STRUCTURES**

Craig Stiltner, Rocklick District Supervisor stated L & J Recycling has been doing a great job in removing public nuisance structures that presents an immediate and imminent threat to life or property. Every supervisor should be getting this done in their districts.

L. Lee Moise, County Attorney stated the Code of Virginia states if a public nuisance presents an imminent and immediate threat to life or property, then the locality may abate, raze, or remove such public nuisance, and a locality may bring an action against the responsible party to recover the necessary costs incurred for the provision of public emergency services reasonably required to abate any such public nuisance.

The unofficial policy has been not to pursue the recovery of costs of removing public nuisance structures against the property owners if they cooperate with the removal process. At this time, I would request the Board to approve and ratify that policy as an official policy, stated Mr. Moise.

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, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve and ratify the policy of not seeking the recovery of costs of the removal and abatement of public nuisance structures from the property owners of said

public nuisance structures, when such property owners cooperate with the County in the process of abating said public nuisance structures.

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IN RE: CONSIDER ADOPTING RESOLUTIONS FOR THE RATIFICATION OF THE ACCEPTANCE OF DEEDS FOR THE ACQUISITION OF PROPERTY AS PART OF THE U.S. ARMY CORPS OF ENGINEERS NON-STRUCTURAL PROJECT

After a general discussion by the board upon motion by Trey Adkins seconded by Lee Dotson and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve the following Resolutions for the ratification of the Acceptance of the following Deeds for the acquisition of property as part of the U.S. Army Corps of Engineers Non-Structural Project:

- Acceptance of Deed by and between Lugo Miguel Onate a/k/a Miguel Onate Lugo and Martha C. Barajas De Onate a/k/a Cecilia Onate, husband and wife (Grantors) and Buchanan County, Virginia (Grantee);
- Acceptance of Deed by and between Bridget L. Rife a/k/a Bridget Lester (Grantor) to Buchanan County, Virginia (Grantee).

RESOLUTION

IN RE: ACCEPTANCE OF DEED BY AND BETWEEN LUGO MIGUEL ONATE AKA MIGUEL ONATE LUGO AND MARTHA C. BARAJAS DE ONATE AKA CECILIA ONATE, HUSBAND AND WIFE TO BUCHANAN COUNTY, VIRGINIA

BE IT RESOLVED, by the Buchanan County Board of Supervisors that we approve acceptance of the property described in that Deed recorded in the Buchanan County Circuit Court Clerk's Office, Instrument Number 240000567 between, Lugo Miguel Onate aka Miguel Onate Lugo and Martha C. Barajas De Onate aka Cecilia Onate, Husband and Wife and Buchanan County, Virginia. This deed is a General Warranty Deed with the U.S. Army Corps of Engineers. Levisa Fork River Valley, Buchanan County Non-Structural Project Tract NO. 6913.

This Resolution was adopted by the Buchanan County Board of Supervisors on this the 5th day of August, 2024 by a roll call vote of seven for and zero against.

G. Roger Rife, Chairman of the
Buchanan County Board of Supervisors

ATTEST:

Robert Craig Horn, County Administrator

RESOLUTION

IN RE: ACCEPTANCE OF DEED BY AND BETWEEN BRIDGET L. RIFE AKA BRIDGET LESTER TO BUCHANAN COUNTY, VIRGINIA

BE IT RESOLVED, by the Buchanan County Board of Supervisors that we approve acceptance of the property described in that Deed recorded in the Buchanan County Circuit Court Clerk’s Office, Instrument Number 240000624 between, Bridget L. Rife aka Bridget Lester and Buchanan County, Virginia. This deed is a General Warranty Deed with the U.S. Army Corps of Engineers. Levisa Fork River Valley, Buchanan County Non-Structural Project Tract NO. 3432.

This Resolution was adopted by the Buchanan County Board of Supervisors on this the 5th day of August, 2024 by a roll call vote of seven for and zero against.

