

February 25, 2008

Pocahontas, Virginia

Council met this date for a regular session with the following present:

Council: Mrs. Boone, Mrs. Pardue, Ms. Fitzgerald, and Mayor Brown.

Absent: No One

Mayor Brown called the meeting to order, invocation given followed by pledge of allegiance.

Mayor Brown asked Council if there are any corrections to the minutes of the January 28, 2008 Council Meeting.

"Greg Jones stated that the Sewage Treatment Plant is still open and staffed with no incoming revenues the offset the expenses."

Should be changed to:

"Greg Jones stated that the Sewage Treatment Plant is still open and staffed with no incoming revenues to offset the expenses."

"Council discussed Mrs. White..." Changed to: "Council discussed Mrs. White's..."

"Mrs. Pardue motion that Mrs. White..." Changed to: "Mrs. Pardue motion that Mrs. White's..."

Mayor Brown asked for a motion to accept the minutes as read.....Mrs. Boone accepted the motion.....second by Mrs. Pardue..... Mrs. Boone, Mrs. Pardue, and Ms. Fitzgerald voted yes.

Mayor Brown asked Ms. Fitzgerald to read Finance Report as of January 31st, 2008.

Council commented on the service charges posted on the Easter Egg Account. Council also commented on the fees for the Visa and Mastercard account.

Mrs. Pardue motioned to accept the Finance Report as read.....Second by Mrs. Pardue.... Mrs. Boone, Mrs. Pardue and Mayor Brown voted yes.

Old Business

No Old Business

New Business

1. Council discussed the Tazewell County School Board's public hearing on the issue of closing Pocahontas High School. This motion was made by Cookie Johnson and second by Randy Conn. This issue was not on the School Board's agenda and took everyone by surprise. The community had a meeting on this subject at the Pocahontas High School on February 23, 2008. The Public Hearing will be on March 3rd, 2008 at Tazewell High School.
2. Mrs. Pardue motioned to place a marker on location #2 or #3 for Genevieve and Frank Soos. Donation will be made....Second by Ms. Fitzgerald..... Mrs. Boone, Mrs. Pardue, and Ms. Fitzgerald voted yes.
3. Mrs. Boone motion for Ms. Amy Flick to be this year's chairperson for the Indian Run....Second by Mrs. Pardue.... Mrs. Boone, Mrs. Pardue, and Ms. Fitzgerald voted yes.
4. Mrs. Boone motioned to donate \$150.00 from the General Fund Savings Account for the Easter Egg Hunt....Second by Ms. Fitzgerald.... Mrs. Boone, Mrs. Pardue, and Ms. Fitzgerald voted yes.

Committee Reports:

Personnel Committee: Barry Lester resigned as a Water Plant Operator

Planning Committee: No Report

Finance Committee: \$34,000.00 in sales tax revenue could be lost if the School Board closes Pocahontas High School. Steve Arey, Town Attorney, has been asked to help the town on this issue.

Utility Committee: Did not meet.

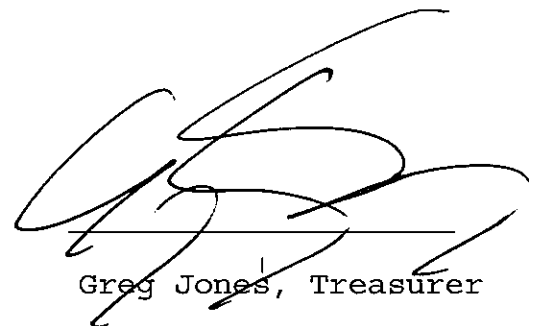
Police Report: No Report.

Fire Dept. Report: Thomas Rider stated a tax exempt form needs to be sent to the gas company. Mr. David White stated that the Fire Department cannot burn anymore houses down in Pocahontas.

Mayor Brown asked for a motion to adjourn the Town Council meeting. Mrs. Pardue motion to adjourn the Town Council Meeting....second was made by Ms. Fitzgerald.....Mrs. Boone, Mrs. Pardue, and Ms. Fitzgerald voted yes.



Mayor, Anita Brown



Greg Jones, Treasurer

Stephen E. Arey, P.C.

