

**VIRGINIA: AT A REGULAR MEETING OF THE TAZEWell
COUNTY BOARD OF SUPERVISORS HELD APRIL 3, 2012 AT 6:00
P.M. IN THE TAZEWell COUNTY ADMINISTRATION BUILDING,
108 EAST MAIN STREET, TAZEWell, VIRGINIA 24651.**

**PRESENT: D. MICHAEL HYMES, CHAIRMAN
JOHN M. ABSHER, VICE CHAIRMAN
SETH R. WHITE, MEMBER
DR. TOM BREWSTER, MEMBER
CHARLES A. STACY, MEMBER
JAMES H. SPENCER, III. COUNTY ADMINISTRATOR
C. ERIC YOUNG, COUNTY ATTORNEY
PATRICIA GREEN, ASSISTANT COUNTY ADMINISTRATOR
RUTH GROSECLOSE, ADMINISTRATIVE ASSISTANT
MEMBERS OF THE PRESS:
KATIE COIL, BLUEFIELD DAILY TELEGRAPH;
JIM TALBERT, CLINCH VALLEY NEWS/RICHLANDS NEWS PRESS**

ABSENT: NONE

The Chairman, D. Michael Hymes, called the regular meeting to order and presided with all members in attendance. Supervisor White gave the invocation with Supervisor Stacy leading those present in the Pledge of Allegiance to the United States Flag.

Chairman Hymes welcomed those present and then proceeded with consideration of adopting the agenda format. He proposed to amend the agenda to include an item on the Consent Calendar “an adjustment to one Treasurer’s office employees pay to account for certification received from UVA Weldon Cooper Center as requested by the Treasurer by letter dated February 10, 2012.”

AGENDA APPROVED AS AMENDED

Now, upon motion by Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the

same, the Tazewell County Board of Supervisors hereby approves the April 3, 2012 agenda as hereby amended.

MINUTES APPROVED AS WRITTEN

Upon motion of Supervisor Stacy, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the March 6, 2012 regular meeting minutes as written.

EXECUTIVE/CLOSED SESSION

Upon motion of Supervisor Stacy, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into an executive/closed meeting, pursuant to Virginia Code Section 2.2-3711:

- A-7 Legal consultation involving M.O.U. – Natural Gas in the Western District of Tazewell County
- A-7 Legal matter involving the Bluefield Virginia Rescue Squad
- A-29 Discussion of an award of a fire protection contract to the Town of Pocahontas (added March 30)

Upon motion of Supervisor Stacy, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby returns from the Executive/Closed meeting and hereby adopts the following certification of executive session, read by Supervisor Absher:

CERTIFICATION

OF EXECUTIVE/CLOSED MEETING

WHEREAS, the Tazewell County Board of Supervisors has convened an executive/closed meeting on this date pursuant to an affirmative vote and in accordance with The Virginia Freedom of Information Act; and

WHEREAS, 2.2-3712 of the Code of Virginia requires a certification by the Tazewell County Board of Supervisors that such executive/closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Tazewell County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) that only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive/closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Tazewell County Board of Supervisors. The Chairman called for a roll call vote with the following vote hereby recorded.

Ayes: Supervisor Brewster, Stacy, Absher, Hymes and White

Nays: None

Absent: None

Absent during vote: None

REPORT OF ACTION AS A RESULT

OF THE EXECUTIVE/CLOSED MEETING

FIRE SERVICES CONTRACT –

TOWN OF POCAHONTAS, VIRGINIA

Upon motion of Supervisor Brewster, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the Fire Services Contract with the Town of Pocahontas, Virginia further authorizing and directing the County Administrator to negotiate same with the Town of Pocahontas. Once negotiations are complete and the agreement is approved by the Town of Pocahontas, the Chairman of the Board of Supervisors is hereby authorized and directed to execute the contract on behalf of the Board of Supervisors of Tazewell County, Virginia. A copy of same will be on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

BLUEFIELD VIRGINIA RESCUE SQUAD

Upon motion of Supervisor Stacy, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors approves the amount of \$2,400.00, i.e. \$1,900.00 from the Eastern District fund & \$500.00 from the Northern District fund to meet payroll obligations

for the Bluefield Virginia Rescue Squad (week-ending April 6, 2012). The Town of Bluefield, Virginia has approved to reimburse the County one-half (1/2) of the \$2,400.00 and the Bluefield Virginia Rescue Squad has agreed that this is a loan until their accounts receivable are sufficient to meet their financial obligations. The County Administrator is hereby authorized, empowered and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

RECOGNITION/PRESENTATION

The Chairman welcomed Special Agent Allen Beck to the meeting. Mr. Beck is retiring from service with the Virginia State Police after 32 years of service and was assigned to the Tazewell County Narcotics Task Force in the early 1990's and have overseen the operations of the Task Force and been responsible for well over 5000+ narcotics cases being brought against drug dealers in Tazewell County.