G. Roger Rife, Chairman of the
Buchanan County Board of Supervisors

ATTEST:

Robert Craig Horn, County Administrator
_____ 000 _____

IN RE: CONSIDER APPROVING AN ADDITIONAL APPROPRIATION IN THE AMOUNT OF \$87,708.00 FOR FUNDING RECEIVED FROM THE STATE OF VIRGINIA FIRE FUND TO BE DIVIDED EQUALLY AMONG THE VOLUNTEER FIRE DEPARTMENTS THAT ARE LOCATED IN BUCHANAN COUNTY WITH THE EXCEPTION OF JEWELL RIDGE VOLUNTEER FIRE DEPARTMENT

After a general discussion by the board upon motion by Trey Adkins seconded by Tim Hess and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve an additional appropriation in the amount of \$87,708.00 for funding received from the State of Virginia Fire Fund to be divided equally among the volunteer fire departments that are located in Buchanan County with the exception of Jewell Ridge Volunteer Fire Department.

_____ 000 _____

IN RE: CONSIDER RATIFYING THE RIGHT OF ENTRY/TEMPORARY AND PERMANENT EASEMENTS /RELEASE BETWEEN BUCHANAN COUNTY BOARD OF SUPERVISORS AND CODY WAYNE ELSWICK REGARDING MIDNIGHT ROAD, COUNTY ROAD NUMBER 2342 LOCATED IN THE ROCKLICK MAGISTERIAL DISTRICT

After a general discussion by the board upon motion by Craig Stiltner seconded

and easement for maintenance of said cemetery road shall be of a duration to permit the maintenance of said cemetery road for as long as needed into the future. Grantor and his heirs, successors and assigns specifically release the Buchanan County, Va. Board of Supervisors, its contractors, agents, employees, officers, or their successors from any liability for any damages to property whatsoever in regard to the work to be performed to construct said cemetery road and maintain same said cemetery road to be passable for motor vehicle traffic.

Property Owner(s)/Grantors

<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>	<u>Date</u>
Cody Wayne Elswick _____	_____	2188 Watkins Street. Grundy, Va. 24614	_____
_____ 000 _____			

IN RE: CONSIDER RATIFYING THE RIGHT OF ENTRY/EASEMENT/RELEASE BETWEEN BUCHANAN COUNTY BOARD OF SUPERVISORS AND TRAVIN LOONEY REGARDING FOUR PUBLIC NUISANCE STRUCTURES THAT WAS ABATED LOCATED IN THE NORTH GRUNDY MAGISTERIAL DISTRICT

After a general discussion by the board upon motion by Craig Stiltner seconded by Lee Dotson and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby ratify the following Right of Entry/Easement/Release between Buchanan County Board of Supervisors and Travin Looney regarding four public nuisance structures that was abated located in the Rocklick Magisterial District.

**Buchanan County Board of Supervisors
Right of Entry/Easement/Release**

Agreement Between:

**Travin Looney, grantor and
Buchanan County Board of Supervisors through its
County Administrator, Grantee and**

Location of Public nuisance structures to be abated:

- 1) Address: Old Garage structure at 28642 Riverside Drive (U.S. Route 460), No. 2HH220036 ENLG B**
- 2) Address: Old mobile home and red shed structures at 28657 Riverside Drive (U.S. Rt 460), 2HH220076 ENLG B**

DATE: _____

Grantor hereby grants permission to the Buchanan County, Va. Board of Supervisors (hereinafter sometime referred to as "BOS") to enter the property in which the Grantor owns undivided interest, pursuant to Grantor's 10% interest in the residuary estate of Ernest Looney (See Will Book 23, page 265, recorded in the Clerk's Office of the Buchanan County Circuit Court; and as the sole beneficiary of the estate John Looney (see Will Book ____, Page ____ recorded in the Clerk's Office of the Buchanan County Circuit Court). The abandoned structures at 28642 Riverside Drive (U.S. Route 460) and 28657 Riverside Drive (U.S. Route 460) have been determined by the Building Code

