

MINUTES

A regular meeting of the Buchanan County Board of Supervisors was held on the 7th day of October 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: CONSIDER APPROVING CONSENT AGENDA

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, Jeff Cooper, Tim Hess, David Rose, Lee Dotson, G. Roger Rife and zero (0), this board did hereby approve the following Consent Agenda:

- a. Approving minutes for September 9th, 2024;
- b. Ratifying payroll after review;
- c. 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. Approving the following coyote claims in the amount of \$100.00 per claim and to issue a check with the exception of Albert Cook, one claim for \$50.00 on July 25th, 2024:
 - Albert Cook – (1 claim)
 - Lauren Hawks (3 claims)
 - Buckey Looney (1 claim)
 - Thomas Riddle (1 claim)
 - James Mitchell (2 claims)

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**IN RE: SHERRY FLETCHER, SUPERINTENDENT AND CURTIS
ELSWICK WITH SKANSKA USA BUILDING, INC. – REQUEST
SUPPORT FOR THE CONSTRUCTION OF TWO ROUNDABOUT
INTERSECTIONS, WHICH WILL INCLUDE THE COMPLETION
OF THE CONNECTION OF RUFFED GROUSE DRIVE AT AN
ESTIMATED COST OF \$800,000.00**

Sherry Fletcher, Superintendent and Curtis Elswick, Project Manager with Skanska USA Building, Inc. requested support for the construction of two (2) roundabout intersections, which will include the completion of the connection of Ruffed Grouse Drive at an estimated cost of \$800,000.00.

Mr. Elswick requested the board to consider a commitment in the amount of \$800,000 in the upcoming Coal Haul Road budget. The \$800,000 will assist with the cost of sidewalks, two (2) roundabouts and will connect the school to the subdivision. This will be on the easternmost side of the school, he commented.

This road would be a county road and the county would have use of the road, although it would be dedicated for the use of the school, stated Mr. Elswick.

Trey Adkins, Knox District Supervisor stated let me get this straight, the school system put bids out for a school worth \$75 million and you have \$82 million out of Hurley High School and \$9 million out of the vocational school, which makes \$91 million and you received \$27 million from the state that can only be used for the new construction on the school. So the school has around \$119 million. Is that correct, asked Mr. Adkins?

Yes, stated Mr. Elswick.

So you have \$119 million or so to build a \$75 million dollar school, but I've been told that the price of the new school was up to \$119 million, stated Mr. Adkins. How did you not go back out based upon procurement, a bid or an RFP on the new school?

The cost keeps going up not only for the design, but for the construction, stated Mr. Elswick. We're trying to get the best school for the county and all the amenities that we can get, he commented. If we can get a commitment for the \$800,000 for the road, then funding can go to something else, he stated.

My vote will be not to give the additional \$800,000 for the new road, stated Mr. Adkins. I advise to you is to spend your money wisely. Also, it would be a disgrace if this board would give you another \$800,000, he stated.

Craig Stiltner, Rocklick District Supervisor asked Mr. Elswick when the new school could've been started, if it hadn't been held up for so long, could it have saved money?

Yes, stated Mr. Elswick. We could've started the new school around two (2) years

ago and it would've saved an estimated \$10 million in cost.

Mr. Stiltner, stated this project has been delayed four (4) to five (5) years and the cost has went up over 5% each year for the new school. The delay has increased the new school over \$20 million. I'll vote for this it's not our fault, he commented.

If we had built the school on time in the very beginning, they wouldn't be here asking for an additional \$800,000, stated Mr. Stiltner.

G. Roger Rife, Chairman stated we keep increasing our budget after we set one. Last year, we increased the budget by \$53 million and it keeps going up, he stated. If something goes wrong, we are going to be in trouble. What happens when you don't have the money and you still have to pay, he stated.

Jeff Cooper, Garden District Supervisor stated it give me heartburn about the process throughout the entire school consolidation, we were not considered. Some of us, let everyone know we were not in support of the consolidation process. The school system let us know, we don't have much of a choice. They made the decision, we don't need you, he stated. When you all falls a little short of money, who do you come to?

Mr. Stiltner stated \$24 million was wasted because of all the hold-ups. Also, \$3 million per year will be saved, due to consolidation and no one loses their job.

Before long, the Buchanan County Public Service Authority will be needing additional funding for the sewer treatment plant and their new PSA Office on Southern Gap, stated Mr. Adkins.

After a general discussion by the board upon motion by Craig Stiltner with no second to his motion and with a roll call vote of three (3) yeas and four (4) nays, the motion failed to support additional funding from the Coal Haul Road budget in the amount of \$800,000 to Buchanan County Public Schools

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IN RE: CONSIDER APPROVING THE FOUR (4) INVOICES FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR CST PROJECTS FROM COAL HAUL ROAD FUNDS AND TO ISSUE A CHECK FOR THE INVOICES

Trey Adkins, Knox District Supervisor stated the Virginia Department of Transportation (VDOT) invoices include two (2) invoices regarding the Hurley Elementary/Middle School project.

Erica Miller, Residency Administrator for VDOT stated yes, VDOT has spent \$37,000 to date on the project.

They may have done \$4 to \$5 thousand on the project, stated Mr. Adkins. I would like to see the invoice. I put \$135,000 on the project, he commented.

There's funding there for the project, stated Ms. Miller.

There's a lot of overlay projects in other districts in the county, stated Mr. Adkins. Nothing has been done in the Knox District, he commented. Please do not pay the invoices for Knox Magisterial District regarding the Hurley Elementary/Middle School project, stated Mr. Adkins.

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, Craig Stiltner, Trey Adkins, Jeff Cooper, Tim Hess, David Rose, Lee Dotson, G. Roger Rife and zero (0) nays, this board did hereby approve the following four (4) invoices from the Virginia Department of Transportation (VDOT) for CST projects from coal haul road funds and to issue a check for the invoices, with the exception of the Hurley Elementary/Middle School project.

- Invoice in the amount of \$24,007.81 for UPC 122112 and 122111;
- Invoice in the amount of \$52,260.12 for UPC 122112, 122111 and 126284;
- Invoice in the amount of \$426,547.62 for UPC 124321, 124449, 124451, 124452 and 124459;
- Invoice in the amount of \$526,158.59 for UPC 124321,124449, 124450, 124451, 124457, 124458 and 124459.

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IN RE: GENERAL DISCUSSION

Jeff Cooper, Garden District Supervisor stated I noticed that a bridge was washed out in Washington County, Virginia and it was replaced within a week. I've asked several times for the bridge at Big Branch Road, route 715 that was washed out in the 2022 flood to be replaced.

Eric Miller, Residency Administrator stated May 5, 2023 a letter was sent to Mr. Horn, County Administrator regarding a temporary bridge for Big Branch Road, route 715 from the Department of Transportation. There were several factors making it impossible to install a temporary bridge at the location.

