

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL COUNTY BOARD
OF SUPERVISORS HELD AUGUST 2, 2011 AT 6:00 P.M.
IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING, 108 EAST
MAIN STREET, TAZEWELL, VA 24651

PRESENT: DAVE R. ANDERSON, CHAIRMAN
D. MICHAEL HYMES, VICE CHAIRMAN
SETH R. WHITE, MEMBER
JOHN M. ABSHER, MEMBER
JAMES T. CAMPBELL, JR. 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:
JIM TALBERT, CLINCH VALLEY NEWS/RICHLANDS
NEWS PRESS; WARREN HINKLE, TAZEWELL COUNTY FREE PRESS;
CHARLES OWENS, BLUEFIELD DAILY TELEGRAPH

ABSENT: NONE

The Chairman, David R. Anderson, called the regular meeting to order and presided, with all members in attendance. Supervisor White gave the invocation, followed by the pledge of allegiance to the United States Flag. Chairman Anderson then welcomed all those in attendance.

MINUTES APPROVED AS WRITTEN

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 approves the June 30, 2011 meeting minutes as written. The June 7, 2011 regular meeting minutes were approved at the June 30, 2011 recessed

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

meeting, upon a motion of Supervisor White, seconded by Supervisor Hymes and unanimously adopted.

AGENDA APPROVED AS AMENDED

Now, upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the August 2, 2011 agenda as amended.

The Board of Supervisors agreed to hear from Norman Cook, Treasurer of Tazewell County who presented the Annual Settlement – Financial Condition of the County as of June 30, 2011. Mr. Cook reported that the County was in good, sound, financial status and was fortunate to have \$2,490,475.71 in the “uncommitted” general fund balance. Chairman Anderson reiterated the need for the County to implement some type of Rainy Day fund for the County going forward. The fund would set aside excess revenue for use in times of unexpected revenue shortfall or budget deficits. The Chairman thanked Mr. Cook for his diligence and hard work to keep the county finances strong during these difficult economic times. Other board members agreed and echoed the chairman’s remarks. The following is the annual settlement presented by the Treasurer:

ANNUAL SETTLEMENT FINANCIAL CONDITION OF THE COUNTY AS OF JUNE 30, 2011

COMMITTED FUNDS:

Special Welfare	\$	39,873.58
School Fund		250,000.23
Severance for Roads		2,033,993.27
Law Library Fund		88,336.61
Damage Stamp Fund		41.56
School Cafeteria Fund		322,397.03
Textbook Rental Fund		1,849,969.38
SSI/SSA Fund		21,422.45
Economic Development Fund		44,326.44
School Construction Fund		1,564.65
Special Capital Projects Fund		3,810,115.81

 August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

Landfill Enterprise Fund	4,522,611.58	
E911 Fund	947,013.64	
Prepaid County Taxes Fund	59,473.19	
Sheriffs Restricted Fund	20.39	
Tax Overpayment Fund	227.81	
Advance Payment Fund	71,821.90	
2011 Prepaid Real Estate	753,872.34	
Federal Forfeiture/Sheriff	181,730.96	
Federal Forfeiture/Comm. Attn.	10,664.55	
Comm. Attn./Pardue	502,695.50	
TOTAL COMMITTED:		15,512,172.87
UNCOMMITTED:	General Fund	2,490,475.71
TOTAL ALL FUNDS:		\$ 18,002,648.58

 EXECUTIVE/CLOSED MEETING

Upon motion of 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 enters into an executive/closed meeting, pursuant to Virginia Code Section 2.1-3711:

- ▶ A-7 Legal Matter – consultation with legal counsel regarding claim for damages in Richlands
- ▶ A-7 Legal Matter – involving lease of landfill methane to the IDA
- ▶ A-7 Legal Matter – involving the evaluation of Crab Orchard Museum bids
- ▶ A-7 Legal Consultation – involving gas well assessment
- ▶ A-6 & A-7 – Investment of Public Funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected and Legal Consultation regarding IDA loan to Clinch River Forest Products
- ▶ A-1 Personnel Matter - involving the County Attorney's office
- ▶ A-7 Legal Matter requiring advice from legal counsel involving contract negotiations with WIA

CERTIFICATION/REPORT OF ACTION

Upon motion of Supervisor Campbell, 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 resolution read by Supervisor Hymes:

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 Campbell, Absher, Hymes, White and Anderson

Nays: Five (5)

Absent: None (0)

Absent during vote: None (0)

There was no action to report as a result of the Executive/Closed Action. The Chairman announced the Board of Supervisors would need to return to the executive/closed meeting to discuss one (1) legal matter A-7, requiring advice from legal counsel involving contract negotiations with WIA.

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

REDISTRICTING 2012

The Chairman stated the Department of Justice (DOJ) approved the April 2011 Redistricting Ordinance as submitted by the Board of Supervisors. The County Attorney, Eric Young recommended that the Board not confuse the Department of Justice by submitting another Redistricting Ordinance and recommended that the Board not consider the 2012 Redistricting Ordinance until after the November 2011 election. Chairman Anderson agreed and said sending another ordinance to the Department of Justice would be obscure. The ordinance as proposed will consolidate several precincts, relocate several polling places and move several election District Boundaries all to be effective for elections held after December 31, 2011.

Now, upon motion of Supervisor White, seconded by Supervisor Campbell 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 tables the discussion of the 2012 Redistricting Ordinance until after the November 2011 election.

CONSENT CALENDAR APPROVED

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following items as Consent Calendar. The County Administrator is hereby 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

June/July 2011

Payroll

Ordered that Warrant Nos. 134290 through 134371 and 134373 and direct deposits totaling \$201,990.32 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending June 30, 2011, be approved.

Ordered that Warrant Nos. 134375 through 134455 and direct deposits totaling \$212,538.06 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending July 15, 2011 be approved.

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 452969 through 453165, for \$440,141.12, from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of June 2011, be approved.

Ordered that Warrant Nos. 453167 through 453182, for \$122,514.44, from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of June 2011, be approved.

Ordered that Warrant Nos. 453184 through 453199, for 171,140.24 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending June 30, 2011, be approved.

Ordered that Warrant Nos. 453201 through 453328, for \$2,076,387.96 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of July 2011, be approved.

Ordered that Warrant Nos. 453330 through 453345 for \$144,953.75 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending July 15, 2011, be approved.

Handwritten

Ordered that Warrant Nos. 801604 through 801607 for \$184,004.68 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of June 2011, be approved.

Approved the following coyote bounty claims:

- ▶ \$200.00 to John Keen, PO Box 15, Pounding Mill, VA 24637 for four (4) coyotes killed June 16, 2011 with a rifle.
- ▶ \$50.00 to Clinton Bell, 1987 Cove Road, Tazewell, VA 24651 for one (1) coyote killed with a snare July 1, 2011.
- ▶ \$50.00 to Ray Howell, 1477 Rosenbaum Road, Bluefield, VA 24605 for 1 coyote killed with a snare on June 30, 2011.
- ▶ \$50.00 to Ray Howell, 1477 Rosenbaum Road, Bluefield, VA 24605 for 1 coyote killed with a snare on July 2, 2011.
- ▶ \$200.00 to Phillip Linkous, 1093 Cochran Hollow Rd. Cedar Bluff, VA 24609 for 4 coyotes killed May 28, 2011 with a snare/rifle.