Official of Buchanan County, Va. as a public nuisance structures that constitutes an immediate and imminent threats to life or property pursuant to the County's Ordinance and Va. Code section 15.2-900. The public nuisance structures are located at the above listed addresses in the Harman Junction, Va. area of the Rocklick Magisterial District, on Map Parcel #2HH220036 ENLG B, and on Map Parcel # 2HH220076 ENLG B.. It is mutually understood and agreed by grantor, his heirs, assigns and successors that no future claims will be made against Buchanan County, Va. Board of Supervisors, its employees, agents, officers, or their successors for any compensation of damages in connection with the grantee exercising the rights granted in this temporary right of entry/easement as set forth below:

Conditions/ Rights: The grantee, its agents, employees, and officers shall be permitted to enter upon the property described herein which is owned by the grantor so to remove and dispose of the public nuisance structures listed above and located on Tax Map No. 2HH220036 ENLG B and Tax Map No. 2HH220076 ENLG B. The authority to remove and dispose of said public nuisance structures is pursuant to Va. Code section 15.-2-900 and Buchanan County Code section 77-13. This right of entry and temporary easement shall be of a duration to permit a reasonable time for grantee, its contractors, agents, employees and officers to perform the work necessary to remove and dispose of the three public nuisance structures listed above. Grantor and his heirs, successors and assigns specifically release the Buchanan County, Va. Board of Supervisors, its contractors, agents, employees, officers, or their successors from any liability for any damages to property whatsoever in regard to the work to be performed to remove and dispose of the public nuisance structures described herein.

It is further understood that the Grantee (County) will not assess any costs for the removal and disposal of the public nuisance structure against the Grantor in light of the cooperation for the removal and disposal of these public nuisance structures by execution of this Right of Entry/Easement/Release document.

Property Owner(s)/Grantors

<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>	<u>Date</u>
Travin Looney	_____	_____	_____
	_____	_____	_____

IN RE: CONSIDER RATIFYING THE STATEMENT OF GRANT AWARD (SOGA) FOR VICTIM WITNESS GRANT PROGRAM

After a general discussion by the board upon motion by Craig Stiltner seconded by David Rose and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby ratify the Statement of Grant Award (SOGA) for Victim Witness Grant Program.

_____ 000 _____

IN RE: CONSIDER APPOINTMENT AND/OR REAPPOINTMENT TO THE BUCHANAN COUNTY PLANNING COMMISSION FOR THE PRATER MAGISTERIAL DISTRICT. (CURRENT: WILLARD OWENS)

This issue was tabled, no action taken.

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IN RE: CONSIDER APPOINTMENTS AND/OR REAPPOINTMENTS TO THE APPALACHIAN SCHOOL OF LAW BOARD OF TRUSTEES FOR A THREE-YEAR TERM FROM JULY 1ST, 2024 THROUGH JUNE 30TH, 2027. (CURRENT: TERESA CHAFIN, MICKEY MCGLOTHLIN AND WADE MCGEORGE

After a general discussion by the board upon motion by Trey Adkins seconded by Lee Dotson and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby reappoint The Honorable Teresa Chafin, Michael McGlothlin and Wade McGeorge to the Appalachian School of Law Board of Trustees for a three (3) year term effective from July 1st, 2024 through June 30th, 2027.

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IN RE: CONSIDER APPOINTMENT AND/OR REAPPOINTMENT TO THE APPALACHIAN SCHOOL OF LAW BOARD OF TRUSTEES FOR A THREE-YEAR TERM FROM JULY 1ST, 2024 THROUGH JUNE 30TH, 2027

After a general discussion by the board upon motion by Craig Stiltner seconded by David Rose and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby appoint Nikki Stiltner to the Appalachian School of Law Board of Trustees for a three (3) year term effective from July 1st, 2024 through June 30th, 2027.

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IN RE: CONSIDER SCHEDULING A PUBLIC HEARING ON MONDAY, SEPTEMBER 9TH, 2024 AT 5:15 P.M. TO HEAR PUBLIC COMMENTS REGARDING AN ADDITIONAL BUDGET APPROPRIATION IN THE AMOUNT OF \$1,801,151.09 TO BUCHANAN COUNTY PUBLIC SCHOOLS FOR CARRY OVER FUNDS FROM FISCAL YEAR 2024 TO FISCAL YEAR 2025

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, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve to schedule a public hearing on Monday, September 9th, 2024

at 5:15 p.m. to hear public comments regarding an additional budget appropriation in the amount of \$1,801,151.09 to Buchanan County Public Schools for carry over funds from fiscal year 2024 to fiscal year 2025.