Now, upon motion of Supervisor Stacy, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts the following resolution as presented:

***RESOLUTION
ON THE RETIREMENT OF SENIOR SPECIAL AGENT ALLEN BECK***



WHEREAS, Senior Special Agent Allen Beck is retiring from service with the Virginia State Police after thirty two (32) years of service; and

WHEREAS, Senior Special Agent Allen Beck was born in Stanton Virginia in 1957 and graduated from Princeton High School in 1975. He earned a Bachelor of Science degree in Criminal Justice from West Virginia State University in 1979; and

WHEREAS, Special Agent Beck was hired on March 1, 1980 and promoted to Trooper 1, on December 19, 1980; assigned to BCI Special Investigations in Tazewell County, December 16, 1985; assigned to BCI in Bluefield, February 6, 1987; promoted to Trooper 11, July 1, 1987; promoted to BCI Special Agent in Bluefield, February 6, 1988; and promoted to BCI Senior Special Agent, February 10, 2001; and

WHEREAS, Special Agent Beck was assigned to the Tazewell County Narcotics Task Force in the early 1990's and has overseen the operations of the Task Force and has been responsible for well over 5,000 + narcotics cases being brought against drug dealers in Tazewell County, Virginia; and

WHEREAS, Special Agent Beck is frequently recognized for his devoted energy, hard work and considerable talent for the betterment of the lives of citizens of Tazewell County and the Commonwealth; and

WHEREAS, major cases worked by Special Agent Allen Beck include: Sadie Mackie: Mid 1990's, large scale marijuana grow (historic marijuana case in Tazewell County's history); Steve Shelton, 2001 Oxycodone dealer, largest on-hand bust in Tazewell County; 2006 Joey Phillips/Stephanie Heather Osborne: Federal case, large scale oxycodone dealers, large forfeiture; 1996 Nathan Mullins: Major Tylox Distribution case, 2002, Ricky Barton: Federal Case, Drug Distribution; and

WHEREAS, Special Agent Beck has dedicated his career to bringing the highest standards of professionalism to law enforcement and his distinguished career is evidence of his genuine concern for the welfare and safety of the citizens by fighting the war on illegal drugs; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Tazewell County, Virginia hereby presents this resolution to Special Agent Beck for his completion of more than three decades of outstanding service to the people of Tazewell County and to the Commonwealth and hereby presents this resolution as an expression of the Board of Supervisors gratitude for his meritorious service and best wishes for a joyful and well-earned retirement.

CONSENT CALENDAR APPROVED

Upon motion of Supervisor White seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following items as Consent Calendar as set forth below, further adding an additional matter to the Consent Calendar – adjusting a employee's pay in the Treasurer's office in accordance with the Treasurer's letter of February 10, 2012. The County Administrator is hereby further authorized and directed to issue said

warrants in accordance with this action, and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

WARRANTS APPROVED AS PAID

February 2012/March 2012

Payroll

Ordered that Warrant Nos. 135576 through 135645 and direct deposits totaling \$210,479.30 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending February 29, 2012, be approved.

Ordered that Warrant Nos. 135647 through 135717 and direct deposits totaling \$210,350.07 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending March 15, 2012 be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 455872 through 456027, for \$349,803.45 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of February 2012, be approved.

Ordered that Warrant Nos. 455029 through 456042, for 146,059.71 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending February 29, 2012, be approved.

Ordered that Warrant Nos. 456044 through 456199, for \$846,297.12 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of March 2012, be approved.

Ordered that Warrant Nos. 456202 through 456322, for \$18,750.00 from the General Fund covering operating expenses for the various County agencies for the month of March 2012, be approved.

Ordered that Warrant Nos. 456324 through 456337 for \$148,258.53 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending March 15, 2012, be approved.

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Ordered that Warrant Nos. 801669 through 801673 for \$17,562.37 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of February 2012, be approved.