The previous bridge was 86 feet long and now the span is greater than 100 feet. Therefore, a temporary bridge is 90 feet long and will not span this stream without building an abutment or pier in the floodway, stated Ms. Miller. Threat of Big Sandy Crawfish in the Dismal River and the reduced limited area between the channel and the existing railroad structures are other reason, she commented.

VDOT will work to get a new bridge started at the end of October, which will be finished May 2025, stated Ms. Miller.

David Rose, Prater District Supervisor requested VDOT to remove the limbs from trees hanging along State Route 605.

I'll check with the VDOT's Roadside Division in Bristol to find a solution for the issues along the roadway, stated Ms. Miller.

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IN RE: CONSIDER APPROVING ADDENDUM #1 TO THE CONTRACT BETWEEN BUCHANAN COUNTY, VIRGINIA AND MCFALL EXCAVATING, INC. FOR COUNTY WATERLINE PROJECTS ON WEBB BRANCH ROAD AND BETHLEHEM CHURCH ROAD DATED JUNE 5TH, 2024 FOR ADDITIONAL COST FOR THE WATERLINE PROJECT IN THE AMOUNT OF \$42,623.00 AND AUTHORIZE THE CHAIRMAN AND COUNTY ADMINISTRATOR TO EXECUTE THE ADDENDUM WITH APPROVAL AS TO FORM BY THE COUNTY ATTORNEY. APPROVING ADDENDUM #1 TO THE CONTRACT BETWEEN BUCHANAN COUNTY, VIRGINIA

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, Craig Stiltner, Trey Adkins, Jeff Cooper, Tim Hess, David Rose, Lee Dotson, G. Roger Rife and zero (0) nays, this board did hereby approve the following:

- Addendum #1 to the Contract between Buchanan County, Virginia and McFall Excavating, Inc. for County Waterline Projects on Webb Branch Road dated June 5th, 2024 for additional cost for the waterline project in the amount of \$42,623.00 and authorize the chairman and county administrator to execute the addendum with approval as to form by the county attorney.
- Addendum #1 to the Contract between Buchanan County, Virginia and McFall Excavating, Inc. for County Waterline Projects on Bethlehem Church Road dated June 5th, 2024 for additional cost for the waterline project in the amount of \$26,749.00 and authorize the chairman and county administrator to execute the addendum with approval as to form by the county attorney.

ADDENDUM #1 TO CONTRACT BETWEEN BUCHANAN COUNTY, VIRGINIA AND MCFALL EXCAVATING, INC. FOR COUNTY WATERLINE PROJECT ON BETHLEHEM CHURCH ROAD DATED AUGUST 12, 2024

Now come the parties, McFall Excavation, Inc., "Contractor" and Buchanan County, Va., a political subdivision of the Commonwealth of Virginia, "County" and hereby agree to the following modifications of the contract dated August 12, 2024 providing for the construction services (Pump Station):

- 1) That the parties agree that the price of the correct pump needed for the pump station on the county waterline project on Bethlehem Church Road cost an additional \$26,749.00. The price increase for the correct pump is supported by the letter dated September 30, 2024 from Bille Campbell, P.E., which said letter includes an attached requested change order. Said September 30, 2024 letter plus requested change order is attached and made a part of this Addendum as Exhibit "A". The original contract is attached and made a part of this Addendum by reference as Exhibit "B".

EXECUTED IN DUPLICATE ORIGINALS:
IN WITNESS HEREOF:

McFall Excavation, Inc.
BY: _____
Ben McFall, President
McFall Excavation, Inc.

BUCHANAN COUNTY, VIRGINIA

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

ATTEST:

Robert Craig Horn, County Administrator

APPROVED TO AS TO FORM ONLY:

Lawrence L. Moise III, County Attorney

**ADDENDUM #1 TO CONTRACT BETWEEN BUCHANAN COUNTY,
VIRGINIA AND MCFALL EXCAVATING, INC. FOR
COUNTY WATERLINE PROJECT ON WEBB BRANCH ROAD
DATED JUNE 5, 2024**

Now come the parties, McFall Excavation, Inc., “Contractor” and Buchanan County, Va., a political subdivision of the Commonwealth of Virginia, “County” and hereby agree to the following modifications of the contract dated June 5, 2024 providing for the construction services (Pump Station):

- 2) That the parties agree that the price of the correct pump, along with an increased diameter well casing needed for the pump station on the county waterline project on Webb Branch Road cost an additional \$42,623.00. The price increase for the correct pump and well casing is supported by the letter dated September 30, 2024 from Bille Campbell, P.E., which said letter includes an attached requested change order. Said September 30, 2024 letter plus requested change order is attached and made a part of this Addendum as Exhibit “A”. The original contract is attached and made a part of this Addendum by reference as Exhibit “B”.

EXECUTED IN DUPLICATE ORIGINALS:
IN WITNESS HEREOF:

McFall Excavation, Inc.
BY: _____
Ben McFall, President
McFall Excavation, Inc.

BUCHANAN COUNTY, VIRGINIA

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

ATTEST:

Robert Craig Horn, County Administrator

APPROVED TO AS TO FORM ONLY:

Lawrence L. Moise III, County Attorney

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IN RE: PUBLIC COMMENTS

There was no public comments.

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IN RE: CONSIDER APPROVING REQUEST #2 FROM BUCHANAN COUNTY PUBLIC SERVICE AUTHORITY IN THE AMOUNT OF \$182,167.22 FROM THE COAL HAUL ROAD FY 2024-2025 (VARIOUS INVOICES)

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, Craig Stiltner, Trey Adkins, Jeff Cooper, Tim Hess, David Rose, Lee Dotson, G. Roger Rife and zero (0) nays, this board did hereby approve request #2 from Buchanan County Public Service Authority in the amount of \$182,167.22 from the Coal Haul Road FY 2024-2025 (various invoices) to be paid from account #05-41080-7015.

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IN RE: BID OPENING – 5:15 P.M. – SALE OF PROPERTIES THAT HAVE BEEN RELEASED BY THE U.S. ARMY CORP OF ENGINEERS TO BUCHANAN COUNTY, VIRGINIA

The following bids were opened during the open session of the board of supervisors October 7, 2024 meeting and said bids are hereby accepted or rejected as set forth below:

- Tract No. 2804, former owners Rickey and Juree Ann Hackney:
Bid in the amount of \$500.00 from Jason Powers is hereby rejected;
- Tract No. 2803, former owners Kayla LeAnn Phillips and James Hill:
Bid in the amount of \$500.00 from Jason Powers is hereby rejected;
- Tract No. 2800, former owners Aaron and Kadie Skeens:
Bid in the amount of \$500.00 from Jason Powers is hereby rejected and
- Tract No. 3212, former owners Gary and Wilma Thomas:
Bid in the amount of \$1,550.00 from James Estep is hereby rejected.