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IN RE: CONSIDER APPROVING AN ADDITIONAL BUDGET APPROPRIATION IN THE AMOUNT OF \$287,016.60 TO BUCHANAN COUNTY PUBLIC SCHOOLS FROM FISCAL YEAR 2023 TO FISCAL YEAR 2025 TO BE USED FOR PAVING AT THE ELEMENTARY SCHOOLS

Trey Adkins, Knox District Supervisor stated I can't be involved in the vote, because I volunteer for the company that received the bid for the paving for the school system.

Jeff Cooper, Garden District Supervisor asked if the school system has the money to do the paving?

Sherry Fletcher, Superintendent of Buchanan County Public Schools stated last year we asked to keep our carry-over funds, but it wasn't approved.

Robert C. Horn, County Administrator stated there's no such thing as carry-over money. The funding goes into the fund balance.

After a general discussion by the board upon motion by David Rose with no second to his motion, Mr. Rose requested a roll call vote, four (4) nays, Craig Stiltner, Tim Hess, Jeff Cooper, Lee Dotson, one (1) yay, David Rose, and two (2) abstained, G. Roger Rife and Trey Adkins, the motion failed.

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IN RE: CONSIDER APPROVING AN ADDITIONAL BUDGET APPROPRIATION IN THE AMOUNT \$499,111.00 TO BUCHANAN COUNTY PUBLIC SCHOOLS FUND 20 FOR ADDITIONAL FUNDING RECEIVED FROM THE VIRGINIA BOARD OF EDUCATION

Cheryl Tester, Finance Director for Buchanan County Public Schools stated the \$499,111.00 is state funding received after the budget was approved.

The governor gave a three percent raise to localities for their employees, stated Sherry Fletcher, Superintended.

After a general discussion by the board upon motion by Tim Hess seconded by Lee Dotson and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve an additional budget appropriation in the amount \$499,111.00 to Buchanan County Public Schools Fund 20 for additional funding received from the

Virginia Board of Education.

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IN RE: CONSIDER APPROVING REQUEST FROM KNOX CREEK RESCUE SQUAD FOR ADDITIONAL FUNDING IN THE AMOUNT OF \$19,500.00 TO BE USED AS MATCHING FUNDS FOR A GRANT FROM THE DEPARTMENT OF HEALTH RESCUE FUND

After a general discussion by the board upon motion by Trey Adkins seconded by Lee Dotson and with a roll call vote of five (5) yeas, Trey Adkins, Lee Dotson, G. Roger Rife, Tim Hess, Jeff Cooper and two (2) nays, David Rose and Craig Stiltner, this board did hereby approve an additional appropriation in the amount of \$19,500.00 to Knox Creek Rescue Squad to be used as matching funds for a grant from the Department of Health Rescue Fund.

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IN RE: CONSIDER RATIFYING THE AGREEMENT FOR APPRAISAL CONSULTING SERVICES TO ASSIST THE COMMISSIONER OF REVENUE WITH SUPPLEMENTAL ASSESSMENT REGARDING THE TWO INCENTIVE AGREEMENTS WITH JEWELL COKE COMPANY, L.P. AND CORONADO IV, LLC AND AUTHORIZE THE CHAIRMAN AND COUNTY ADMINISTRATOR TO EXECUTE THE AGREEMENT WITH APPROVAL AS TO FORM BY THE COUNTY ATTORNEY

After a general discussion by the board upon motion by Tim Hess seconded by Jeff Cooper and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby ratify the Agreement for appraisal consulting services to assist the Commissioner of Revenue with supplemental assessments regarding the two incentives agreements with Jewell Coke Company, L.P. and Coronado IV, LLC and authorized the chairman and county administrator to execute the agreement with approval as to form by the county attorney.

AGREEMENT CONCERNING PROVIDING APPRAISAL CONSULTING SERVICES TO ASSIST THE COMMISSIONER OF REVENUE WITH SUPPLEMENTAL ASSESSMENTS REGARDING THE TWO INCENTIVE AGREEMENTS WITH JEWELL COKE COMPANY, L.P. AND CORONADO IV LLC.