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

- \$200.00 to Phillip Linkous, 1093 Cochran Hollow Rd. Cedar Bluff, VA 24609 for 4 coyotes killed July 16 & July 20, 2011 with a snare.
- \$200.00 to Rick Kinder, 137 Barnette Ave. North Tazewell, VA 24630 for 4 coyotes killed July 27, 2011 with a rifle.
- \$50.00 to Patrick Akers, 851 Buckhorn St. North Tazewell, VA 24630 for 1 coyote killed July 4, 2011 with a rifle.
- Approved Micropop Leases – leasing locations in the Tannersville area for pole to relay internet transmissions
- Abbs Valley Fire Dept. – Ratified/Approved \$11,536.75 (VACo insurance ck for equipment) from the Contingent Expenditures and Grant Acct. No. 91050-7041 to the Fire Department Capital Outlay Account No. 32010-8109 (the \$11,536.75 was transferred to the Abbs Valley Fire Dept. to replace equipment)
- Library – Approved transfers:
 - \$29.00 from the Contingent Expenditures & Grant Acct. No. 91050-7041 to Library Acct. No. 7301-6012 (donation from Bluefield College)
 - \$75.00 from the Contingent Expenditures & Grant Acct. No. 91050-7041 to Library Acct. No. 7301-3099 (donation from Martha Butt)
 - \$200.00 from the Contingent Expenditures & Grant Acct. No. 91050-7041 to Library Acct. No. 7301-6021 (donation from Tazewell Lions Club)
 - \$19.96 from the Contingent Expenditures & Grant Acct. No. 91050-7041 to Library Acct. No. 7301-6012 (Magazine Redemption Center)
- Sheriff Department – Approved transfers:
 - \$77.50 from the Contingent Expenditures & Grant Acct. No. 91050-7041 to Sheriff Acct. No. 31020-6001 (reimbursement from Sweet Springs Valley Water)
 - \$500.00 from the Contingent Expenditures & Grant Acct. No. 91050-7041 to Sheriff Acct., DARE Supplies, No. 31060-6021 (donation from Jewell Smokeless Coal)
 - \$261.90 from the Contingent Expenditures & Grant Acct. No. 91050-7041 to the Sheriff Acct. No. Travel & Training Acct. No. 31020-5510 (reimbursement from the Virginia Sheriff's Institute)

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

- \$500.00 & \$50.00 (\$550.00) from the Contingent Expenditures & Grant Acct. No. 91050-7041 to the Sheriff, DARE Supplies, Acct. No. 31060-6021 /Neighborhood Watch – donations received.
- District Funds Approved/ratified donations:
 - Southern District
 - \$ 700.00 to Four Seasons YMCA – Tazewell Farmers Market
 - \$1,250.00 to Tannersville Fire Department
 - \$1,000.00 to Tazewell Girls Softball 11-12 State Tournament expenses (ck. issued)
 - \$1,000.00 to Tazewell High School Football Boosters, c/o Chris Blankenship for repairs to Tazewell High School playing field re: football & soccer
- Northern District
 - \$1,000.00 to Tazewell Girls Softball 11-12 State Tournament expenses (ck. issued)
 - \$4,000.00 to Rescue 945 for insurance, etc.
- Northwestern District
 - \$500.00 to Tazewell Girls Softball 11-12 State Tournament expenses (ck. issued)
 - \$3,950.00 to Casey Short, VFW Post 9640 (ck. issued)
 - \$1,250.00 to Richlands Little League (ck. issued)
- Western District
 - \$3,950.00 to Casey Short, VFW Post 9640 (ck. issued)
 - \$1,250.00 to Richlands Little League (ck. issued)
- VDOT – adopted a resolution requesting a safety study for State Route 690/Shultz Hollow Road for placement of children at play signs and posting 25 mph speed limit signs

UNSCHEDULED CITIZEN COMMENTS

Coyote Bounty Concerns

Mr. B.C. Fuller, Triangle Road, Bluefield, VA 24605 questioned the status of proposed amendments to the Tazewell County Coyote Bounty Ordinance. Mr. Fuller requested that the Board of Supervisors continue with the coyote bounty program.

Supervisor Hymes gave a brief update with regard to a recent meeting of the Coyote Bounty Committee consisting of local farmers and Farm Bureau representatives. He said Eric Whitesell, President of Farm Bureau met with him as well, and advised him that the Farm

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

Bureau placed a \$5,000 allocation in their FY2011 budget and once the \$5,000 was depleted, there would be no additional monies to distribute to the County in the FY11-12 fiscal year to assist in the payment of coyote bounty claims. Supervisor Hymes reported that the Coyote Bounty Committee would like for the County to consider hiring a part-time coyote trapper. The trapper would also assist in the identification of animals killed by coyotes. Supervisor White questioned the status of the possibility of tagging coyotes. Supervisor Hymes said that the tagging proposal had not been worked out, but another coyote meeting is planned and a report would be forthcoming in September. Supervisor White questioned if landfill employees were using the orange spray paint technique to prevent coyote bounty hunters from checking coyote carcasses twice at the landfill. The County Administrator reported that this practice had not been implemented because the landfill employees were keeping a close watch on the number of coyotes being disposed of as well as not allowing individuals to keep the coyote remains.

EMERGENCY SERVICES RECOMMENDATIONS**& APPROVALS**Bishop Fire Department - \$7,899.00

Upon motion of Supervisor Campbell, 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 \$7,899.00 from the Fire Department Outlay Account No. 32010-8109 to assist the Bishop Volunteer Fire Department with the purchase of Matjacks 198 Ton Kit to be used to prevent their 18 wheelers from tipping over when traversing curves on mountainous terrains. The funds were made in accordance with funding request guidelines. The County Administrator is hereby authorized and directed to issue checks in accordance with this action at such time as deemed necessary and appropriate, and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

Fire Rescue Parade – Prevention Week, 2nd Week of October, 2011 \$500 from each District Fund Approved (\$2,500.00)

Upon motion of Supervisor Campbell, 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 each of

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

the five (5) district funds, for a total of \$2,500.00 to be used towards expenses associated with the October 2011 Fire-Rescue Parade and Appreciation Dinner. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action at such time as may be necessary and appropriate, and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

Fire Truck Bids Rejected

Upon motion of Supervisor Campbell, 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 rejects all four (4) fire truck bids recently received and reviewed by the Emergency Services Committee, and further that the County Administrator re-advertise the invitation to bid, and as a result of this action, the County shall notify previous bidders of same. Be it further approved and that two (2) members of the Tazewell County Emergency Services Committee be included in reviewing the fire-truck specifications and screening of bids, pursuant to procurement guidelines, and finally that the County Administrator, County Attorney and the two (2) ESC members select the low bidder, not to exceed the amount of \$215,000.00, and advise the Board of Supervisors of same. A special meeting of the Emergency Services Committee will be called if needed.