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, Craig Stiltner, Trey Adkins, Jeff Cooper, Tim Hess, David Rose, Lee Dotson, G. Roger Rife and zero (0) nays, this board did hereby reject all bids received for the sale of the following properties that have been released by the U.S. Army Corp of Engineers:

- Location: 28331 Riverside Drive, Grundy, VA., Tract No. 2804, former owners Rickey and Juree Ann Hackney,
- Location: 28317 Riverside Drive, Grundy, VA., Tract No. 2803, former owners Kayla LeAnn Phillips and James Hill;
- Location: 28309, Riverside Drive, Grundy, VA., Tract No. 2800, former owners Aaron and Kadie Skeens;
- Location: 1092 Ratliff Road, Vansant, VA., Tract No. 3212, former owners Gary and Wilma Thomas.

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IN RE: PUBLIC HEARING – 5:20 P.M. – TO HEAR PUBLIC COMMENTS CONCERNING THE PROPOSED SALE OF THE FOLLOWING PROPERTIES THAT HAVE BEEN CONVEYED TO BUCHANAN COUNTY FROM THE U.S. ARMY CORP OF ENGINEERS

No action was taken.

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IN RE: CONSIDER ADOPTING THE RESOLUTION REGARDING THE ACCEPTANCE OR REJECTION OF BIDS FOR THE SALE OF PROPERTIES THAT HAVE BEEN RELEASED BY THE U.S. ARMY CORP OF ENGINEERS TO BUCHANAN COUNTY, VIRGINIA

No action was taken.

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IN RE: PUBLIC HEARING – 5:30 P.M. – TO HEAR PUBLIC COMMENTS ON THE COUNTY’S PROPOSED ABANDONMENT OF THE COUNTY ROADS, WHICH IS PURSUANT TO VA. CODE SECTIONS 33.2-914 THROUGH 33.2-926. SAID ROAD BEING POSTED AT THE BEGINNING, MIDDLE AND END OF SAID ROAD FOR SUCH ABANDONMENT

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

Steven Johnson, resident voiced a concern regarding county road 4288 Johnson Road located int the Hurricane Magisterial District, the right fork 0.10 mile to be abandoned.

Tim Hess, Hurricane District Supervisor stated the road is blocked most of the time. The county was only taking out the right-hand side.

Craig Stiltner, Rocklick District Supervisor commented the county is doing away with the part of the roadway that the county owns.

Mr. Hess stated there's four homes on this roadway.

Some of the property is heirship and no one can agree that it's a county road, stated Mr. Johnson.

It's a county road, since it's been worked for the past 20 years, stated Mr. Stiltner.

Mr. Hess commented that he had heard there was a land dispute.

Mr. Rife stated at one time we had to have three (3) dwellings with three (3) individual property owners. Later it was changed, he stated. It went to one (1) property owner to three (3) properties. This makes trailer parks available to be county roads, he voiced.

There are over 750 roads in the county road system, stated Mr. Rife.

Mr. Hess stated he would leave Johnson Road in the county road system. If the road is blocked, the county will not work it.

Dr. Carl Hackney, resident requested the board to leave county road 3059 Day Lily Road located in the North Grundy District in the county road system. I've lived there for 16 years and school buses uses one part of the road to turn in and the county has never worked the road, I work it myself, he stated.

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, Jeff Cooper, Tim Hess, Trey Adkins, Craig Stiltner, David Rose, G. Roger Rife, Lee Dotson and zero (0) nays, the board approved to close the public hearing.

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**IN RE: CONSIDER ADOPTING THE ORDER REGARDING THE
 ABANDONMENT OF THE COUNTY ROADS IN BUCHANAN
 COUNTY, VIRGINIA**

After a general discussion by the board upon motion by Trey Adkins seconded Lee Dotson and a roll call vote of seven (7) yeas, Jeff Cooper, Tim Hess, Trey Adkins, Craig Stiltner, David Rose, G. Roger Rife, Lee Dotson and zero (0) nays, this board did hereby adopt the Order regarding the abandonment of the following county roads in Buchanan County, Virginia:

- 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
- 3073 Green Road – North Grundy District
- 3151 Marcus 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.

**BUCHANAN COUNTY, VIRGINIA BOARD OF SUPERVISORS
ORDER**

Whereas, October 7th, 2024 the Buchanan County, Virginia Board of Supervisors conducted a public hearing to consider the abandonment of the following county roads in Buchanan County; and

- 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
- 3073 Green Road – North Grundy District
- 3151 Marcus 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.

Whereas, said public hearing was conducted after compliance with the notice provisions required by Va. Code sections 33.2-914 through 33.2-926; and

Whereas, after the public hearing, the Buchanan County, Va. Board of Supervisors voted to abandon these roads; and

Whereas, the Buchanan County, Va. Board of Supervisors having found that no public necessity exists for the continuance of these county roads/bridges that the public would be served by, and therefore it is now ordered by the Board of Supervisors:

That the roads/bridges are hereby abandoned pursuant to Virginia Code sections 33.2-914 through 33.2-926; and

That the Clerk of the Board is hereby directed to place this order in the minutes of the Board of Supervisors for its regular monthly meeting of October 7th, 2024.

Date

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

ATTEST:

Robert Craig Horn, County Administrator

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IN RE: PUBLIC HEARING – 6:00 P.M.- TO HEAR PUBLIC COMMENTS REGARDING THE PROPOSED EMERGENCY AMENDMENT TO THE ORDINANCE ENTITLED: “CHAPTER 22, ANIMALS, ARTICLE III, BOUNTY FOR COYOTES” REGARDING THE INCREASE IN COYOTES CLAIMS FROM \$50 PER CLAIM TO \$100 PER CLAIM, WHICH WILL INCLUDE MALE AND FEMALE COYOTE CLAIMS FOR SIX (6) MONTHS

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

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

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IN RE: CONSIDER ADOPTING THE AMENDED ORDINANCE REGARDING THE PROPOSED AMENDMENT TO THE ORDINANCE ENTITLED: “CHAPTER 22, ANIMALS, ARTICLE III, BOUNTY FOR COYOTES” REGARDING THE INCREASE IN COYOTES CLAIMS FROM \$50 PER CLAIM TO \$100 PER CLAIM, WHICH WILL INCLUDE MALE AND FEMALE COYOTE CLAIMS FOR SIX (6) MONTHS

After a general discussion by the board upon motion Trey Adkins seconded Lee Dotson and a roll call vote of six (6) yeas, Trey Adkins, G. Roger Rife, Tim Hess, David Rose, Lee Dotson, Craig Stiltner and one (1) nay, this board did hereby adopt the following Amended Ordinance regarding the proposed amendment to the Ordinance entitled: “Chapter 22, Animals, Article III, Bounty for Coyotes” regarding the increase in coyotes claims from \$50 per claim to \$100 per claim, which will include male and female coyote claims for six (6) months.