THIS AGREEMENT, made and entered into in duplicate originals this the 5th day of August, 2024, by and between **BUCHANAN COUNTY, VIRGINIA** a Political Subdivision of the Commonwealth of Virginia, hereinafter sometimes referred to as

“County”; and **WAMPLER-EANES APPRAISAL GROUP, LTD** hereinafter sometimes referred to as “Wampler-Eanes”.

W I T N E S S E T H:

THAT WHEREAS, the County entered into a Master Incentive Agreement in April of 2021 with Sun Coke Energy, Inc. and others in regard to a capital investment project at the Sun Coke’s Coke Oven Plant (sometimes hereinafter referred to as Coke Oven Plant) located in Buchanan County, Va.; and,

WHEREAS, the County entered into a Performance Agreement in June, 2023 with Coronado IV, LLC and others in regard to a capital investment expansion project at Coronado Coal located in Buchanan County, Virginia, and,

WHEREAS, as a result of Sun Coke’s capital investment project and Coronado Coal Expansion Project, taking place between reassessments there is a need for the Commissioner’s Office to perform supplemental assessments on both real estate and personal property regarding these two (2) projects; and,

WHEREAS, Wampler-Eanes Appraisal Group, LTD has performed the last two real estate reassessments for Buchanan County and is uniquely familiar with the assessment of the Coke Oven Plant and Coronado Coals expansion project located in Buchanan County, Va.; and,

WHEREAS, Wampler-Eanes Appraisal Group, LTD has agreed to assist the Commissioner of Revenue’s Office with the real estate supplemental assessment in regard to the Coke Oven Plan and Coronado Coal expansion project; and,

WHEREAS, Wampler-Eanes Appraisal Group, LTD has been selected as a Vendor of Choice pursuant to Buchanan County’s small purchase procurement ordinance which provides for the selection of a vendor of choice on a contract basis where the compensation and expenses paid to said vendor shall not exceed \$9,999.00; and,

WHEREAS, Wampler-Eanes Appraisal Group, LTD has agreed to its selection as a Vendor of Choice pursuant to Buchanan County’s small purchase procurement ordinance and has further agreed to provide assistance to the Commissioner of Revenue in regard to the supplemental assessment of real estate in regard to the Coke Oven Plant and Coronado Coal’s expansion project for compensation and expenses is Seven Thousand, Five Hundred Dollars (\$7,500.00); and,

NOW THEREFORE in consideration of the mutual covenants and agreements contained herein, the parties covenant and agree as follows:

- 1) Wampler-Eanes, agrees to provide assistance to the Commissioner of Revenue’s Office in regard to the supplemental assessment of real estate in regard to the Coke Oven Plant and Coronado Coals expansion project located in Buchanan County, Va. as described in this agreement.

- 2) The Commissioner of Revenue shall provide all data entry services needed and Wampler-Eanes shall only provide consultant services in regard to the supplemental assessment of the real estate of the Coke Oven Plant resulting from Sun Coke Energy, Inc.'s capital investment project as set forth in the Master Incentive Agreement and Performance Agreement with Buchanan County and others which said Agreement is dated April 21, 2023. Also, shall provide all entry services needed in regard to the supplemental assessment of real estate of the Coronado Coals expansion project as set forth in the Performance Agreement with Buchanan County and others, which said Performance Agreement is dated June 2023.
- 3) The compensation and expenses to be paid to Wampler-Eanes under this contract is Seven Thousand Five Hundred Dollars and Ninety-Nine Cents (\$7,500.00).
- 4) This contract may only be modified by mutual agreement of the parties documented by a writing signed by both parties and which is compliant with section 2.2-4309 of the Code of Virginia of 1950, as amended.
- 5) 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.
- 6) 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.
- 7) APPROVAL BY COUNTY ATTORNEY: Lawrence L. Moise III, County Attorney for Buchanan County, by his execution of this Agreement indicates his approval of the form of this Agreement.