- ▶ Declared the months of April & May 2012 as Spring/River Clean-up in Tazewell County, Virginia – approve the use of County dumpsters and 4-wheelers.
- ▶ Designated May 5, 2012 as Kids in the Outdoors Day at Lake Jack Witten/Cavitts Creek Park
- ▶ Approved a transfer of County Funds – authorized and directed the County Administrator to transfer monies between County Funds and departments as may be necessary through June 30, 2012
- ▶ Approved - Sheriff's Department/ VACORP Claims – transferred the amount of \$270.00 from Acct. No. 91050-7041 Contingent Expenditures & Grant Account to Sheriff's Account No. 31020-6009 as reimbursement for vehicle repair.
- ▶ Ratified approval of extending the County Audit contract with Robinson, Farmer & Cox
- ▶ Approved \$1,000.00 from Southern District Funds payable to the Children's Reading Foundation of Appalachia (VA). 515 Cedar Street, Tazewell, VA 24651 attn: Chris Thompson
- ▶ Approved \$1,500.00 from Southern District Funds payable to Tazewell Boy Scout Troop No. 93
- ▶ Coyote Claim: Approved \$650.00 to Stanley Roberts, PO Box 757 Pounding Mill, VA 24637 for 13 coyotes killed Jan. 18,2012 – Feb. 2012, with snare (Mr. Roberts met the deadline of Feb. 17, but no notary was available when brought to County office).
- ▶ Ratified/transferred payment of \$280.00 from Northwestern District fund to Alpha Land Surveyor for Raven Theater/Coal Museum property.

- ▶ Declared the 1996 Ford Squad as surplus property and donate same to the Tazewell Police Department to be used as an Emergency Response Team vehicle throughout the County.
- ▶ Adjusted one Treasurer's Office employees pay to account for certification received from UVA Weldon Cooper Center as requested by the Treasurer by letter dated February 10, 2012.

BOARD OF SUPERVISORS

LIAISONS REPORT

Planning Commission- Supervisor Absher had nothing to report as a result of the March 8, 2012 Planning Commission meeting.

IDA – Supervisor White had no report as a result of the March 28, 2012 IDA meeting. He could not attend. However, Supervisor Stacy attended the meeting as an observer.

Cumberland Plateau Planning District (CPPD) – Supervisor White stated the CPPD held their annual meeting and he was appointed Vice Chair of the Planning District Board. He also reported the CPPD -Amonate Housing Rehabilitation grant had been approved through DHCD.

Emergency Services Report - Supervisor Stacy reported the Emergency Services Committee, at their last meeting, requested funding from the Board of Supervisors to purchase a fire/rescue skid unit to be used with the Kubota recently purchased by Thompson Valley Fire & Rescue.

FIRE/RESCUE SKID UNIT \$7,710.00 APPROVED FOR THOMPSON VALLEY FIRE & RESCUE

And now, following a recommendation from the Tazewell County Emergency Services Committee, and upon motion of Supervisor Stacy, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$7,710.00 from Account No. 3202-8109 Rescue Squad Capital Outlay, for the purchase of fire/rescue skid unit to be used with a Kubota purchased by Thompson Valley Fire & Rescue. The skid unit will be used to enhance emergency response and safety while supporting other county agencies to efficiently transport injured persons from areas where normal emergency response vehicles cannot respond as well as assisting in brush fire incidences. The County Administrator is hereby

authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County.

EMERGENCY EQUIPMENT LIST

Supervisor White requested Dave White, Emergency Services Coordinator to compile a list of emergency services equipment maintained by each fire & rescue unit in Tazewell County. He said the list would assist 911 dispatchers when responding to emergency calls.

FIRE TRUCK APPROVED FOR CLEAR-FORK FIRE DEPARTMENT

\$168,500.00 (DEEP SOUTH FIRE)

Upon motion of Supervisor Hymes, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby awards a bid in the amount of \$168,500.00 from Account No. 32010-8109, Fire Department Capital Outlay, to Goodman Specialized Vehicles, 9110 Pridesville Road, PO Box 840, Amelia, VA 23002 lowest, responsive bidder, for the purchase of one (1) Deep South Fire Classic Series Tanker fire truck for the Clearfork Fire Department, Tazewell, Virginia. The price includes delivery to the fire department site with warranty and training. The County Administrator is further directed to execute any and all documents in accordance with this action and the County Administrator is hereby authorized and directed to issue said warrant for the purchase of same, and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

The County Administrator was further directed to write a letter to Jay Shott/Shott Foundation requesting funding assistance with Clearfork Fire Department needs as a result of the development of the Cove Creek Estates subdivision.