**CHAPTER 22, ANIMALS
ARTICLE III, BOUNTY FOR COYOTES**

“AN AMENDED ORDINANCE TO ESTABLISH PAYMENT OF A BOUNTY FOR COYOTES IN ACCORDANCE WITH SECTION 15.2-926.1 OF THE CODE OF VIRGINIA (1950), AS AMENDED.”

Section - Killing of Coyotes Permitted: Bounty Established: Procedures for Claims:

- A.** The killing of both female and male coyotes within the boundaries of Buchanan County, Virginia, is hereby authorized for bounties upon the following conditions: Upon proper proof that the claimant presenting the coyote carcass must verify that said claimant is a resident of Buchanan County, Virginia and that the coyote was killed upon land located within the boundaries of Buchanan County, Virginia, all such information verified under oath. The claimant shall supply the 911 address of his or her residence in Buchanan County and the 911 address of the location of where in Buchanan County the coyote was killed. A bounty of One-

Hundred Dollars (\$100.00) shall be paid by the County from available funds, for each female and male coyote killed within the boundaries of the County. The entire coyote carcass shall be presented at the County Sanitary Landfill or County Garage to County's designated agent before payment of the bounty.

- B.** All bounty payment(s) shall be contingent upon the furnishing of such identifying information as requested by the County's designated agent and the Board of Supervisors shall be the approving authority for payment of all claims presented.

Section - Available Funds Not to Exceed \$5,000.00:

The total dollar amount of bounties to be paid under this ordinance shall not exceed the sum of Five Thousand Dollars (\$5,000.00) per fiscal year (July 1st to June 30th), except by additional appropriation by the Board.

Section - Unlawful Acts; Penalties:

It shall be unlawful for any person to present a false claim or to receive any money on a false claim under this ordinance which act shall constitute a Class One Misdemeanor, punishable by a fine not to exceed \$2,500.00 and/or confinement in jail for a period not to exceed one year.

- C.** This Emergency Ordinance was adopted by the board of supervisors on September 9th, 2024,
- D.** This Ordinance is adopted pursuant to the authority vested in the Board of Supervisors by Sections 15.2-1425, 15.2-1426, 15.2-1427 and 15.2-926.1 Code of Virginia, 1950, as amended.
- E.** This Ordinance repeals any Ordinance of Buchanan County which is in conflict with the provisions hereof but only to the extent that such Ordinance is in conflict herewith.
- F.** This amended ordinance shall remain in effect for six months from September 9th, 2024, at which time the amount of the bounty shall return to \$50.00 only for each female coyote killed within the boundaries of Buchanan County by a resident of Buchanan County.

This amended ordinance was adopted on the 7th day of October 2024.

Moved by: Trey Adkins
Seconded by: Lee Dotson
Yeas: Six
Nays: One

Chairman of the
Buchanan County Board of Supervisors

ATTEST:

Robert Craig Horn, County Administrator

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IN RE: PUBLIC HEARING – 6:15 P.M.- TO HEAR PUBLIC COMMENTS CONCERNING THE PROPOSED RESOLUTION FOR THE CONDEMNATION OF PROPERTY NEEDED FOR A PROJECT OF THE BOARD OF SUPERVISORS OF BUCHANAN COUNTY, VIRGINIA, (HEREINAFTER “THE COUNTY”), IN COOPERATION WITH THE CUMBERLAND PLATEAU PLANNING DISTRICT COMMISSION AND THE VIRGINIA COALFIELD COALITION, A VIRGINIA NON-PROFIT ECONOMIC DEVELOPMENT CORPORATION, TO PROMOTE THE UPGRADING OF EXISTING WIRELESS COMMUNICATION TOWERS AND THE CONSTRUCTION OF SIX ADDITIONAL TOWERS, INCLUDING THE CREATION OR IMPROVEMENT OF EXISTING ROADWAYS FOR ACCESS TO THE SIX TOWERS AND THE ESTABLISHMENT OF AND CONSTRUCTION OF POLES AND HANGING LINES FOR ELECTRICAL SERVICE AND FIBER OPTIC LINES TO CREATE AND PROVIDE SUCH SERVICE

Roger Rife, Chairman opened the public hearing for comments.

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

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IN RE: CONSIDER ADOPTING THE RESOLUTION FOR THE CONDEMNATION OF PROPERTY NEEDED FOR A PROJECT OF THE BOARD OF SUPERVISORS OF BUCHANAN COUNTY, VIRGINIA, (HEREINAFTER “THE COUNTY”), IN COOPERATION WITH THE CUMBERLAND PLATEAU PLANNING DISTRICT COMMISSION AND THE VIRGINIA COALFIELD COALITION, A VIRGINIA NON-PROFIT ECONOMIC DEVELOPMENT CORPORATION, TO PROMOTE THE UPGRADING OF EXISTING WIRELESS COMMUNICATION TOWERS AND THE CONSTRUCTION OF SIX ADDITIONAL TOWERS, INCLUDING THE CREATION OR IMPROVEMENT OF EXISTING ROADWAYS FOR ACCESS TO THE SIX TOWERS AND THE ESTABLISHMENT OF AND CONSTRUCTION OF POLES AND HANGING LINES FOR ELECTRICAL SERVICE AND FIBER OPTIC LINES TO CREATE AND PROVIDE SUCH SERVICE

After a general discussion by the board upon motion by Jeff Cooper seconded by David Rose and with a roll call vote of seven (7) yeas, Trey Adkins, Jeff Cooper, G. Roger Rife, Tim Hess, David Rose, Lee Dotson, Craig Stiltner and zero (0) nays, this board did hereby adopt the following Resolution regarding the condemnation of property needed for a project of the Board of Supervisors of Buchanan County, Virginia, (hereinafter “the County”), in cooperation with the Cumberland Plateau Planning District

Commission and the Virginia Coalfield Coalition, a Virginia non-profit economic development corporation, to promote the upgrading of existing wireless communication towers and the construction of six additional towers, including the creation or improvement of existing roadways for access to the six towers and the establishment of and construction of poles and hanging lines for electrical service and fiber optic lines to create and provide such service.