PUBLIC HEARING –

SOUTHWEST VIRGINIA REGIONAL WATER SUPPLY PLAN AND DROUGHT
ORDINANCE – CUMBERLAND PLATEAU PLANNING DISTRICT

Chairman Anderson called to order a public hearing that was duly advertised entitled a “PUBLIC HEARING TO SOLICIT PUBLIC COMMENTS ON THE PROPOSED ADOPTION OF THE SOUTHWEST VIRGINIA REGIONAL WATER SUPPLY PLAN AND DROUGHT ORDINANCE.” Every locality in the state must have a water study plan adopted in order to be eligible for state funding in case of an emergency. A copy of the Drought Emergency Ordinance and Resolution are attached hereto and incorporated herein by reference thereto.

Now, the Chairman called for public comments from the floor with regard to the public hearing. The County Attorney, Eric Young provided each member of the Board of Supervisors with a copy of recommended changes to the ordinance, and following review and explanation of

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

his suggested changes, the Chairman called for further comments, and there being none he declared the public hearing closed.

Then, upon motion of Supervisor Absher, 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 adopts the Ordinance as hereby amended as well as a resolution as set forth below:

TAZEWELL COUNTY WATER SUPPLY PLAN

Section I. Authority to declare water emergencies.

During the continued existence of meteorological, hydrological and other extraordinary conditions the protection of the health, safety and welfare of the residents of Tazewell County may require that certain uses of water, not essential to public health, safety and welfare, be reduced, restricted or curtailed. As the shortage of raw or potable water becomes increasingly more critical, conservation measures to reduce consumption or curtail nonessential water use may be necessary. The definitions, water emergency criteria, and water use restrictions referenced in this ordinance are presented in greater detail in the Drought Response and Contingency Plan, which is incorporated herein by reference.

The *County Administrator* or their designee is authorized to declare a water emergency in the *county* restricting the use of water in any area of the *county*. All water stages are built upon and require compliance with previous water stages. For example when a Drought Emergency is declared all provisions of a Drought Warning are in effect. Also the *County Administrator* or their designee may declare any of the three stages; they do not have to be declared sequentially.

Section II. Publication of declaration.

Upon the declaration of a water emergency, the *County Administrator* or their designee shall immediately post a written notice of the emergency at the front door of the *county administration building*, in the Tazewell County Courthouse, and shall place a notice in a newspaper of general circulation in the area in which such emergency has been declared.

Section III. Water use considerations.

Upon the declaration of a water shortage or emergency, the *County Administrator* or their designee is authorized and directed to implement conservation measures by ordering the restricted use or absolute curtailment of the use of water for certain nonessential purposes for the duration of the water shortage or emergency in the manner hereinafter set out. In exercising this discretionary authority, and making the determinations set forth herein, the *County Administrator* or their designee shall give due consideration to stream flow conditions, water levels, available/usable storage on hand, draw down rates and the projected supply capability in the *county*; system purification and pumping capacity; daily water consumption and

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

consumption projections of the system's customers; prevailing and forecast weather conditions; fire service requirements; pipeline conditions including breakages, stoppages and leaks; supplementary source data; estimates of minimum essential supplies to preserve public health and safety and such other data pertinent to the past, current and projected water demands.

Section IV. Limitation of restrictions.

The provisions of this article shall not apply to any governmental activity, institution, business or industry which shall be declared by the *County Administrator* or their designee, upon a proper showing, to be necessary for the public health, safety and welfare or the prevention of severe economic hardship or the substantial loss of employment. Any activity, institution, business or industry aggrieved by the finding of the *County Administrator* or their designee may appeal that decision to the *County Board of Supervisors*. Such appeal shall be heard at a special meeting called within ten (10) days. If such appeal is denied or not heard within ten (10) days, the aggrieved party may petition the Tazewell County Circuit Court for relief.

Section V. Water conservation measures.

Upon a determination by the *County Administrator* or their designee of the existence of the following conditions, the *County Administrator* take the following actions that shall apply to all water users in the *county*:

(a) Drought Watch: When moderate but limited supplies of water are available and a drought watch is declared in accordance with the Drought Response and Contingency Plan, the *County Administrator* or their designee shall, through appropriate means, call upon the general population to employ prudent restraint in water usage. Public outreach activities shall be identified to inform the general population of the potential for drought conditions to intensify and potential water conservation activities that may be utilized.

(b) Drought Warning: The drought warning stage includes voluntary water conservation actions due to the imminent onset of a significant drought event. Residents will be asked to reduce outdoor water use by only using water before 10 a.m. and after 7 p.m. and by:

- Reducing turf watering;
- Using a broom, not the hose, to clean driveways and sidewalks;
- Reducing vehicle washing;
- Using bucket watering instead of hose watering when possible; and
- Turning off ornamental fountains.

Residents will be asked to reduce indoor water use by:

- Identifying and repairing leaks;
- Turning off the water while shaving, brushing teeth, etc;
- Reducing shower time to five minutes or taking baths with less water;
- Only using the clothes washer and dishwasher machines when there are full loads;
- Storing water in the refrigerator instead of running it to get it cold; and

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

Installing water-saver devices in the home, such as low-flow toilets and shower heads.

(c) Drought Emergency: As drought conditions continue to worsen, a drought emergency may be declared by the *County Administrator* or their designee. When a drought emergency is declared, the following mandatory water restrictions are imposed:

All public water uses not required for health or safety will be prohibited;

Watering outdoor vegetation will be prohibited, except from a watering can or other container not exceeding three-gallons in capacity or with recycled water. Any person regularly engaged in the sale of plants will be permitted to irrigate only in amounts necessary to prevent the loss of nursery stock;

Washing vehicles except from a bucket or other container not exceeding three-gallons in capacity or with recycled water will be prohibited;

Washing driveways, sidewalks, exteriors of homes or other outdoor surfaces will be prohibited; however, any person regularly engaged in the business of washing such areas shall be permitted to use water for such purposes as long as the amount of water being used is minimized;

The operation of any ornamental fountain or similar structure using water will be prohibited;

The filling or refilling of swimming pools or wading pools will be prohibited;

Restaurants and similar establishments will be prohibited from serving water unless specifically requested by the customer; and

Fire hydrant use will only be permitted for fire protection.

Section VI. Penalty and enforcement.

(a) Any person who violates any provision of the drought warning stage may be subject to the following civil penalties:

(1) For the first offense, violators shall receive a written warning delivered in person or posted by a representative of the *county*.

(2) For the second offense, violators shall be fined fifty dollars (\$50.00), the fine to be imposed on the violator's next water bill, or in the case of violators not on the public water system, in a written notice.

(3) For the third offense, violators shall be fined one hundred dollars (\$100.00) for each offense, the fine to be imposed on the violator's next water bill, or in the case of violators not on the public water system, in a written notice.

(4) For each subsequent offense, violators will be subject to water service termination and reconnection fees, if the violator is a Tazewell County PSA customer.

(5) Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

(b) Any person who violates any provision of the drought emergency stage may be subject to the following penalties:

(1) Residential PSA customers who exceed the greater of 5,000 gallons of water per month of consumption or use more than their base usage for the same period in the previous twelve (12) months will be charged two-times the rate.

(2) Residential PSA customers who continue to use more than 5,000 gallons of water per month of consumption or use more than their base usage for the same period in the previous twelve (12) months will be subject to water service termination and reconnection fees.

(c) Persons who have been assessed a penalty shall have the right to challenge the assessment by providing a written notice to the **County Administrator** within ten (10) days of the date of the assessment of the penalty. The **County Administrator** or their designee shall determine that the penalty was properly assessed and notify the complaining person in writing of their determination.