Budget Committee – Supervisor Brewster said the County Budget committee met April 2 and addressed various upcoming budget topics including changes to VRS Retirement-contributions by employees. Employees may be required to pay a 5% VRS contribution which may result in a possible 5% + offset by the Board of Supervisors for employees.

CAVITTS CREEK/LAKE JACK WITTEN

The County Administrator, Jim Spencer announced a grand opening ceremony for the new office building at Cavitts Creek/Lake Jack Witten on May 7, 2012 at 4:30 p.m. Supervisor

Brewster further suggested that the County Administrator or designated staff seek grant funding or other funding assistance from the Tobacco Commission or other funding sources to enhance the park/lake amenities for camping, cabins, as well as the possible development of an amphitheater, etc. at the park. Supervisor Brewster further suggested that the County Engineer develop a Master Plan with regard to this endeavor.

VDOT REPORTS

MATT COX – CONRAD HILL

Matt Cox, Virginia Department of Transportation Programming & Investment Mgmt. Director Bristol District Office, presented a draft 2013-2104 through 2017-18- Secondary Six Year Road Plan that detailed each project and likely costs. Conrad Hill, Resident Engineer, Lebanon Residency, accompanied Mr. Cox. Mr. Hill is currently the VDOT representative for road concerns and highway projects in Tazewell County. They highlighted the priority proposed road projects with the Board. The Board of Supervisors will hold a PUBLIC HEARING on the SSYP Projects & Budget at the May 1, 2012 regular meeting. A copy of the proposed draft list as presented this date is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

Supervisor White requested the County Engineer's Department send him quotes for repairs to Young's Road in the Raven area.

UNSCHEDULED CITIZEN COMMENTS

Chris Plaster, Attorney representing parents of the Little League Raven football team, reported the Richlands Midget League Football, Inc. voted March 11 to disband the Raven team and move the players to Richlands. Mr. Plaster said he felt if the team was disband many of the Raven children would not play and said Raven has more than enough players to fill teams in the smurf and pee-wee league, but not in the midget group. Supervisor White and Supervisor Absher has given money to the league over the past few years and said they would attend to have a meeting with the Richlands Little League in hopes to obtain information regarding the disbandment. Supervisor White requested that the Assistant County Administrator write a letter to the Richlands Little League on behalf of the Board of Supervisors giving an explanation of

previous funding from the County and possibly the withdrawal of funds from the County if the issues are not resolved.

BACK OF THE DRAGON

LARRY DAVIDSON

Larry Davidson, Thompson Valley, and Coordinator of the Route 16 to Marion stated the General Assembly on March 16, 2012 designated Route 16 as “Back of the Dragon”. Mr. Davidson said he anticipates the designation to become a tourism attraction from Marion to Tazewell and the revenues for Tazewell County are expected to be great. He further requested that the Virginia Department of Transportation repair the road on Route 16 to the Smyth Mountain Line. He said the Brushy Mountain side was in deplorable condition and if people riding their motorcycles would wreck the road it would be labeled a dangerous road and would kill the tourism approach. Conrad Hill, VDOT representative said the department would work on ways to smooth out the road. The 2012 Back of the Dragon event will take place June 2 and begin on Main Street in Tazewell – vendors will be set up in both Tazewell and Marion.

BOY SCOUT TROOP 93

Chris Calo – Leader for Tazewell area Boy Scout Troop 93, introduced Senior Scout members who are working on the citizenship and community merit badge. Board members welcomed Mr. Calo and his group and wished them well in their upcoming merit accomplishments.

VDOT REPORTS

The Chairman then went back to the VDOT update portion of the agenda. Mr. Conrad Hill highlighted various transportation issues and said he would be the contact person for the Tazewell area. Supervisor White requested VDOT’s assistance by studying the Raven 460 bridge project for safety concerns as well as making repairs to road shoulders in the Doran area. Supervisor Absher requested VDOT’s assistance by studying ways to identify the turn lanes more safely at the Claypool Hill Wal-mart. Mr. Hill said he would study the requests and make a written report to the Board of Supervisors.

A Coal Severance Tax Workshop will be held April 9, 2012 to review the Revenue Sharing Budget & projects as well as Rural Addition Road monies.