RESOLUTION

Upon Motion made, seconded and duly approved by the Board of Supervisors of Buchanan County, Virginia, at its meeting of October 7, 2024, a Resolution was approved as follows:

RESOLUTION

WHEREAS, the Board of Supervisors of Buchanan County, Virginia, (hereinafter “the County”), in cooperation with the Cumberland Plateau Planning District Commission and the Virginia Coalfield Coalition, a Virginia non-profit economic development corporation, finds it in the public interest to promote the upgrading of existing wireless communication towers and the construction of six additional towers, including the creation or improvement of existing roadways for access to the six towers and the establishment of and construction of poles and hanging lines for electrical service and fiber optic lines to create and provide such service; and

WHEREAS, such addition to the existing fiber optic routes will result in enhanced wireless communication abilities through a 5g wireless network for the County’s present and future residents and businesses; and

WHEREAS, the vast majority of landowners owning land where the enhanced fiber optic line runs on the aforesaid poles have agreed to convey easements for the purpose of creating an advanced wireless communication 5g wireless network as set forth above; and

WHEREAS, in order to ensure the acquisition of 100% of the easements for the fiber optic line considered herein, the County hereby finds it to be in the public interest and necessary to approve, ratify and direct the public use and acquisition of such easements to further the purposes of the 5g wireless network; and

WHEREAS, based upon the negotiated amount of compensation previously offered and accepted by numerous County landowners, it is hereby determined by the County that the remaining affected landowners should be paid the aggregate sum of \$2,500.00 or the fair market value of such land, whichever is higher, per tract of land along the aforesaid existing roadway for the creation of access for ingress and egress to the towers and for the construction of poles and hanging lines and wires for electrical and fiber optic services; and

WHEREAS, pursuant to Section 15.2-1903, Code of Virginia, (1950), as amended, and following a duly advertised and conducted public hearing, the County hereby authorizes the procurement of the aforesaid remaining easements over the affected properties, by eminent domain proceedings pursuant to Section 15.2-1901, et. seq., and Sections 15.2-1904 and 15.2-1905, 25.1-200 et. seq. and/or 25.1-300, et. seq., Code of Virginia, (1950), as amended; and

WHEREAS, the remaining easements to be acquired are as set forth on the list of properties attached hereto and incorporated into this Resolution by reference as Exhibit “A”; and including but not limited to the following:

A strip of property approximately 1000 feet long and approximately 40 feet wide along an existing road on property currently owned by Stephen Dale Tickle and Linda Tickel Dunn at Map No. 2HH057005 in the Garden Magisterial District. Said strip must be wide enough to accommodate use of the road and placement of APPCo power poles to hang the electrical lines and fiber optic lines.

WHEREAS, Petitions and all other necessary legal processes shall be filed in the name of the County to acquire the remaining easements, using the appropriate caption as provided by law, and same shall be filed and processed by Stephen W. Gooch, P.C. of Grundy, Virginia, or its designee, as Special Counsel to the County upon the terms and conditions previously Special Counsel to the County upon the terms and conditions previously reached with applicable funding sources and agencies.

NOW, THEREFORE, BE IT RESOLVED that the County, by its Board of Supervisors, hereby authorizes the use of eminent domain proceedings to acquire the remaining easements pursuant to Sections 15.2-1901, et. seq., Sections 25.1-200 et. seq. and/or Sections 25.1-300 et. seq., for the public purposes and necessity set forth above; and further affirms, approves and ratifies the actions taken by its Special Counsel to procure the remaining easements and justly compensate the affected landowners as provided herein and by applicable law, by a vote of seven for and zero against.

This Resolution was adopted by the Buchanan County, Virginia, Board of Supervisors on the 7th day of October, 2024.

Recorded Vote:

Moved by: Jeff Cooper
Seconded by: David Rose
Yeas: Seven
Nays: Zero

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

ATTEST:

Robert Craig Horn, County Administrator

_____ 000 _____

IN RE: CONSIDER ADOPTING AND RATIFYING THE AMENDED SOLE SOURCE NOTICE AND AMENDED SOLE SOURCE RESOLUTION REGARDING THE AWARD OF CONTRACT TO THERMO SCIENTIFIC PORTABLE ANALYTICAL INSTRUMENTS INCORPORATED THAT CAN PROVIDE THE TRUNARC, UNLIMITED AND HAS BEEN DETERMINED TO BE SOLE SOURCE

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, Trey Adkins, Jeff Cooper, G. Roger Rife, Tim Hess, David Rose, Lee Dotson, Craig Stiltner and zero (0) nays, this board did hereby ratify the Amended Sole Source Notice and Resolution regarding the award of Contract to Thermo Scientific Portable Analytical Instruments Incorporated that can provide the TruNarc, Unlimited and has been determined to be sole source.

AMENDED NOTICE

RE: AMENDING THE AWARD OF CONTRACT TO THERMO SCIENTIFIC PORTABLE ANALYTICAL INSTRUMENTS INCORPORATED WHICH HAS BEEN DETERMINED TO BE THE SOLE SOURCE FOR THE TRUNARC HANDHELD ELECTRONIC NARCOTIC ANALYZER

PLEASE TAKE NOTICE:

- 1) Pursuant to information received from Annette Blumer, Government Contracts Manager for Thermo Scientific Portable Analytical Instruments Incorporated for the TruNarc, Unlimited, along with information obtained from John Przybylski of the Virginia Department of Forensic Science, the only approved presumptive mobile device as per the Virginia Register of Regulations is the Thermo Fisher TruNarc handheld electronic Narcotic Analyzer which is manufactured by Thermo Scientific Portable Analytical Instruments Incorporated and according Thermo Scientific Portable Analytical Instruments Incorporated been determined to be the only source practicably available for the Thermo Fisher TruNarc electronic Narcotic Analyzer; and
- 2) The Buchanan County, Va., Board of Supervisors will consider an Amended Resolution to approve and award the contract or issue a Purchase Order to Thermo Scientific Portable Analytical Instruments Incorporated for **two** TruNarc, Unlimited electronic Narcotic Analyzer at its October 7th, 2024 board meeting to be held in the board of supervisors meeting room on the 3rd floor of the Buchanan County Government Building, 4447 Slate Creek Road, Grundy, Virginia.

PLEASE CONDUCT YOURSELF ACCORDINGLY.

Issued by directive of the County Administrator this 7th day of October, 2024.