(d) The **County Administrator** or their designee may waive the penalty if they determine that the violation occurred due to no fault of the person.

(e) Any decision of the County Administrator may be appealed to the Board of Supervisors as provided in Section III.

Section VI. Review by Board of Supervisors

Any decision, declaration, assessment of fines or other acts by the County Administrator taken pursuant to this Plan may be reversed, amended, or reformed by the Board of Supervisors.

Any drought condition declared by the County Administrator shall only remain in effect until the Board of Supervisors meeting immediately following the declaration; and unless the declaration is extended by the Board of Supervisors, it shall be considered ended.

Section VIII. Notification of end of water emergency.

The **County Administrator** or their designee shall notify the **County Board of Supervisors** when, in their opinion, the water emergency situation no longer exists. Upon concurrence of the **County Board of Supervisors**, the water emergency shall be declared to have ended. When this declaration is made, the information shall be conveyed to the general public through the news media.

Adopted this the 2nd day of August 2011 – by the Board of Supervisors of Tazewell County, Virginia

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

A RESOLUTION APPROVING THE CUMBERLAND PLATEAU, LENOWISCO, AND MOUNT ROGERS REGIONAL WATER SUPPLY PLAN.

WHEREAS, Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply plan to the Department of Environmental Quality (DEQ);
and

WHEREAS, Tazewell County is a participant in the Cumberland Plateau, LENOWISCO, and Mount Rogers Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

WHEREAS, on August 2, 2011, Tazewell County held a public hearing to accept public comment on the Regional Water Supply Plan; and

WHEREAS, the adopted Regional Water Supply Plan will be submitted to the DEQ on or before November 2, 2011.

NOW, THEREFORE BE IT RESOLVED that the Tazewell County Board of Supervisors hereby adopts the Regional Water Supply Plan, as amended, as it pertains to Tazewell County.

Approval and adoption of this regional plan indicates support for and general agreement with the regional planning approach, but does not indicate approval or disapproval of conclusions and recommendations presented in the plan as they pertain to other localities. Tazewell County reserves the right to comment on specific water supply alternatives in the future even though such alternatives may be recommended in this adopted plan. Tazewell County, Virginia will not be limited to specific water supply alternatives in this adopted plan and reserves the right to recommend additional alternatives for consideration in the future.

BE IT FURTHER RESOLVED that the Tazewell County Board of Supervisors intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

PASSED, APPROVED AND ADOPTED by the Tazewell County Board of Supervisors at a meeting held on August 2, 2011.

PUBLIC HEARING

PROPOSED VACATION OF WATER STREET IN RAVEN, TAZEWell COUNTY, VIRGINIA, IN THE WESTERN DISTRICT OF TAZEWell COUNTY, VIRGINIA

Chairman Anderson called to order a public hearing that was duly advertised according to Code of Virginia, Section 15.2-2272, entitled, “ An Ordinance of Vacation to vacate a portion of Water Street in Raven, which said street is on the northern side of Mill Creek and adjacent to Section 3 of the Raven Addition as dedicated by a plat recorded with a deed in the Tazewell County Circuit Court Clerk's Office in Deed Book 83, at page 125.” The property owners who may be affected by this Ordinance of Vacation are Pinion Construction, David Pinion and Joyce Pinion, Ida Reedy and Agnes Reedy, Clyde

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

Elbert Moore and Ruby Jewell, Clarence E. Grose and Elise V. Grose, Victor Dowdy, Carol Dowdy, Michael Wayne Dowdy and Rickey Lee Dowdy, Clyde Arnold Wells and Lefty (aka Lettie) Wells and John Noel. The portion of Water Street to be vacated is as follows: All that portion of Water Street in Raven, Tazewell County, Virginia, lying east of the southeast corner of Lot 4, Section 3 of "The Raven Addition" as shown on the above-referenced plat.

If said ordinance is adopted and no appeal is made to the Circuit Court of Tazewell County, Virginia, within sixty (60) days of the adoption of the ordinance, the ordinance shall be recorded in the Clerk's Office of the Circuit Court of Tazewell County, Virginia, and the public right to travel on said road shall be terminated.

Now, the Chairman of the Board of Supervisors called for public comments from the floor with regard to the scheduled public hearing.

The following individuals spoke on this topic:

- David Pinion, 110 Waited Road, Raven, VA - said that he was in favor of the proposed vacation
- Clyde Moore, 202 Waited Road, Raven, VA – in a written statement, he said that if there use to be an old road there, that it be abandoned.
- Pam Moore, 202 Waited Road, Raven, VA - agreed with Mr. Clyde Moore that the old road be abandoned.

The Chairman called for further comments from the floor three (3) times and there being none, he declared the public hearing closed.

Then, upon motion of Supervisor White, seconded by Supervisor Campbell 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 tables this matter to the September 6, 2011 regular meeting and further hereby advises Mr. Moore that if he grants Mr. Pinion an easement across the property he will acquire from this vacation, to extend a ditch across it to Mr. Pinion's other property and to allow Mr. Pinion ingress and egress over that property, both only within the easement area as shown on the attached Plat, that the Board will reconsider vacation of the street at the September meeting, and further that the Plat discussed this evening be made a part of the record, attached hereto and incorporate herein by reference, and copies provided to Mr. Moore and Mr. Pinion. Supervisor White and the parties will meet to review the Plats addressed this date.

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

**NOTICE OF PUBLIC HEARING
PROPOSED VACATION OF WATER STREET IN RAVEN, TAZEWEEL
COUNTY, VIRGINIA, IN THE WESTERN DISTRICT OF TAZEWEEL
COUNTY, VIRGINIA**

The Chairman, Dave R. Anderson, called to order a public hearing pursuant to 15.2-2006 of the Code of Virginia, "An Ordinance of Vacation to vacate a portion of Water Street in Raven, which said street is on the northern side of Mill Creek and adjacent to Section 3 of the Raven Addition as dedicated by a plat recorded with a deed in the Tazewell County Circuit Court Clerk's Office in Deed Book 83, at page 125".

The property owners who may be affected by this Ordinance of Vacation are Pinion Construction, David Pinion and Joyce Pinion, Ida Reedy and Agnes Reedy, Clyde Elbert Moore and Ruby Jewell, Clarence E. Grose and Elise V. Grose, Victor Dowdy, Carol Dowdy, Michael Wayne Dowdy and Rickey Lee Dowdy, Clyde Arnold Wells and Letty (a/k/a Lettie) Wells and John Noel. The portion of Water Street is to be vacated is as follows: All that portion of Water Street in Raven, Tazewell County, Virginia, lying east of the southeast corner of Lot 4, Section 3 of "The Raven Addition" as shown on the above-referenced plat. If said ordinance is adopted and no appeal is made to the Circuit Court of Tazewell County, Virginia, within sixty (60) days of the adoption of the ordinance, the ordinance shall be recorded in the Clerk's Office of the Circuit Court of Tazewell County, Virginia, and the public right to travel on said road shall be terminated.

At this second hearing, the Board will consider vacating the street pursuant to Section 15.2-2006. This would only terminate the public's right to use the street and would not affect the rights of owners of property within the subdivision to continue to use the street. The Board may do this instead of vacating the street pursuant to Section 15.2-2272.