Attorney At Law

204 Main Street • P.O. Box 895 • Tazewell, Virginia 24651
(276) 988-6548 • Fax (276) 988-5789

March 4, 2008

Mr. Greg Jones
Town of Pocahontas
P.O. Box 128
Pocahontas, VA 24635

RE: Pocahontas High School Closing

Dear Greg:

At the end of the public hearing on the issue of the closing of Pocahontas High School the school board took no action. Instead they recessed their meeting to March 27, 2008 at 6:00 p.m. The location of the recessed meeting is the Tazewell High School Auditorium. I assume that the folks from Pocahontas will be back in force on that date.

One issue that was brought up as a side light is whether Pocahontas may want to consider becoming a charter school. Frankly I do not know anything about charter schools.

In doing my research in preparation for this public hearing I came across some information on charter schools. I am enclosing that information for your consideration.

If you have any questions please contact me.

Sincerely,

Stephen E. Arey

SEA/ja
Enclosure

Stephen E. Arey, P.C.

Attorney At Law

204 Main Street • P.O. Box 895 • Tazewell, Virginia 24651
(276) 988-6548 • Fax (276) 988-5789

March 4, 2008

Ms. Jamie Lester
Tazewell County Public Schools
209 W. Fincastle Road
P.O. Box 927
Tazewell, VA 24651

RE: Freedom of Information Request

Dear Ms. Lester:

Thank you very much for your prompt attention to my request for information from the school board. Enclosed please find our check for \$25.43 representing the costs of obtaining this information.

Sincerely,

Stephen E. Arey

SEA/ja
Enclosure
cc: Mr. Greg Jones

approved. Va. Code § 22.1-212.9(C). The Board's findings must be included in the application to the local school board. Va. Code § 22.1-212.8(C).

A school board must review a charter school application according to its established procedures. Va. Code § 22.1-212.9. Its decision to grant or deny an application, or revoke or renew an application, shall be final and not subject to appeal. Va. Code § 22.1-212.10. In establishing charter schools, priority should be given to schools that will serve at-risk students. Va. Code § 22.1-212.11. Charter school personnel shall be employees of the school division granting the charter and teachers shall be granted the same employment benefits as those in non-charter schools. Va. Code § 22.1-212.13.

Charter schools and charter school employees and volunteers have the same as sovereign immunity public schools and public school employees and volunteers. Va. Code § 22.1-212.16.

School divisions may also create residential charter schools for at-risk students. Va. Code § 22.1-26. Applications are to include a description of the program, facilities, and staffing, funding sources, and counseling or other social services to be provided. Va. Code § 22.1-212.8(14).

A public charter school may negotiate and contract with a school division, the governing body of an institution of higher education, or any third party for the use or construction of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity, or undertaking which the public charter school is required to perform in order to carry out the educational program described in its charter. Va. Code § 22.1-212.6(C). A limited liability company is an appropriate "third party" with which the charter school may contract. 2003 Op. Va. Att'y Gen. 89.

A Public Charter School Fund has been established. Va. Code § 22.1-212.5:1.

18-5.01(k) Satellite Classrooms

School boards may enter into agreements with private business and industry for the establishment, installation, renovation, remodeling, or construction of satellite classrooms for grades kindergarten through three on a site owned by the business or industry and leased to the school board at no cost. Virginia Code § 22.1-26.1. Children of employees of the private business may attend the classrooms even though the business is located outside of their attendance zone. The locality may exempt a business that provides satellite classrooms from local license taxes.

18-5.01(l) Public Safety Schools

Two or more school boards may, with the consent of the State Board, establish joint or regional schools, including regional public charter schools, to serve as high schools offering, in addition to a comprehensive high school curriculum, specialized training to students desiring to pursue careers in law enforcement, fire fighting, emergency and rescue services, and other occupations addressing public safety and welfare. Such schools may be designed to incorporate the instructional services of retired or disabled emergency, fire, rescue, and law-enforcement personnel and internships with local agencies and organizations providing such emergency, fire, rescue, and law-enforcement services. Va. Code § 22.1-26.

18-5.02 Transportation

18-5.02(a) In General

Provision of student transportation is not required except for children with disabilities as provided in § 22.1-221. Va. Code § 22.1-176(A). A school board that provides transportation for field trips and for extra-curricular activities may accept contributions to

pursuant to § 20-124.2 and the school has received notice of such order, both parents shall be notified at the last known addresses of the parents. Va. Code § 22.1-258.