SIX YEAR SECONDARY ROAD PLAN – PUBLIC HEARING AUTHORIZED

Now, upon motion of Supervisor White, seconded by Supervisor Brewster and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs that a public hearing be held on the VDOT - Secondary Six Year Road Plan at the May 1, 2012 meeting of the Tazewell County Board of Supervisors.

APPOINTMENTS

Tourism: One appointment to fill the resignation of Ginger Branton was deferred to the May 1, 2012 meeting.

Library Board: One appointment to fill the resignation of Bill Wimmer was deferred to the May 1, 2012 meeting.

Transportation Safety Commission: Upon motion of Supervisor White, seconded by Supervisor Brewster and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby reappoints Brian Hieatt, 569 Peery Addition Road, Tazewell, Virginia 24651 or his designee to serve as a member of the Tazewell County Transportation Safety Commission with a term commencing immediately and expiring June 30, 2014. The Board of Supervisors hereby further amended the by-laws of the Tazewell County Transportation Safety Commission, Section 2.2 – Members shall be citizens of the county, who are not employees of the Board of Supervisors. Employees of Constitutional Officers may serve as member of the Commission. A copy of the by-laws in their amended form is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

Coal & Gas Road Improvement Advisory Committee: One appointment to fill the expired term of Bruce Compton was deferred to the May 1, 2012 regular meeting.

RESOLUTION ADOPTED
SMALL PURCHASE PROCEDURES
FOR TAZEWELL COUNTY, VIRGINIA

Upon motion of Supervisor Stacy, seconded by Supervisor Brewster and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts a **RESOLUTION TO CREATE SMALL PURCHASE PROCEDURES FOR TAZEWELL COUNTY, VIRGINIA** – that, effective immediately, purchases of more than \$30,000.00, but not exceeding \$100,000.00 may be procured through written informal solicitation of a minimum of four bidders of offerors without public advertisement, provided the Administration posts a public notice on the Department of General Services' central electronic procurement website, as provided by Code of Virginia, 2.2-4303 (G), (1950), as amended. A complete copy of the resolution in a form as hereby adopted is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651 and incorporated herein by reference thereto.

DEFACED STRUCTURE ORDINANCE

Upon motion of Supervisor White seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to advertise for a public hearing May 1, 2012 to hear concerns regarding a proposed **ORDINANCE TO REPEAL AND REENACT CHAPTER 4, ARTICLE 1, SECTION 4-8©, REGARDING THE PROCEDURE TO REMOVE OR REPAIR DEFACED BUILDINGS.**"

REDISTRICTING ORDINANCE – REPEAL DECEMBER 6, 2011 ORDINANCE

Upon motion of Supervisor Brewster, seconded by Supervisor Absher and adopted by a vote of 4 to 1, with Supervisor White voting nay, the Tazewell County Board of Supervisors hereby adopts a proposed Redistricting Ordinance repealing the December 6, 2011 consolidation of Gap Store and Adria Precincts and restore those precincts and their respective polling places to those established in the April 26, 2011 Ordinance, to strike paragraph 1 that would have relocated the Gap Store polling place to Dailey's Chapel, to add to the last sentence of paragraph

3 the following language: “including the polling places thereby established, namely the Baptist Valley Fire Department and L & G Auction House”, and to strike reference to relocating the Gap Store polling place from the third “Whereas” paragraph – as set forth below:

AN ORDINANCE TO AMEND AN ORDINANCE TO PROVIDE FOR THE REDISTRICTING OF THE BOUNDARY LINES OF THE BOARD OF SUPERVISORS ELECTION DISTRICTS, AND PRECINCTS WITHIN TAZEWELL COUNTY, VIRGINIA; ENACTED APRIL 26, 2011, PURSUANT TO VIRGINIA CODE, SECTIONS, 15.2-1211, 15.2-1425 & 24.2-304.1 et seq. (1950), AS AMENDED

Date: April 3, 2012

WHEREAS, the Board desires to make the County’s polling places accessible to residents with disabilities for voting, serving as election officials, serving as election observers, and otherwise participating in the election process;

WHEREAS, the Board also desires to make voting more convenient for all voters;

WHEREAS, the Board approved an Ordinance to Establish Electoral Districts, Precinct Boundaries, and Polling Places, on April 26, 2011;

WHEREAS, on December 6, 2011 the Board enacted an Ordinance amending the boundaries of four precincts set forth in the April 26th Ordinance; thereby consolidating Gap Store and Adria precincts into a new Baptist Valley East Precinct and adjusting the boundary between the Graham and Springville Precincts so as to reduce the number of voters in the Graham Precinct.