Now, the Chairman called for further comments from the floor three (3) times, and there being none, he declared the public hearing closed.

Then, upon motion Supervisor White, seconded by Supervisor Campbell 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 tables this matter to the September 6, 2011 regular meeting and in the same conditions as the earlier motion, relative to public hearing No. 1 (Water Street) held at 7:40 p.m. this date.

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

CITIZEN COMMENTS –

CHAMPION STREET

The following citizens spoke requesting the Board of Supervisors consider maintenance on Champion Road, located in the Western District:

- Don Case, Cedar Bluff, VA - stated that the income coming into Tazewell County from the various businesses on Champion Street merits road repairs by the County.
- Pastor Terry Hall, PO Box 11, Jewell Ridge, VA - (Brown Ridge area) – stated his church is located on 247 Champion Street and stated the last six feet of the road is steep and becomes real muddy & icy and non-travelable in the winter. He said that there were several times last winter when church services had to be canceled due to deplorable road conditions there. He requested an exception to the orphan road regulations.
- David Osborne, PO Box 2212, Cedar Bluff, VA – thanked Supervisor Absher for touring the road with him and Mr. Case. He said if the road was repaired business on the road would increase resulting in an increase in revenue for the County.

Supervisor Absher said he would bring this matter before the Planning Commission during their August 11, 2011 meeting to see if there were any options or exceptions available. The road does not meet the criteria for orphan road repairs, because there are only businesses located on Champion Street. Supervisor Absher also reiterated the County does not have a snow removal program and owns no snow removal equipment. He said if the County worked on a non-eligible road, it would open Pandora's Box.

Supervisor Hymes stated the County could possibly look into an elevated tax proposal for citizens needing road repairs. Under this proposal, citizens would pay increase taxes for a certain period of time and the monies would be earmarked for road repairs.

The Chairman thanked Mr. Case, Mr. Hall and Mr. Osborne for speaking to the Board on this subject.

FIVE (5) MINUTE RECESS

The Chairman called for a recess of five minutes, after which the meeting was duly reconvened.

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

APPOINTMENTS

Cumberland Plateau Planning District Commission

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 reappoints Doug Ratliff, 2506 South Front Street, Richlands, Virginia 24641 as a member of the Cumberland Plateau Planning District Commission with a term commencing immediately and expiring June 30, 2012 (One (1) year term).

SWCC College Board

One At-large appointment to the SWCC Board was deferred to the September 6, 2011 regular meeting.

Recreation and Parks Facility Authority

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 appoints Curtis Breeding, PO Box 494, Richlands, Virginia 24641, as a member of the Tazewell County Recreation and Parks Facility Authority, with a term commencing immediately and expiring June 30, 2014 (three (3) year term).

And, then upon motion of Supervisor Campbell, 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 appoints Ms. Tracie Murphy Epperson, 310 School Street, Bluefield, VA 24605, as a member of the Tazewell County Recreation and Parks Facility Authority (RDA) with a term commencing immediately and expiring June 30, 2014 (fills the expired term of Jerry Gravely).

Tazewell County Planning Commission

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 appoints Jason Herndon, PO Box 653, Richlands, Virginia 24641 as a member of the Tazewell County Planning Commission, with a term commencing immediately and expiring June 30, 2015 (four (4) year term).

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

The Crooked Road: Virginia's Heritage Music Trail

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 appoints Margie Douglass, 108 East Main Street, Tazewell, Virginia 24651 as the appointee to represent Tazewell County on the Crooked Road Board.

BITUMINOUS ASPHALT PLANT MIX/ADD ALTERNATE PROJECTS APPROVED
HUNTER PAVING

Following a recommendation by the Tazewell County Coal & Gas Improvement Committee at a meeting held this date, and 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 2011 Bituminous Asphalt (Plant Mix & Add Alternate Projects) schedule to the lowest responsive bidder, Hunter Paving, Inc. PO Box 349, Pounding Mill, VA 24637 as follows:

Hunter Paving, Inc.

Lot No. 1 Western	\$ 66,458.00
Lot No. 2 Southern	\$ 34,874.00
Lot No. 3 Northern	\$ 23,500.00
Lot No. 4 Northwestern	\$ 37,600.00
Lot No. 5 Eastern	<u>\$ 30,080.00</u>
Total	\$192,512.00

Add Alternates

Lot No. 1 Western	\$ 8,460.00
Lot No. 2 Southern	\$ 2,726.00
Lot No. 4 Northwestern	\$27,542.00
Lot No. 5 Eastern	<u>\$32,712.00</u>
Total	\$71,440.00

<u>Lot No. 1 (Western)</u>	<u>Lot No. 1 (Add Alternate)</u>	<u>Lot No. 2 (Southern)</u>	<u>Lot No. 2 (Add Alternate)</u>
Stapleton St	Honey Rock Road	Silver Spur Road	Olympic Drive
Lisa Street		Vanhoozer Road	
Moose Street		Rutherford Street	
Bo Street		Blackhorse Road	

 August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

Harbor Street
 Fashion Road
 Meadow Street
 Branch Road
 Pleasant Valley
 Link Street
 Granny Road
 Cedar Creek Road

<u>Lot No. 3 (Northern)</u>	<u>Lot No. 4 (Northwestern)</u>	<u>Lot No. 4 (Add Alternate)</u>	<u>Lot No. 5 (Eastern)</u>
Hale Drive	White Oak Street	Citadel Road	Mount Vista Court
Tester St.	Charity Street	Forest Road	Bluestone Loop
Thomas St.	Cordle Lane	Rock Road	Paramount Drive
Emma Drive	Highland Lane		
Repair Street	Mill Ave		
	Plaza Drive		

Lot No. 5 (Add Alternate)

Rose Hill Road
 Beverly Hills Drive
 Cambridge Road
 Camelot Drive
 Dark Hollow Road
 Hartford Avenue
 Yukon Road

 EFFICIENCY REVIEW STUDY

TAZEWELL COUNTY SCHOOL BOARD

In response to a request from the Tazewell County Board of Supervisors to the Tazewell County School Board asking that they participate in an Efficiency Review Study, the Board received a letter from Dr. Brenda Lawson, on behalf of the School Board, asking how the County planned to fund the study. The study would cost between \$20,000 and \$30,000. Following discussion of a variety of options, it was a consensus of the Board to allow Jim Spencer, County Administrator and Patricia Green, Assistant County Administrator to meet with Dr. Lawson and

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

discuss the study alternative ways to fund the study and to report back to the Board of Supervisors at their September 6, 2011 regular meeting.

PAYMENT IN LIEU OF TAXES FOR HUD DEVELOPMENT APPROVED
CUMBERLAND PLATEAU REGIONAL HOUSING AUTHORITY
\$8,779.74

Upon motion of Supervisor Absher, 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 approve Cumberland Plateau Regional Housing Authority's request that the Board of Supervisors waive the Authority's payment in lieu of taxes in the amount of \$8,779.74 for fiscal year ending March 31, 2011 (HUD Developments). The County Administrator is hereby authorized and directed to notify Mr. Keith L. Viers in accordance with this action.