This statute does not confer the right of repeated or sustained absenteeism in pupils even with parental knowledge or support. Pursuant to Va. Code § 22.1-254(G), a school board may establish additional standards for determining when a pupil's absence may be excused. Opinion of the Virginia Attorney General to Danny W. Marshall, III, January 31, 2005.

18-5.01(h) Sanctions for Violation of Compulsory Attendance

Violation of the compulsory attendance law constitutes a Class 3 misdemeanor, Va. Code § 22.1-263, and is punishable by a fine not to exceed \$500.00. Va. Code § 18.2-11(c). Once convicted, if a person knowingly violates the statute again, he will be guilty of a Class 2 misdemeanor. Such violation includes the making of a false statement with regard to a child's age and inducing or attempting to induce, a child to absent himself from school. Va. Code §§ 22.1-264 to 22.1-265. The juvenile and domestic relations court is the applicable tribunal. Va. Code § 22.1-262. The Commonwealth Attorney is charged with prosecuting these cases. Va. Code § 22.1-268. The affected child may be proceeded against as a child in need of services. Va. Code § 22.1-267. If a child has not been previously adjudicated truant, a truancy complaint petition may be deferred for 90 days. If the child successfully participates in a written truancy plan agreed to by the child and the parents or guardians, the petition is not filed. Va. Code § 16.1-260. Additionally, if the child violates the attendance and meeting requirements, a court must suspend the child's driver's license, or if the child is between thirteen and sixteen and three months, delay the period for which a license can be applied, for not less than thirty days. The period of denial for a second or subsequent offense may be up to one year or until the child reaches eighteen, whichever is longer, and up to one year for a delay. Va. Code § 16.1-278.9.

18-5.01(i) School Choice

The 1993 General Assembly directed the Board of Education to promulgate regulations for the voluntary participation of school divisions in programs allowing pupils to attend another public school within the division of their residence or in another school division. Va. Code § 22.1-269.1.

18-5.01(j) Charter Schools

Charter schools may be established divisionally or regionally as public, nonsectarian, nonreligious, or non-home-based public schools, either as a new public school or through conversion of all or part of an existing public school. Such schools remain subject to federal and state anti-discrimination laws, the Standards of Quality, and the Standards of Learning, but may otherwise be exempt from school division policies and state regulations as requested in the charter contract. Va. Code §§ 22.1-212.3 et seq. Charter schools must also meet the requirements of the IDEA. 34 C.F.R. §§ 300.2, 300.22, 300.32. The Attorney General has opined that public charter school employees are subject to the requirements of the State and Local Government Conflict of Interests Act. 2003 Op. Va. Att'y Gen. 89. Since that opinion, the Conflict of Interests Act was amended to provide that an exemption to the prohibition on a personal interest in a government contract exists for any ownership or financial interest of members of the governing body, administrators, and other personnel serving in a public charter school in renovating, lending, granting, or leasing public charter school facilities, as the case may be, provided such interest has been disclosed in the public charter school application as required by Va. Code § 22.1-212.8. Va. Code § 2.2-3109(C)(6).

A charter application may be submitted to the Board of Education for a feasibility review, but the Board shall not opine whether the application should be



Tazewell Soil and Water Conservation District
USDA Service Center

117 DIAL ROCK ROAD
NORTH TAZEWELL VA 24630-9437

Phone: (276) 988-9588 Fax: (276) 988-9014

VIRGINIA SOIL & WATER
C O N S E R V A T I O N

MEMORANDUM

TO: Pocahontas Mayor & Town Council Members

FROM: Elizabeth A. Bennett
Tazewell Soil & Water Conservation Education Specialist
Elizabeth

DATE: March 10, 2008

SUBJECT: Copy of 2008 Spring River Clean Up Proclamation

Enclosed you will find a copy of the proclamation I am requesting to be adopted and signed at your March/April, 2008 Pocahontas Town Council Meeting. Due to budget restraints, I will be unable to attend. Please send to me a copy of the signed proclamation at your convenience. If you have any questions concerning this proclamation, please contact me at the Tazewell Soil & Water Conservation Office at 540-988-9588 ext. 103.