WHEREAS, the Board now desires to repeal the consolidation of the Gap Store and Adria Precincts;

NOW THEREFORE, the Board hereby does ORDAIN as follows:

1. That Section 4 of the April 26, 2011 Ordinance Establishing Electoral District Boundaries, Precinct Boundaries, and Polling Places hereby is amended to establish the boundaries of Graham Precinct and Springville Precinct as therein set forth to conform to the Boundaries set forth in “Exhibit A” hereto and as described on the Map attached hereto as a part of “Exhibit A.”

2. That the provisions of the December 6, 2011 Ordinance consolidating the Gap Store Precinct and the Adria Precinct hereby are repealed and said precincts hereby are re-established in accordance with the Redistricting Ordinance Approved by the Board on April 26, 2011, including the establishment of polling places for each precinct, namely The Baptist Valley Fire Department and L&G Auction House.

3. That all other provisions of the December 6, 2011 Ordinance hereby are repealed and all other provisions of the April 26, 2011 Ordinance shall remain in full force and effect.

It is so ORDAINED by the Board on this the 6th day of March 2012.

RECORDED VOTE: 4 to 1
MEMBERS PRESENT: Brewster, Stacy, Absher, White and Hymes
MEMBERS ABSENT: None
AYES: 4
NAYS: 1 (White)
ABSTENTIONS: None

CHAMPION STREET – INCLUSION INTO COUNTY’S ORPHAN ROAD SYSTEM

As a result of a public hearing held on March 6, 2012, to wit: “A PUBLIC HEARING TO CONSIDER ACCEPTING CHAMPION STREET INTO THE COUNTY’S ORPHAN ROAD SYSTEM.” Champion Street is located off of Claypool Hill Mall Road, on the West side of U.S. Highway Route Numbers 19 and 460, at or near Claypool Hill, Tazewell County, Virginia. The affected owners of adjoining property are HEICO Pty, LLC, H. Paul Buskell & Associates, Donald L. Case, Darlene Case, Donna Case Burnette, Anthony W. Endicott, and Connie J. Jamison. The road serves six structures and extends a distance of approximately Nine Hundred Forty Feet (940 ft.)

Now, upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby accepts Champion Street into the County’s Orphan Road System, subject to the approval of executed easement agreements with property owners. Several property owners of Champion Street have potential concerns with the proposed acceptance. The County Attorney, Eric Young stated that he is working with representatives of HEICO Pty. LLC (Heintsman) who owns property on both sides of Champion Street and often crosses the road with heavy equipment. Heintsman feels the acceptance of the road into the county’s system might have an adverse effect on his business. The County Attorney stated that the County Engineer met with the property owners and discussed the

placement of potential signage or other alternatives to lessen their concerns, as well as various easement agreement options.

A copy of the resolution in a form as hereby approved is attached hereto and incorporated herein by reference thereto and on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

**ATV ORDINANCE – TO PERMIT ALL TERRAIN
VEHICLES ON CERTAIN STATE ROUTES IN TAZEWELL COUNTY**

Consideration of adopting **AN ATV ORDINANCE – TO PERMIT ALL TERRAIN VEHICLES ON CERTAIN STATE ROUTES IN TAZEWELL COUNTY** was deferred to the May 1, 2012 meeting. The Board of Supervisors are waiting for additional comments from the Spearhead Trail and SRRA seeking their input on the ordinance.

Supervisor Brewster also reminded the Board of the **Coal Heritage Day Celebration** - the first day of the Tourist Season in Pocahontas Virginia held at the Pocahontas Exhibition Mine & Museum, Saturday, April 24, 2010 at noon.

**COAL AND GAS SEVERANCE TAX –
HOUSE BILL 1233**

Eric Young, County Attorney reported the Governor has not yet approved House Bill 1233 - amendments to Coal and Gas Severance Tax Ordinance. If approved, the County Attorney will draft an ordinance to comply with the provisions of House Bill 1233, as amended, and upon its enactment.

DOG TAGS & VACCINATIONS

Eric Young, County Attorney, stated proposed changes to the County's ordinance relating to dog licensing and required rabies vaccinations is being considered. He said the county is considering eliminating the male and female distinction on the tags and a recommendation to offer 3-year tags to coincide with the rabies vaccine might be proposed.