COURTHOUSE SPACE STUDY

Jim Spencer, County Administrator, reported that he and various staff met with Courthouse officials as well as Regional Jail Authority officials and discussed the Wiley-Wilson recommendations with regard to courthouse renovations. He said there are a couple matters he needs to address with the BOS courthouse committee members and hopefully a solid plan could be presented to the Board of Supervisors at the September 6, 2011 meeting. Supervisor Hymes addressed the need for additional filing space in Juvenile Court. The Registrar has presented a list of space recommendations as well.

GARBAGE COLLECTION SITE – JEWELL RIDGE VA

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 of 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Administrator to proceed with the necessary actions to place a garbage collection center in Jewell Ridge, VA and to begin the process to obtaining prices for roll-off boxes, fencing and other materials in order to begin the construction of same. The County Administrator is hereby authorized and directed to issue warrants as necessary in accordance with this action and which said warrants

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia. The money for this project is included in the FY2011-12 county budget.

TANNERSVILLE WATER PROJECT

Chairman Anderson said the PSA Board is seeking help from the Cumberland Plateau Planning District in finding additional funding for four different PSA projects, which includes the Tannersville Water Project. He said this was an on-going PSA agenda topic.

TOURISM ZONES

The County Attorney, Eric Young, stated that he and Margie Douglass continue to work on the subject of Tourism Zones for Tazewell County.

RECYCLING EFFORTS

The Board of Supervisors agreed to the County Administrator's recycling concept to initiate a recycling program in Tazewell County beginning with the County Offices and related government facilities. The county was given 45 recycling/trash receptacles to be used for this purpose to collect recycling products, such as plastic and other recyclable materials. The County will look at the possibility of buying a used trailer and will dispose of the materials using county forces.

BLUEFIELD COLLEGE – IMPACT VIRGINIA

APPROVAL TO DISPOSE OF DEBRIS IN COUNTY LANDFILL

Following a written request from Bluefield College, Bluefield, Virginia and upon motion of Supervisor White, seconded by Supervisor Anderson 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 waives landfill tipping fees for the disposal of roofing materials/waste for IMPACT Virginia, a week-long project hosted by Bluefield College, inviting middle and high-school youth groups throughout Virginia to participate in home improvement projects in the greater Bluefield community to make them warmer, safer/dryer. This action is contingent upon the materials/debris being located on property within Tazewell County. The County landfill staff will be notified of this action.

RESOLUTION ADOPTED – ISSUANCE AND SALE OF REVENUE BONDS /TAZEWELL COUNTY AIRPORT AUTHORITY

Following presentation by the County Attorney, Eric Young, 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 adopts a RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT PROVIDING FOR NON-BINDING OBLIGATIONS OF TAZEWELL COUNTY, VIRGINIA TO CONSIDER CERTAIN APPROPRIATIONS TO THE TAZEWELL COUNTY AIRPORT AUTHORITY AND AGREEING TO CERTAIN MATTERS RELATED TO THE ISSUANCE AND SALE OF REVENUE BONDS OF THE TAZEWELL COUNTY AIRPORT AUTHORITY TO THE VIRGINIA RESOURCES AUTHORITY IN AN ESTIMATED AMOUNT OF \$295,000 (the “Bonds”). The proceeds of which, together with other available funds, are expected to be sufficient to pay the costs of financing the construction of certain airport capital improvements, including without limitation, the construction of new hangars (the “Project”) all located at the Tazewell County Airport. A copy of the complete resolution in a form as hereby adopted and executed is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

**HISTORIC POCAHONTAS –
FUNDING COMMITTEE MEETING**

Chairman Anderson stated that the Historic Pocahontas Funding Committee had not met at this time to discuss budget/planning issues for Historic Pocahontas. The Chairman requested that the committee meet in the next few weeks to address this. Supervisor Anderson and Campbell represent the Board of Supervisors on this committee.

CLAYPOOL HILL ANNEXATION ISSUE

Chairman Anderson gave a brief update on the Claypool Hill Annexation meeting recently held at SWCC. He and Supervisor White attended the community meeting that was called by a local businessman in the Claypool Hill area. He said Art Meade with the Weldon Cooper Center, as well as Shea Cook, a Richlands Attorney spoke at the community meeting.

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

He said Mr. Meade compiled and presented tax rates and other factors with regard to the potential merger.

ACTION – ANNEXATION CONCERNS

Chairman Anderson then moved that until the people of the Claypool Hill are polled and all questions are answered as submitted to the towns, no further discussion or action by the Board of Supervisors would be held on this subject. Supervisor White seconded the foregoing motion and which motion passed by a vote of 5 to 0, with all members present voting in favor and none against. Further, that copies of the petitions as submitted this date by Supervisor Anderson and Supervisor Absher from residents of Claypool Hill asking the Tazewell County Board of Supervisors not allow Richlands or Cedar Bluff to annex Claypool Hill property into town limits be made part of the record of this meeting. A copy of the petitions as hereby presented are on file in the office of the County Administrator and are attached as part of the record of this meeting and incorporated herein by reference.

FIRE LANE ORDINANCE CONCERNS

Pursuant to an inquiry from Chairman Anderson with regard to the County's fire lane ordinance and provisions that possibly would allow the designation of collected funds to be used for fire protection was addressed. The County Attorney, Eric Young, stated that the Board could change the ordinance or just keep track of the collection of fines with regard to ordinance and earmark those funds for fire protection. Now, upon motion of Supervisor Anderson, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Attorney to clarify how fees/fines can be collected and used, and if applicable, the collected fines be earmarked and used for fire protection projects in Tazewell County.

SCHOOL BOARD -

SCHOOL EFFICIENCY REVIEW STUDY, TRANSPARENCY, RECYCLING EFFORTS

In addition to the discussion relative to the School Efficiency Review Study held earlier this date, the Board of Supervisors agreed that the County Administrator and Assistant County Administrator meet with Dr. Brenda Lawson to address the School Efficiency Review Study

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

financing concerns as well as other transparency requests, e.g. virtual checkbook, e.g. placement of school board check registers, recycling efforts, etc. A report on the meeting will be forthcoming.

FIRE DEPT. SEPTIC SYSTEM ISSUES

Supervisor Campbell requested Kenneth Dunford in the County Engineering Dept. to contact Mr. Ellis Crisp, D.A.D. Fire Dept. Chief regarding property boundaries and the septic system concerns there.

FORD F-350 2000 MODEL - DAMAGES

Supervisor Campbell requested that Patricia Green find the title to the Ford F-350 2000 that was donated to the Baptist Valley Fire Dept. by Delrick Corp. The truck recently suffered damages (someone placed bleach in the gas tank) and Supervisor Campbell wanted to know if the board could sale the truck and use the proceeds to buy fire equipment. The Board directed the Assistant County Administrator, Patricia Green to contact the insurance company, file the necessary claims and determine the value of the truck and potential proceeds from the insurance company, and inform the Board of Supervisors accordingly. The Board will discuss how to proceed once all information is obtained.

CANCER STUDY –

With regard to Congressman Griffith's letter to the Board regarding the cancer study in Tazewell County, Supervisor Hymes stated that Virginia Tech was conducting a Southwest Virginia Cancer and Environmental Risk Perception Project Study to evaluate the perceptions of environmental risks for cancer in the Lenowisco and Cumberland Health Districts in Southwest Virginia. Supervisor Hymes said that he participated in the study and has the information on the manner in which participants are chosen for the study.