Robert Craig Horn, County Administrator
Buchanan County, Virginia

AMENDED RESOLUTION

**RE: AMENDING THE AWARD OF CONTRACT TO
THERMO SCIENTIFIC PORTABLE ANALYTICAL INSTRUMENTS
INCORPORATED THAT CAN PROVIDE THE TRUNARC, UNLIMITED AND
HAS BEEN DETERMINED TO BE SOLE SOURCE**

WHEREAS, the Buchanan County Sheriff's Office conducted an investigation of potential vendors in regard to the contemplated procurement of the TruNarc, Unlimited; and

WHEREAS, after a thorough investigation including the information received from Annette Blumer, Government Contracts Manager for Thermo Scientific Portable Analytical Instruments Incorporated for the TruNarc, Unlimited, along with information obtained from John Przybylski of the Virginia Department of Forensic Science, the only approved presumptive mobile device as per the Virginia Register of Regulations is the Thermo Fisher TurNarc handheld electronic Narcotic Analyzer; and according has been determined that to be the only source practicably available; and

WHEREAS, Thermo Scientific Portable Analytical Instruments Incorporated has provided a quote of **Eighty-Two Thousand and Sixty-Six Dollars** (\$82,066.00) to provide **two** TruNarc, Unlimited, which includes the TruNarc Solution Kit at \$1,466.00;

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 a contract as approved in form by the County Attorney, or issue a Purchase Order that provides for the purchase price of **Eighty-Two Thousand and Sixty-Six Dollars** (\$82,066.00) to provide **two** TruNarc, Unlimited (handheld electronic Narcotic Analyzer), which includes the TruNarc Solution Kit at \$1,466.00;

BE IT FURTHERMORE RESOLVED, that the County Administrator is directed to post an Amended Notice as required by Virginia Code Section 2.2-4303(E) in the designated public area and on county website stating that the contract was awarded this day to has been determined Thermo Scientific Portable Analytical Instruments Incorporated for the TruNarc, Unlimited, to be the only source practicably available for the Thermo Fisher TruNarc handheld electronic Narcotic Analyzer.

This Resolution was adopted on the 7th day of October, 2024.

Recorded Vote:

Moved by: Tim Hess

Seconded by: Jeff Cooper

Yeas: Seven

Nays: Zero

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

ATTEST:

Robert Craig Horn, County Administrator

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IN RE: CONSIDER APPROVING INVOICE IN THE AMOUNT OF \$15,000.00 FROM CUMBERLAND PLATEAU REGIONAL WASTE MANAGEMENT AUTHORITY REGARDING A DEFICIT IN FUNDING FOR FY 2022-2023.

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, Trey Adkins, Jeff Cooper, G. Roger Rife, Tim Hess, David Rose, Lee Dotson, Craig Stiltner and zero (0) nays, this board did hereby approve an additional appropriation in the amount of \$15,000.00 to Cumberland Plateau Regional Waste Management Authority (CPRWMA) regarding a deficit in funding for fiscal year 2022/2023.

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IN RE: CONSIDER ADOPTING THE RESOLUTION FOR THE RATIFICATION OF THE ACCEPTANCE OF DEED BY AND BETWEEN VONDA GAY (LOONEY) SLONE AND JAMES SLONE, HUSBAND AND WIFE 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 Lee Dotson seconded by Trey Adkins and with a roll call vote of seven (7) yeas, Trey Adkins, Jeff Cooper, G. Roger Rife, Tim Hess, David Rose, Lee Dotson, Craig Stiltner and zero (0) nays, this board did hereby approve the following Resolution for the ratification of the Acceptance of Deed by and between Vonda Gay (Looney) Slone and James Slone, husband and wife for the acquisition of property as part of the U.S. Army Corps of Engineers Non-Structural Project.

RESOLUTION

IN RE: ACCEPTANCE OF DEED BY AND BETWEEN VONDA GAY (LOONEY) SLONE AND JAMES SLONE, 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 230000897 between Vonda Gay (Looney) Slone and James Slone, 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. 4521

This Resolution was adopted by the Buchanan County Board of Supervisors on this the 7th day of October, 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 APPOINTMENT AND/OR REAPPOINTMENT TO CUMBERLAND MOUNTAIN COMMUNITY SERVICES FOR A THREE (3) YEAR TERM BEGINNING JANUARY 1, 2025 (CURRENT MAXINE MULLINS)

After a general discussion by the board upon motion of Trey Adkins seconded by Lee Dotson and with a roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, Tim Hess, Jeff Cooper, David Rose, Lee Dotson, G. Roger Rife and zero (0) nays, this board did hereby reappointed Maxine Mullins to the Board of Directors of Cumberland Mountain Community Services Board for a three-year term ending December 31, 2027.

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IN RE: CONSIDER APPROVING AN ADDITIONAL APPROPRIATION IN THE AMOUNT OF \$4,330.00 TO APPALACHIAN AGENCY FOR SENIOR CITIZENS TO ASSIST WITH THE PURCHASE OF THREE 2025 FORD STAR-CRAFT ALLSTAR BUSES

After a general discussion by the board upon motion of Trey Adkins seconded by Jeff Cooper and with a roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, Tim Hess, Jeff Cooper, David Rose, Lee Dotson, G. Roger Rife and zero (0) nays, this board did hereby an additional appropriation in the amount of \$4,330.00 to Appalachian Agency for Senior Citizens to be used as 1% matching funds in the purchase of three 2025 Ford Star-Craft Allstar buses.

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IN RE: CONSIDER APPROVING A TRANSFER FROM DRUG TASK FORCE FUND 38 TO THE BUCHANAN COUNTY SHERIFF'S OFFICE, FUND 35, ASSET FORFEITURE ACCOUNT IN THE AMOUNT OF \$12,908.31 TO BE USED FOR OVERTIME AND BENEFITS FOR DEPUTIES RAYMOND WEBB AND BILLY OWENS

After a general discussion by the board upon motion Tim Hess seconded David Rose and a roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, Tim Hess, Jeff

Cooper, David Rose, Lee Dotson, G. Roger Rife and zero (0) nays, this board did hereby approve a transfer from Drug Task Force Fund 38 to the Buchanan County Sheriff's Office, Fund 35, asset forfeiture account in the amount of \$12,908.31 to be used for overtime and benefits for Deputies Raymond Webb and Billy Owens.

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IN RE: CONSIDER AN APPOINTMENT TO THE SOUTHWEST VIRGINIA COMMUNITY CORRECTIONS BOARD

After a general discussion by the board upon motion Tim Hess seconded by David Rose and with a roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, Tim Hess, Jeff Cooper, David Rose, Lee Dotson, G. Roger Rife and zero (0) nays, this board did hereby appoint Mike Hatfield, Investigator to the Southwest Virginia Community Criminal Justice Board for Buchanan County.

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IN RE: CONSIDER APPROVING ADDITIONAL APPROPRIATIONS

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, Trey Adkins, Craig Stiltner, Tim Hess, Jeff Cooper, David Rose, Lee Dotson, G. Roger Rife and zero (0) nays this board did hereby approve the following additional appropriation:

- Additional appropriation in the amount of \$87.24 to the Circuit Court Clerk's Office, account number 21060-3320;
- Additional appropriation in the amount of \$3,814.80 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$535.00 to William P. Harris Park account number 71040-7010-02;
- Additional appropriation in the amount of \$2,273.95 to William P. Harris Park (supplies) account number 71040-6022-02;
- Additional appropriation in the amount of \$165.00 to William P. Harris Park account number 71040-7010-02;
- Additional appropriation in the amount of \$200.00 to Prater Park and Rec. account number 71040-5604-05;
- Additional appropriation in the amount of 625.00 to Buchanan County Head Start, account number 32070-3000.