**TOURISM ZONE ORDINANCE –
ENTERPRISE ZONE ORDINANCE**

Jim Spencer, County Administrator, presented copies of maps outlining areas in Tazewell County proposed for Tourism Zones and Enterprise Zones.

Now, in order to promote tourism and to enhance recreational opportunities for residents, and to encourage tourism business investment in Tazewell County, and upon motion of Supervisors hereby authorize and direct the County Administrator to advertise for a public hearing May 1, 2012 to hear concerns regarding a “PROPOSED ORDINANCE TO CREATE TOURISM ZONES IN TAZEWELL COUNTY, VIRGINIA.” A copy of the maps as proposed outlining the areas for Tourism Zones will be made part of the ordinance and posted accordingly prior to the adoption of same.

The Board of Supervisors further agreed to consider holding a public hearing on a Proposed Enterprise Zone Ordinance at the June 5, 2012 meeting.

**DEED OF DEDICATION FOR PUBLIC RIGHT OF WAY
HISTORIC POCAHONTAS, INC.
WALKING TRAIL**

Upon motion of Supervisor Brewster, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves a DEED OF DEDICATION FOR PUBLIC RIGHT OF WAY, INC., Tax Map 006-2A-0111A and 006A-2A-0135 Consideration in the amount of \$1,750.00 - by and between Historic Pocahontas, Inc. whose address is 124 East Water Street, PO Box 391, Pocahontas, Virginia 24635, herein “Grantor” and the TAZEWELL COUNTY BOARD OF SUPERVISORS, a POLITICAL Subdivision of the Commonwealth of Virginia, whose address is 108 East Main Street, Tazewell, VA 24651 – subject to the County Attorney’s negotiation of same with Historic Pocahontas representatives, David Smith and Tom Childress and further, once negotiations are final, the Chairman of the Tazewell County Board of Supervisors is hereby authorized and directed to execute same on behalf of the Board of Supervisors. Once executed, a copy of same will be on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

FLOOD INUNDATION MAPPING - CAVITTS CREEK DAM

The bids received for the Flood Inundation Mapping for the Cavitts Creek Dam will be reviewed by committee members Supervisor Hymes and Supervisor Absher and a report and recommendation regarding the selection of an engineering firm will be given at the May 1, 2012 regular meeting.

SAFETY STUDIES – VDOT

ROUTE 61 GRATTON

ROUTE 753- BISHOP AREA

Upon motion of Supervisor Hymes, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts a resolution requesting the Virginia Department of Transportation to investigate and conduct a safety study for the purposes of performing a safety study to consider reducing the speed on Route 61 in the Gratton community from the Gas & Guzzle Convenience Store to Camp 31/ Department of Corrections facility for a distance of approximately 2.67 miles.

And further, upon motion of Supervisor Brewster, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts a resolution requesting the Virginia Department of Transportation perform a safety study/reduction in speed on Route 753 – Church Hollow Road, located in the Northern District off Bishop Road in Tazewell County, Virginia an approximate distance of .98 miles. A speed of 35 mph is requested.

KIDS FISH DAY – CAVITTS CREEK PARK/LAKE JACK WITTEN

MAY 5, 2012 (ADDITIONAL \$1,250)

Upon motion of Supervisor Hymes, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following amounts from District Funds, payable to Tazewell SWCD Attn: May 5, 2012, Kids Fish Day, 117 Dial Rock Road, North Tazewell, VA 24630. The County Administrator is hereby authorized and directed to issue said

warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651:

- \$500.00 Southern District
- \$500.00 Western District
- \$250.00 Northern District

CHILDREN’S READING FOUNDATION OF APPALACHIA ARTS CENTER

\$1,500.00

Upon motion of Supervisor Hymes, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following amounts from district funds, payable to the Appalachia Arts Center, Attn: Sarah Romeo 276-596-9188. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia:

- \$500.00 Southern District
- \$500.00 Western District
- \$500.00 Northwestern District

1963 FORD FIRE TRUCK –

JEWELL RIDGE FIRE DEPARTMENT

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby declares the 1963 Ford Fire Truck VIN No. F95QU421271, as surplus property and donated to the Jewell Ridge Fire Department for auction or sale by them.