SCHOOL BOARD TRANSPARENCY REQUEST

Upon motion of Supervisor Hymes, seconded by Supervisor Campbell 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 requests the Tazewell County School Board to

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

provide the County Administrator with monthly check registers from April 1, 2011 and by the 10th of each month going forward. The Board is not requesting any information not discoverable by FOIA, including wage information of non-salary personnel. If the information is not received by the 10th of each month, the Board of Supervisors will obtain the information from the Treasurer of Tazewell County. This action is subject to review and approval by the County Attorney.

FOREST SERVICE ROAD

BLAND COUNTY/BURKES GARDEN

Supervisor Hymes requested that the County Administrator contact the appropriate individuals with regard to the Burkes Garden/Forest Service Road whereby area bear and deer hunters have voiced concern that gravel was dumped on the road that will block hunters from using the road during the upcoming hunting season. The County Administrator, Jim Spencer, said he would contact the Bland County Administrator and address this.

VFW POST – 7136

\$500.00 SOUTHERN DISTRICT FUNDS

Upon motion of 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 amount of \$500.00 from the Southern District Fund, payable to the VFW Post 7136, 115 East Fincastle Turnpike, Tazewell, Virginia 24651 for renovations of the facilities. Attn: Bill Buffalow. The County Administrator is hereby 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, VA 24651.

TAZEWELL HIGH SCHOOL CHEERLEADERS

\$500.00 SOUTHERN DISTRICT FUNDS

Upon motion of 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,

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 from the Southern District Fund, payable to the Tazewell High School Cheerleaders, 627 East Fincastle Road, Tazewell, Virginia 24651 attn: Chelsa Whittaker. This money will assist with the purchase of uniforms. The County Administrator is hereby 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.

PSA CONCERNS

GOOSE CREEK ROAD – OVERHANGING TREES/ ETC. –

PSA ASSISTANCE REQUESTED

Supervisor Hymes requested that the over-hanging trees/bushes be trimmed on Goose Creek Road. The over-hanging trees are causing a safety hazard. The County Administrator stated he would contact the PSA with regard to this matter as well as asking that the bushes/trees be trimmed at the County Fairgrounds as well, prior to the opening of the County fair.

Supervisor Anderson also requested that the PSA funding report – disbursements/balances, etc. presented at a recent PSA meeting by Dahmon Ball be copied and given to the Board of Supervisors.

Supervisor Hymes requested once a new PSA Manager/Administrator is hired – that the new PSA manager attend monthly BOS meetings to keep the Board apprised of ongoing PSA matters.

FROG LEVEL YACHT CLUB PROPERTY -

Supervisor Hymes requested that the County Administrator contact Anita McReynolds-Riley owner of the Frog Level Yacht Club property and discuss the possibility of placing convenience boxes there. Ms. McReynolds-Riley has offered to rent the available space to the County.

FALLS MILLS FISH CLUB STATUS – 501 3©

Supervisor Hymes requested the status of the IRS 501 3© for the Falls Mills Fish Club. The County Attorney said he was shown an IRS -501 3© application by the Falls Mills Fish Club and he felt the approval would be forthcoming.

RICHLANDS ELEMENTARY SCHOOL**\$500.00 NORTHWESTERN DISTRICT RECREATION (YOUTH) FUNDS**

Upon motion of Supervisor White, seconded by Supervisor Campbell 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 Northwestern District Recreation Funds, payable to Richlands Elementary School, Richlands, Virginia 24641, funding for Power Team Presentation. 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.

Supervisor White gave a brief update on the restoration efforts of the old Raven Theater Property. He said the project was an excellent idea going forward and a group of approximately 35 people met at the old theater to begin the process of restoring the building.

Supervisor White also said he was pleased with the efforts to finalize the Jewell Ridge Convenience area. He thanked those involved to make the project happen.

TOWN OF RICHLANDS, VIRGINIA**\$10,000.00 FROM NORTHWESTERN DISTRICT FUNDS****FUNDING FOR SMALL BUSINESS DEVELOPMENT FUNDS**

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 \$10,000.00 from the Northwestern District Funds, payable to the Town of Richlands, Virginia 24641 – funding for small business development funds. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

Supervisor Anderson requested that the County Administrator and County Attorney annual re-evaluation/review forms be sent to the Board. He suggested that the re-evaluation process commence as soon as possible.

BANDY COMMUNITY CENTER –
\$1,000.00 FROM NORTHERN DISTRICT FUNDS
FOR BUILDING RENOVATIONS

Upon motion of Supervisor Campbell, 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 \$1,000.00 from the Northern District Funds, payable to the Bandy Community Center, PO Box 52, Bandy, Virginia 24602 to complete building renovations. 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 for BLUEFIELD WRESTLING CLUB –
\$6000.00 FROM EASTERN DISTRICT FUNDS

Upon motion of Supervisor Anderson, 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 \$6,000.00 from the Eastern District Funds, subject to legal review and approval, payable to Graham High School for the Bluefield Wrestling Club, Bluefield, VA 24605 (contact person Tim Woodward). 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, VA 24651 (give check to Dave Anderson).

GRAHAM YOUTH LEAGUE
\$5,000.00 FROM EASTERN DISTRICT FUNDS

Upon motion of Supervisor Anderson, 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 \$5,000.00, subject to legal review and approval, from the Eastern District Fund, payable to the Graham Youth League, PO Box 1236, Bluefield, VA 24605 for additional equipment such as helmets, shoulder pads,

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

practice and game pants, game jerseys, cheerleading uniforms, etc. 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 (give check to Dave Anderson)

HISTORIC POCAHONTAS TRAIL

TOM CHILDRESS

The County Administrator, Jim Spencer reported that he received this date, August 2, 2011 an update/letter from VDOT on the Historic Pocahontas Walking Trail- preliminary bid package. He also presented an email from VDOT forwarded by David Hill, Hill Studio, stating the review process was underway for the project and copies were submitted to the scheduling & contract division and civil rights division awaiting their comments. He said that the County is trying to move the project forward as quickly as possible.

Tom Childress, Historic Pocahontas voiced concern about the ownership of a portion of the land of the walking trail. He presented a copy of the deeds of the rail property from Bluestone Junction to Machine Shop Hollow. Mr. Childress said the Historic Pocahontas turned the West VA section over to the Tourist Train. He reiterated now that the location of the trail is being considered for change he is concerned about the ownership of the property. The County Administrator suggested that the County Attorney review the plats and deeds to confirm the ownership of the property in question. The County Administrator said he would talk to VDOT with regard to Mr. Childress's concern.

EXECUTIVE/CLOSED SESSION

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 enters into an executive/closed meeting pursuant to Virginia Code Section 2.1-3711, A-7 Legal Matter requiring advice from legal counsel involving contract negotiations with WIA.