WITNESS the following signatures and seals:

BUCHANAN COUNTY, VIRGINIA

By: _____
 G. Roger Rife, Chairman
 Buchanan County, Va. Board of Supervisors

ATTEST:

 Robert Craig Horn, County Administrator

APPROVED AS TO FORM ONLY:

 Lawrence L. Moise III, County Attorney

WAMPLER-EANES APPRAISAL GROUP, LTD.

By: _____
Steven I. Wampler, CRA, President,
Wampler-Eanes Appraisal Group, Ltd.

_____ 000 _____

IN RE: CONSIDER APPROVING A REIMBURSEMENT IN THE AMOUNT OF \$500.00 TO CHLOE SALYER, DUE TO THE CANCELLATION OF HER WEDDING AT WILLOWBROOK GOLF COURSE

After a general discussion by the board upon motion by Craig Stiltner seconded by Jeff Cooper and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve a reimbursement in the amount of \$500.00 to Chloe Salyer, due to the cancellation of her wedding at Willowbrook Golf Course.

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IN RE: CONSIDER APPROVING ADDITIONAL APPROPRIATIONS

After a general discussion by the board upon motion by Tim Hess seconded by David Rose and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve the following additional appropriations:

- Additional appropriation in the amount of \$69.58 to the Circuit Court Clerk's Office, account number 21060-3320;
- Additional appropriation in the amount of \$4,893.05 to Athletic Fields Supplies, account number 71040-5604-09;
- Additional appropriation in the amount of \$20.00 to Athletic Fields Supplies, account number 71040-5604-09;
- Additional appropriation in the amount of \$1,706.20 to Athletic Fields Supplies, account number 71040-5604-09;
- Additional appropriation in the amount of \$45.00 to Athletic Fields Supplies, account number 71040-5604-09;
- Additional appropriation in the amount of \$315.99 to Sheriff's Office (salaries) account number 31020-1150;
- Additional appropriation in the amount of \$1,136.84 to Sheriff's Office (extr. of prisoners) account number 31020-5550;
- Additional appropriation in the amount of \$600.00 to Garden District Park and Recreation, account number 71040-5604-01;
- Additional appropriation in the amount of \$12,479.02 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$2,705.26 to William P. Harris Park (supplies) account number 71040-6022-02;

- Additional appropriation in the amount of \$4,970.51 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$2,952.82 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$6,935.31 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$3,214.35 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$7,495.66 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$50.00 to Buchanan County Animal Shelter (donations) account number 10-35010-3005;
- Additional appropriation in the amount of \$250.00 to Rocklick Park and Recreation, account number 71040-5604-06;
- Additional appropriation in the amount of \$82.48 to Circuit Court Clerk’s Office, (copy paper, copier maintenance and copier supplies, account number 21060-3320.

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**IN RE: CONSIDER APPROVING LOW BIDS FOR MOTOR OIL;
SYNTHETIC OIL; LUBRICANTS; HEATING OIL; ON-ROAD
DIESEL AND OFF-ROAD DIESEL FUEL**

After a general discussion by the board upon motion by Tim Hess seconded Jeff Cooper and a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve the low bids for the following:

- Motor Oil, Synthetic Oil and Lubricants;
- Heating Oil and On-Road Diesel and Off-Road Diesel Fuel

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**IN RE: CONSIDER APPROVING LOW BID FOR JANITORIAL
SUPPLIES USED BY COUNTY DEPARTMENTS AND OFFICES**

After a general discussion by the board upon motion by Tim Hess seconded Jeff Cooper and a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve the low bid for janitorial supplies used by county departments and offices.

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**IN RE: CONSIDER APPROVING LOW BID FOR OFFICE AND DATA
SUPPLIES USED BY COUNTY DEPARTMENTS AND OFFICES**

After a general discussion by the board upon motion by Lee Dotson seconded Tim Hess and a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did

hereby approve the low bid for office and data supplies used by county departments and offices.