WCYB – SWITCHING OPTION

LETTER TO BE SENT

Supervisor White presented a letter and map created many years ago with regard to area coverage for WCYB- TV 5 Bristol, VA and the WVVA – TV 6 Bluefield, WV. The map

showed specific zones for coverage. The letter was written to the former Congressman Boucher by a constituent of the County citing the WVVA's claims of non-duplication rights over WCYB. Supervisor White requested that the letter become part of the WCYB – Bristol /Time Warner petition file. Supervisor White then wanted to know if the County received a response regarding the Board of Supervisors request for a switching system to allow customers to view WCYB at certain times. Supervisor Hymes echoed Supervisor White's comments and said he was very disappointed that the Board had not received a response from WCYB asking they obtain a study of its viewing status of the County. With this in mind, Supervisor White requested that the County Administrator/County Attorney reiterate the Board of Supervisors requests to WCYB and ask for a response as soon as possible. Supervisor White also reminded the Board that the County's Franchise Agreement with Time Warner Cable would expire soon and needed to be addressed.

RICHLANDS HIGH SCHOOL DECA

\$1,500.00 (\$750.00 WESTERN & \$750.00 NORTHWESTERN)

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,500.00 (\$750 from Western District & \$750 from Northwestern District) payable to the Richlands High School DECA Program, 138 Tornado Alley, Richlands, VA 24641, attn: Paula Bandy. This money will be used to assist in the National Competition event. The County Administrator is hereby authorized, empowered and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

NATIONAL WILD TURKEY FOUNDATION

\$600.00 (\$100 Southern, \$300 Northwestern & \$200.00 Western)

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$600.00 (\$100 Southern, \$300 Northwestern & \$200 Western) payable to the National Wild Turkey Foundation, Jakes

Day – attn: Mitch Smith, telephone 276-971-1130. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

RICHLANDS HIGH SCHOOL PROJECT GRADUATION

\$1,500.00 (\$1,000.00 Northwestern & \$500.00 Western)

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves \$1,500.00 (\$1,000 Northwestern & \$500.00 Western) payable to the Richlands High School Project Graduation, attn: Richard Smith, 276-202-2844. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

CLINCH RIVER KIWANIS CLUB

SPECIAL FIELD DAY, MAY 2, 2012

\$2,000.00 (\$400 FROM EACH DISTRICT FUND)

Upon motion of Supervisor Absher, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$2,000.00 (\$400.00 from each District Fund, payable to the Clinch River Kiwanis Club, Special Field Day Event – May 2, 2012 at the Ernie Hick Stadium, send check to: PO Box 303, Richlands, Virginia 24641. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

GRAHAM HIGH SCHOOL – PROJECT GRADUATION

\$1,000.00 FROM EASTERN DISTRICT FUNDS

Upon motion of Supervisor Stacy, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 from the

Eastern District Fund, payable to Graham High School, Project Graduation, c/o First Community Bank, 101 Sanders Lane, Bluefield, VA 24605, attn: Beverly Litz. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

COYOTE PROPOSAL –

AS PRESENTED BY RAY HOWELL

Supervisor Brewster requested that the County Attorney review a coyote proposal as written by Ray Howell and that he forward the list of previous coyote bounty options to the Board of Supervisors for review and place the matter on the May 1, 2012 agenda for discussion.

\$1,250.00 TO TOWN OF POCAHONTAS, VIRGINIA -

JOE HILL PARK PROJECT

Upon motion of Supervisor Brewster, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,250.00 from the Northern District Funds, payable to the Town of Pocahontas, Virginia 24635 for the Joe Hill Park Project. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

TAZEWELL HIGH SCHOOL – PROJECT GRADUATION

\$500.00 FROM NORTHERN DISTRICT FUNDS

Upon motion of Supervisor Brewster, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 from the Northern District Funds, payable to Tazewell High School Project Graduation, Attn: Daphne Murray, PO Box 413, Tazewell, Virginia 24651. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

SWCC – ANNUAL SCHOLARSHIP DINNER

REID & HESS

The Chairman requested that Sheriff Hieatt be contacted to see if you would attend the Annual Scholarship Ried & Hess at SWCC at the King Community Center April 12 @ 6:30 p.m.

ADJOURN

Now, there being no further business to be transacted, and upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adjourns this meeting.

The next meeting is scheduled for May 1, 2012 at 6:00 p.m.

D. Michael Hymes, Chairman

By: RG

9:08 p.m