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IN RE: CONSIDER ADOPTING RESOLUTION AUTHORIZING IMPLEMENTATION OF VA CODE SECTION 58.1-3934 (A) AND 58.1-3958

This issue was tabled, no action taken.

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IN RE: CONSIDER APPROVING BUCHANAN COUNTY BOARD OF SUPERVISORS TO SPONSOR TRUNK OR TREAT FOR ALL COUNTY PARKS

After a general discussion by the board upon motion Tim Hess seconded David Rose and a roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, Tim Hess, Jeff Cooper, David Rose, Lee Dotson, G. Roger Rife and zero (0) nays, this board did hereby approve to sponsor Trunk or Treat for all county parks.

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IN RE: CONSIDER APPROVING A TRANSFER FROM GARDEN DISTRICT SENIOR CITIZENS TO PATTERSON VOLUNTEER FIRE DEPARTMENT

After a general discussion by the board upon motion Jeff Cooper seconded Trey Adkins and a roll call vote of seven (7) yeas, Trey Adkins, Craig Stiltner, Tim Hess, Jeff Cooper, David Rose, Lee Dotson, G. Roger Rife and zero (0) nays, this board did hereby approve a transfer in the amount of \$10,000 from Garden District Senior Citizens account to Patterson Volunteer Fire Department.

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

Upon a motion by Trey Adkins seconded by Tim Hess 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)(8), consultation with legal counsel regarding the CNX 2010 Settlement Agreement coming to a close and Virginia Code Section, 2.2-3711 (A)(8), consultation with legal counsel regarding a Riverview Elementary/Middle School project.

Motion was made by Trey Adkins to return from closed session seconded by Lee Dotson and with the following roll call vote of seven (7) yeas, Trey Adkins, Jeff Cooper, Lee Dotson, David Rose, Tim Hess, G. Roger Rife, Craig Stiltner and zero (0) nays, this board did hereby approve to return from closed session.

This board meeting resumed in open session after being in executive session twenty-seven (27) minutes.

A motion by Trey Adkins seconded by Jeff Cooper that the Board certify that in the closed session just concluded, nothing was discussed except the matter specifically identified in the motion to convene in closed session and lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. The motion was agreed upon by the following roll call vote seven (7) yeas, Lee Dotson, Tim Hess, G. Roger Rife, Craig Stiltner, David Rose, Jeff Cooper, Trey Adkins, and zero (0) nays.

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**IN RE: CONSIDER ACCEPTING THE RESIGNATION FROM TREY
ADKINS ON THE BUCHANAN COUNTY PUBLIC SERVICE
AUTHORITY BOARD AND AN APPOINTMENT TO FILL HIS
UNEXPIRED TERM**

After a general discussion by the board upon motion by Trey Adkins seconded by Lee Dotson and with the following roll call vote of seven (7) yeas, Lee Dotson, Tim Hess, G. Roger Rife, Craig Stiltner, David Rose, Jeff Cooper, Trey Adkins, and zero (0) nays, this board did hereby accept the resignation from Trey Adkins on the Buchanan County Public Service Authority Board of Directors for the Knox Magisterial District and appointed Chris Pack to fill the unexpired term of Mr. Adkins with a term ending January 31st, 2026.

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**IN RE: CONSIDER ALLOWING THE COUNTY ADMINISTRATOR TO
EXECUTE THE WAIVER WITH APPALACHIAN POWER
WAIVING THE INSPECTION REQUIREMENTS NORMALLY
NECESSARY BEFORE METER RESETS**

After a general discussion by the board upon motion by Jeff Cooper seconded by Trey Adkins and with the following roll call vote of seven (7) yeas, Lee Dotson, Tim Hess, G. Roger Rife, Craig Stiltner, David Rose, Jeff Cooper, Trey Adkins and zero (0) nays, this board did hereby approve to allow the Buchanan County Administrator to execute the waiver with Appalachian Power waiving the inspection requirements normally necessary before meter resets, which will allow Appalachian Power customers connected sooner, due to damage caused by Hurricane Helene, until January 1st, 2025.

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**IN RE: CONSIDER APPROVING AN ADDITIONAL APPROPRIATION
 TO PRATER DISTRICT PARK AND DEVELOPMENT FOR
 PAVING AROUND THE BALLFIELDS AT POPLAR GAP
 ATHLETIC FIELDS**

After a general discussion by the board upon motion David Rose seconded Craig Stiltner and a roll call vote of seven (7) yeas, Lee Dotson, Tim Hess, G. Roger Rife, Craig Stiltner, David Rose, Jeff Cooper, Trey Adkins and zero (0) nays, this board did hereby approve an additional appropriation in the amount of \$22,000 to Prater District Park and Development, account number 71060-7010-02 earmarked for paving around the ballfields at Poplar Gap Athletic Fields.

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**IN RE: CONSIDER ADOPTING AN AMENDED RESOLUTION
 REGARDING THE PROCEDURE FOR ABATEMENT OF PUBLIC
 NUISANCE STRUCTURES**

After a general discussion by the board upon motion Craig Stiltner seconded Trey Adkins and a roll call vote of seven (7) yeas, Lee Dotson, Tim Hess, G. Roger Rife, Craig Stiltner, David Rose, Jeff Cooper, Trey Adkins and zero (0) nays, this board did hereby adopt the following Amended Resolution regarding the procedure for abatement of public nuisance structures.

AMENDED RESOLUTION

**IN RE: PROCEDURE FOR ABATEMENT OF PUBLIC NUISANCE
 STRUCTURES**

WHEREAS, in an effort to clean up Buchanan County of public nuisance structures, the following procedure has been proposed:

- 1) When a District Supervisor believes there is a public nuisance structure in his magisterial district that needs to be abated, he shall provide the location of same to the litter control officer;
- 2) The litter control officer shall create a file with photos of the structure and ownership documentation obtained from the Commissioner of Revenue Office;
- 3) The litter control officer shall deliver the file to the Building Code Official;
- 4) The Building Code Official shall evaluate the structure on the basis of a form provided by the County Attorney. If the Building Code Official determines the structure is a public nuisance structure that constitutes a public nuisance structure that constitutes an immediate and imminent threat to life or property, the Building Code Official shall deliver the file to Sandy Stiltner at the County Administrator's Office; If the Building Code Official determines the structure does not meet the criteria of a public nuisance structure, he shall so advise the District Supervisor;
- 5) If the file is delivered to the County Administrator's Office, Sandy Stiltner shall do a draft right of entry document for the review and approval of the County Attorney; once the right of entry document is approved by the County Attorney, Sandy Stiltner will contact the owner or owners about signing the right of entry document and shall maintain an excel document with property owner's name,

address, start date, photo's, public nuisance, right of entry, county administrator and county attorney.