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IN RE: CONSIDER APPROVING THE LIST OF STUDENTS AS RECIPIENTS OF THE BUCHANAN COUNTY BOARD OF SUPERVISORS SCHOLARSHIP AWARD FOR 2024/2025 ACADEMIC YEAR AT APPALACHIAN COLLEGE OF PHARMACY

After a general discussion by the board upon motion by Jeff Cooper seconded Lee Dotson and a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve the following list of students as recipients of the Buchanan County Board of Supervisors Scholarship award for 2024/2025 academic year:

Third Year Students

Jamie Blankenship	Hurley, Virginia	\$6,363.64
Hannah Casey	Grundy, Virginia	\$6,363.64
Makayla Hutchinson	Big Rock, Virginia	\$6,363.64
Siera Newberry	Big Rock, Virginia	\$6,363.64

Second Year Students

Micah Blankenship	Hurley, Virginia	\$6,363.64
Brady Justice	Hurley, Virginia	\$6,363.64

First Year Students

Madison Deskins	Maxie, Virginia	\$6,363.64
Savannah Dillow	Grundy, Virginia	\$6,363.64
Emily Justus	Hurley, Virginia	\$6,363.64
Meranda Quinley	Oakwood, Virginia	\$6,363.64
Ethan Snead	Rowe, Virginia	\$6,363.64

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IN RE: CONSIDER APPROVING AND ISSUING PAYMENT FOR CONTRIBUTIONS

After a general discussion by the board upon motion by Tim Hess seconded by Lee Dotson and with a roll call vote of seven (7) yeas G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve to issue a check for the following contributions:

Hurley Youth Sports	\$5,000.00
Hurley Youth Sports	\$10,000.00
Clinch Independent Living Services, Inc.	\$1,500.00

Whitewood Vol. Fire Department	\$1,000.00
Southwest District Soil and Water Conservation District	\$700.00
Southwest District Soil and Water Conservation District	\$700.00

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IN RE: CONSIDER RATIFYING TEMPORARY PART-TIME WEED CUTTERS

After a general discussion by the board upon motion by David Rose seconded by Tim Hess and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve the following temporary part-time weed cutters:

Randall Scott Barton	Hurricane
Tyler Sutherland	Garden
Miranda Adkins	Knox
Greg Burbage	Rocklick
Parker Jackson	Rocklick
Jeremy Adkins	South Grundy
Wilma Jackson	South Grundy
Ethan Houk	N. Grundy
George Childress	County Admin.
Bernice O'Quinn	Prater
Gilbert Cooper	Garden

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IN RE: CONSIDER REMOVE ROBBIE MINTON FROM THE COMMITTEE REGARDING THE NATIONAL OPIOID SETTLEMENT FUND AND CONTRIBUTIONS, DUE TO A CONFLICT OF INTEREST

After a general discussion by the board upon motion by Tim Hess seconded by David Rose and with a roll call vote of seven (7) yeas, G. Roger Rife, Craig Stiltner, Trey Adkins, David Rose, Tim Hess, Jeff Cooper, Lee Dotson and zero (0) nays, this board did hereby approve to remove Robbie Minton from the committee regarding the National Opioid Settlement fund and contributions, due to a conflict of interest.

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

Upon a motion by Lee Dotson seconded by Craig Stiltner and with a roll call vote of seven (7) yeas, Jeff Cooper, Lee Dotson, Craig Stiltner, Tim Hess, David Rose, G. Roger Rife, Trey Adkins 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 consideration or interviews of candidate for employment; Virginia Code

Section, 2.2-3711 (A)(6), the discussion involving the consideration of the investment of public funds and Virginia Code Section, 2.2-3711 (A)(8), consultation with legal counsel regarding a property dispute located in the Hurricane Magisterial District.

Motion was made by Jeff Cooper to return from closed session seconded by Tim Hess and with the following roll call vote of six (6) yeas, Jeff Cooper, Lee Dotson, David Rose, Tim Hess, G. Roger Rife, Craig Stiltner, zero (0) nays and one (1) absent, Trey Adkins, this board did hereby approve to return from closed session.

This board meeting resumed in open session after being in executive session one hour (1) and three (3) minutes.