Thank you for assisting us in making Tazewell County a beautiful place to live.

Proclamation

Town of Pocahontas, Virginia

Rivers Clean Up Month

WHEREAS, Virginia's rivers contribute to providing the Commonwealth with the basis of her wealth, a high standard of living, and economic growth and stability; and

WHEREAS, preserving the quality and quantity of our valuable clean water resources is of vital importance to the citizens of the Commonwealth and to the future of our state; and

WHEREAS, The Tazewell County Board of Supervisors, at the request of the Tazewell Soil & Water Conservation District, has set aside April, 2008 as **Rivers Clean Up Month** in Tazewell County; and

NOW WHEREAS, I, Anita Brown, Mayor, do hereby recognize April, 2008, as Rivers Clean Up Month in the Town of Pocahontas and call its significance to the attention of all our citizens.

Signed 

Anita Brown, Mayor
Town of Pocahontas



Town of Pocahontas
June 30th 1882
Centre Street
Post Office Box 128
Pocahontas, Virginia 24635
(276) 945-9522 Town Hall
(276) 945-5959 Police Department
(276) 945-9904 Fax Line



Resolution against the Closure of Pocahontas High School

WHEREAS, the Tazewell County School Board has taken necessary steps to begin the closure of Pocahontas High School, and

WHEREAS, the Town of Pocahontas has entered an economic rehabilitation and revitalization phase, and

WHEREAS, the foundation for any economic improvement is a solid and well performing school system, and

WHEREAS, the Pocahontas High School is a fully accredited institution, performing better than many other Tazewell County Schools, and

WHEREAS, the enrollment of Pocahontas High School has held steady for a long period of time, and is showing signs of increasing, and

WHEREAS, the students of Pocahontas High School would be at a disadvantage in sports and other extracurricular activities of other schools, due primarily to distance and travel time and increased cost, and

WHEREAS, the Town of Pocahontas and surrounding communities needs the presence of a strong academic school in its district, and

WHEREAS, the Tazewell County School Board has not taken the time to evaluate and study the short term and long term effects of such action, both fiscally and emotionally for the students and parents alike, and

WHEREAS, no studies has been produced to show cost savings, probability of higher academic performance or probability of higher participation in extracurricular activities,

BE IT HEREBY RESOLVED by the Pocahontas Town Council, to condemn any future consideration of closing or consolidation Pocahontas High School until such a time as: a) The Tazewell County School Board has had sufficient time to produce current impact studies regarding finances, emotional well being of students; transportation issues/cost, and academic performance and b) The Town of Pocahontas has been given a sufficient amount of time to fulfill economic and revitalization improvement expectations (a time period of no less than two years) and c) A long term plan has been put in place for Tazewell County Public Schools detailing future plans for it's buildings and d) a renewed commitment for academic achievement.

Agreed upon unanimously this 17th day of March, 2008

Anita Brown, Mayor

Jean Boone, Vice Mayor

Bonnie Pardue, Council Member

Lynn Fitzgerald, Council Member

Attest:
Greg Jones, Clerk of Council

**Town of Pocahontas
Account Balances
As of February 29, 2008**

	<u>Feb 29, 08</u>	<u>Jan 31, 08</u>
ASSETS		
Current Assets		
Checking/Savings		
Exhibition Mine Checking	63.64	205.24
Exhibition Mine Savings	15,225.19	16,686.08
Exhibition Mine Visa & MC A...	164.48	191.98
General Fund Checking	24,737.75	62,503.21
General Fund Savings	73,577.62	31,193.00
Hist Commitee for Restorati...	457.09	449.07
Joe Hill Ball Park Savings	1,103.38	1,103.16
Pocahontas Cemetery Savin...	7,468.67	7,467.19
Pocahontas Easter Egg Hunt	9.81	9.81
Pocahontas Indian Run	1,138.48	1,128.48
Pocahontas VoL Fire Comp...	11,271.30	14,001.11
Water Fund Checking	5,650.90	4,874.79
Water Fund Savings	83,082.67	78,287.58
Total Checking/Savings	<u>223,950.98</u>	<u>218,100.70</u>