- 6) The County Attorney shall review the title, check for out conveyances, liens such as deeds of trust, mortgages, judgment liens and financing statements. If the County Attorney finds liens against the property, the County will follow the ordinance and make a good faith effort to obtain the consent of the lien creditors to abate the structure; however, the inability to locate all property owners and/or lien creditors shall not prevent the County from abating a public nuisance structure that constitutes an immediate and imminent threat to life or property pursuant to Va. Code section 15.2-900 and the County's ordinance, 77-13;
- 7) A completed checklist prepared by the County Attorney shall be reviewed and signed by the County Administrator, County Attorney and Building Code Official;
- 8) The County Administrator will determine whether to use the public works department or a third-party contractor to abate the public nuisance structure;
- 9) If a third-party contractor is used to abate a public nuisance structure, the Board of Supervisors authorizes the County Administrator to accomplish the procurement and approve the contract and execute the contract with the third-party contractor;
- 10) Regardless of whether the public nuisance structure is abated by public works or by a third-party contractor, a demolition permit shall be obtained from the Building Code Official's Office;
- 11) As part of issuing a demolition permit, the Building Code Official will determine if an asbestos study is required prior to demolition; such an asbestos study shall be required if the public nuisance structure is a commercial structure built before 1985 or a residential structure built before 1985 **and** that has more than four sleeping units (bedrooms).
- 12) It is the goal of this program to abate two to four public nuisance structures each month; and

NOW THEREFORE BE IT RESOLVED, that the Buchanan County Board of Supervisors hereby approves the proposed amended procedure of the abatement of public nuisance structures in Buchanan County; and that the County Administrator and County Attorney are authorized to take all actions necessary to effectuate the terms of this resolution.

This Resolution was adopted on the 7th day of October, 2024.

Recorded Vote:

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

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

ATTEST:

Robert Craig Horn, County Administrator

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IN RE: CONSIDER APPROVING AN ADDITIONAL APPROPRIATION TO A NEW LINE ITEM EARMARKED FOR A CANOPY TO BE INSTALLED AT RIVERVIEW ELEMENTARY/MIDDLE SCHOOL

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, Lee Dotson, Tim Hess, G. Roger Rife, Craig Stiltner, David Rose, Jeff Cooper, Trey Adkins and zero (0) nays this board did hereby approve an additional appropriation in the amount of \$112,500.00 to a new line item earmarked for a canopy to be installed at Riverview Elementary/Middle School. This will be paid upon receipts received for the project.

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IN RE: CONSIDER APPROVING AN ADDITIONAL APPROPRIATION TO SOUTH GRUNDY DISTRICT PARK AND DEVELOPMENT FOR REPAIRS TO POPLAR GAP PARK GYMNASIUM

After a general discussion by the board upon motion by Jeff Cooper seconded by Trey Adkins and with a roll call vote of seven (7) yeas, Lee Dotson, Tim Hess, G. Roger Rife, Craig Stiltner, David Rose, Jeff Cooper, Trey Adkins and zero (0) nays, this board did hereby approve the quote from JES Foundation Repair and for an additional appropriation in the amount of \$151,688.17 to South Grundy District, park and development account number 71060-7010-05 regarding the Poplar Gap Park gymnasium repairs. This project was done by emergency procurement for structural issues with the gymnasium.

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IN RE: CONSIDER APPROVING TO ISSUE PAYMENT FOR THE TWO CONTRACTOR'S APPLICATIONS FOR PAYMENT NO. 1 FROM TAFF & FRYE CO., INC. REGARDING RUSSELL PRATER ELEMENTARY SCHOOL DEMOLITION AND J.M. BLEVINS ELEMENTARY SCHOOL

After a general discussion by the board upon motion by Lee Dotson seconded by Craig Stiltner and with a roll call vote of seven (7) yeas, Lee Dotson, Tim Hess, G. Roger Rife, Craig Stiltner, David Rose, Jeff Cooper, Trey Adkins and zero (0) nays, this board did hereby approve to issue payment for the two Contractor's Applications for Payment No. 1 from Taff & Frye Co., Inc. regarding the below:

- Russell Prater Elementary School Demolition in the amount of \$23,750.00, from account number 71060-7011-02;
- J. M. Blevins Elementary School Demolition in the amount of \$23,750.00 account number 71060-7011-01.

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IN RE: CONSIDER APPROVING AND ISSUING PAYMENT FOR CONTRIBUTIONS

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, Lee Dotson, Tim Hess, G. Roger Rife, Craig Stiltner, David Rose, Jeff Cooper, Trey Adkins and zero (0) nays, this board did hereby approve to issue a check for the following contributions:

Hurley Youth Sports	\$1,200.00
Twin Valley High School (Varsity Cheerleading)	\$1,500.00
Council Elem/Middle School (White Christmas)	\$3,000.00
Clinch Independent Living Services, Inc.	\$6,347.00
Grundy High School (basketball)	\$3,000.00
BC Youth	\$3,000.00

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IN RE: ADJOURNMENT

After a general discussion by the board upon motion by Jeff Cooper seconded by Tim Hess and with a roll call vote of four (4) yeas, Jeff Cooper, David Rose, Tim Hess, G. Roger Rife and three (3) nays, Trey Adkins, Lee Dotson and Craig Stiltner, this board did hereby approve to adjourn the meeting.

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IN RE: CONSIDER RESCINDING THE MOTION TO ADJOURN

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, Jeff Cooper, David Rose, Tim Hess, G. Roger Rife, Trey Adkins, Lee Dotson, Craig Stiltner and zero (0) nays, this board did hereby approve to rescind the motion to adjourn the meeting

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IN RE: CONSIDER APPROVING AN ADDITIONAL APPROPRIATION IN THE AMOUNT OF \$287,000.00 TO BUCHANAN COUNTY PUBLIC SCHOOL EARMARKED FOR PAVING AT THE ELEMENTARY SCHOOLS

After a general discussion by the board upon motion by Lee Dotson and with no second to his motion Mr. Dotson requested a roll call vote of five (5) yeas, Jeff Cooper, Lee Dotson, Craig Stiltner, G. Roger Rife, David Rose, one (1) nay, Tim Hess and one (1) abstention, Trey Adkins this board did hereby approve an additional appropriation in

the amount of \$287,000.00 to Buchanan County Public School earmarked for paving at the elementary schools. This funding was previously requested by the school system in July 2024 as carry-over funding from fiscal year 2023.

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IN RE: ADJOURNMENT

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