A motion Craig Stiltner seconded by Tim Hess with G. Roge Rife, Chairman of the Buchanan County Board of Supervisors announcing during such session the board had also discussed Virginia Code Section, 2.2-3711 (A)(1), a personnel matter regarding the board of supervisors.

The board of supervisors ratified the discussion of the additional matters 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 six (6) yeas, David Rose, Jeff Cooper, Tim Hess, G. Roger Rife, Craig Stiltner, Lee Dotson, zero (0) nays and one (1) absent, Trey Adkins.

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IN RE: CONSIDER APPROVING THE FY 2024/2025 COMMUNITY SERVICE BOARD PERFORMANCE CONTRACT AMENDMENTS AS SUBMITTED TO THE DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENT SERVICES FOR CUMBERLAND MOUNTAIN COMMUNITY SERVICES

After a general discussion by the board upon motion by Tim Hess seconded by Craig Stiltner with a roll call vote of six (6) yeas, David Rose, Jeff Cooper, Tim Hess, G. Roger Rife, Craig Stiltner, Lee Dotson, zero (0) nays and one (1) absent, Trey Adkins, this board did hereby approve the FY 2024/2025 Community Service Board Performance Contract Amendments as submitted to the Department of Behavioral Health and Development Services for Cumberland Mountain Community Services, subject to the approval of the county attorney.

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IN RE: CONSIDER APPROVING REIMBURSEMENT FOR THE ANNUAL EDISPATCH INVOICE

After a general discussion by the board upon motion by Tim Hess seconded by Craig Stiltner and with a roll call vote of six (6) yeas, David Rose, Jeff Cooper, Tim Hess, G. Roger Rife, Craig Stiltner, Lee Dotson, zero (0) nays and one (1) absent, Trey Adkins, this board did hereby approve to issue a check in the amount of \$3,660.00 to Oakwood Fire Department, Inc. to be divided equally among the following (13) fire and EMS departments for reimbursement for the annual edispatch invoice:

- Council Volunteer Fire Dept.
- Grundy Volunteer Fire Dept.
- Harman Volunteer Fire Dept.
- Knox Creek Volunteer Fire Dept.
- Prater Volunteer Fire Dept.
- Slate Creek Volunteer Fire Dept.
- Whitewood Volunteer Fire Dept.
- Breaks Volunteer Fire Dept.
- Oakwood Volunteer Fire Dept.
- Davenport Lifesaving Crew
- Oakwood Rescue
- Knox Rescue
- Prater Rescue

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IN RE: CONSIDER APPROVING TO HIRE A FLOODPLAIN MANAGER

After a general discussion by the board upon motion by Tim Hess seconded by Craig Stiltner and with a roll call vote of six (6) yeas, David Rose, Jeff Cooper, Tim Hess, G. Roger Rife, Craig Stiltner, Lee Dotson, zero (0) nays and one (1) absent, Trey Adkins, this board did hereby approve to hire a Floodplain Manager at \$75,000 per year for three (3) years.

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IN RE: CONSIDER APPROVING TO COMMIT FUNDING FROM THE OPIOID SETTLEMENT FUNDS TO AN OPIOID RECOVERY POSITION THROUGH THE BUCHANAN COUNTY CIRCUIT COURT JUDGE’S OFFICE

After a general discussion upon motion by Tim Hess seconded by Craig Stiltner and with a roll call vote of six (6) yeas, David Rose, Jeff Cooper, Tim Hess, G. Roger Rife, Craig Stiltner, Lee Dotson, zero (0) nays and one (1) absent, Trey Adkins, this board did hereby commit \$90,000 of the Opioid Settlement Funds in fund 73 to an Opioid Recovery Position through the Buchanan County Circuit Court Judge’s Office.

IN RE: ADJOURNMENT

After a general discussion by the board upon motion by Tim Hess seconded by Craig Stiltner and with a roll call vote of six (6) yeas, Lee Dotson, Jeff Cooper, David Rose, Craig Stiltner, Tim Hess, G. Roger Rife, zero (0) nays and one (1) absent, Trey Adkins, this board did hereby approve to adjourn the meeting.

G. Roger Rife, Chairman of the
Buchanan County Board of Supervisors

Robert Craig Horn, County Administrator