RETURN, CERTIFICATION, REPORT OF ACTION

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

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

Tazewell County Board of Supervisors hereby return from the Executive/Closed Meeting and hereby adopts the following resolution read by Supervisor Anderson as follows:

CERTIFICATION OF THE EXECUTIVE/CLOSED MEETING
RESOLUTION

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 Campbell, Absher, Hymes, White and Anderson

Nays: None

Absent: None

Absent during vote: None

CRAB ORCHARD MUSEUM AND PIONEER PARK –

PROJECT WITH VDOT GRANT FUNDING

REJECT ALL BIDS

As a result of action taken by the Tazewell County Board of Supervisors at a meeting held June 30, 2011 with regard to awarding the lowest responsive bid to Nickels, Inc. Tazewell, Virginia 24651 at a price of \$76,477.20 for improvements at Historic Crab Orchard Museum and Pioneer Park, 3663 Crab Orchard Road; subject to legal review, the work includes, but is not limited to new bituminous paving and concrete curbs and sidewalks, funded by TEA 21 funds through VDOT and now, upon motion of Supervisor Absher, seconded by Supervisor White and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby reject all bids on

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

the Historic Crab Orchard Museum project administering VDOT grant funds and hereby authorizes and directs the County Administrator to rebid the project.

MORAL OBLIGATION RESOLUTION –
REFINANCING THE IDA’S LOAN
FOR THE CLINCH RIVER FOREST PRODUCTS PROJECT

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 Moral Obligation Resolution in support of the refinancing of the Industrial Development Authority’s loan (IDA) from the Virginia Small Business Finance Authority for the Clinch River Forest Products Project. The resolution as approved by VSBFA and executed by the Chairman of the Board of Supervisor is made part of these minutes and incorporated herein by reference:

RESOLUTION RECOGNIZING MORAL OBLIGATION TO THE TAZEWELL COUNTY
INDUSTRIAL DEVELOPMENT AUTHORITY

WHEREAS, the IDA has requested that the Tazewell County Board of Supervisors enter into a moral obligation in which the County agrees to a non-binding moral obligation to pay any deficits or delinquent payments toward any funds borrowed from VSBFA;

WHEREAS, the IDA has requested a non-binding but moral obligation to assist the IDA in the refinance of the 2005 loan to the IDA from the Virginia Small Business Financing Authority for the Clinch River Forest Products project on the terms and conditions as hereinafter set forth; and

WHEREAS, pursuant to the Code of Virginia, Tazewell County may appropriate money to the IDA;

NOW, THEREFORE BE IT RESOLVED, that the Tazewell County Board of Supervisors hereby agrees to enter into a non-binding moral obligation to assist the IDA in the repayment of the VSBFA loan;

IT IS FURTHER RESOLVED:

1. The County acknowledges that, to the extent permitted by law, it has a non-binding moral obligation to pay VSBFA any deficits with respect to payment or repayment of any loans in the event that the IDA is unable to make payments of principal and interest on loans when due. The

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

County's moral obligation shall not exceed Seven Hundred Thousand Dollars (\$700,000.00), plus interest, to VSBFA. The County Administrator shall present to the Board of Supervisors a request for appropriations to make such payments in such amounts as soon as it becomes clear that the revenues derived by the IDA will be insufficient to make the required payments on any loans. The County may pay to or on behalf of the IDA the amounts of any appropriations made pursuant to the provisions of this Resolution;

2. If there shall occur a default on any loans and if as a result thereof payment on the loans shall have been accelerated, the IDA shall make an urgent request of the County for an appropriation as soon as practicable for any amount equal to all of the amounts due and owing on the loans on account of such default and acceleration. The County hereby acknowledges that to the extent permitted by law, it has a non-binding but moral obligation to pay such amounts upon acceleration. The County Administrator may present to the Board of Supervisors a request for such appropriation and in such manner as he shall deem appropriate. The Board of Supervisors may pay on behalf of the IDA the amount of any appropriation made pursuant to this Resolution.

3. The IDA shall apply any funds appropriated to the IDA by the County herein to the payment of the principal and interest of the loans when due. The benefits of this Resolution shall inure to the benefit of VSBFA;

4. This Resolution shall remain in effect until all amounts payable under the loan have been paid in full;

5. Nothing contained in this Resolution shall be or be deemed to be a lending of the credit of the County or the Commonwealth of Virginia to the IDA or VSBFA or to any other person, nor shall anything contained in this Resolution be or be deemed to be a pledge of the full faith and credit of the taxing power of the County with respect to any payments due under the loans. Nothing contained in this Resolution shall legally bind or legally obligate the County to appropriate funds to or on behalf of the IDA for the purposes described herein, nor shall any provision of this Resolution give the IDA or VSBFA or any other person any legal right to enforce the terms hereof against the County; and

6. If any clause, provision, or paragraph of this Resolution shall be held illegal or invalid by any court, the illegality or invalidity of such clause, provision, or paragraphs shall not affect any of the remaining clauses, provisions, or paragraphs hereof, and this Resolution shall be construed and enforced as if such illegal or invalid clause, provision, or paragraph had not been contained

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

herein. In case any provision contained herein shall be held to be in violation of law, then such provision shall be deemed to be the intent of the County to the full extent permitted by law.

It is so RESOLVED by the Board on this the 2nd day of August, 2011.

WIB 2011 YOUTH CONTRACT –
AND COUNTY JOINING THE CONSORTIUM'S 2011
CONTACT WITH WIB -ADULT DISLOCATED WORKER PROGRAM

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 2011 Youth Contract with the WIB and for the County's joining the Consortium's 2011 Contract with the WIB for the Adult Dislocated Worker Program as proposed subject to the amendments approved by the WIB's executive committee on July 11, 2011 as detailed in Sam Wolford's July 12, 2011 email to Darrell Blankenship and further that said email be included in the minutes of this meeting as follows:

"From: Sam Wolford " 5 'swolford @tazewellcounty.org

Sent: Tuesday, July 12, 2011 10:21 AM

To: 'Darrell Blankenship'

Subject: WIB Executive Committee

[mailto:dblankenship@wiaone.com]

Darrell,

Thank you and the Executive Committee for taking time to listen to Tazewell County's concerns related to the Youth, Adult, and Dislocated Worker Program contracts. I am glad we were able to come to agreement on the language changes and anticipate approval from the BOS at their August 2nd meeting. I want to confirm the language changes that were agreed upon before it is submitted to the BOS to ensure it is accurately relayed. The language changes I understand are as follows: In your letters of award for the Adult/DWP and Youth 2011 Program Year Contracts dated June 23, 2011, Under the "stipulations and requirements are made part of this award:" "WIB will implement progressive three-stage corrective action for failure to meet monthly objectives", All language related to withholding of funds will be removed, and in the General Provisions section "6. Disputes", in the third sentence "its duly authorized representative" will be

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

defined as the Workforce Investment Board Executive Committee. Please send me a complete contracts reflecting these changes for the Youth and Adult/DWP WIA 2011 program year so that I may have the County Attorney review it prior to the August 2, 2011 BOS meeting. I will inform the County Attorney that the Executive Committee requested that any comments, concerns, or discussion should be directed to you and it is acceptable for him to contact you directly. Again thank you and the executive committee for meeting with us. I look forward to working with the WIB to serve the region in supporting, and administering these programs.

Sam Wolford

One Stop Operator,

Tazewell County, VA

276-988-8976

276-780-9450”

LANDFILL GAS LEASE TO IDA SUPPORTED

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 approves the lease of the landfill gas lease as presented to the Tazewell County Industrial Development Authority (IDA). A copy of which said lease once executed by all parties will be incorporated in these minutes as an attachment and copy of same on file in the office of the County Administrator, 108 East Main Street, Tazewell, VA 24651.

IDA – FUTURE PROJECTS FUNDED BY THE BOARD OF SUPERVISORS BE PERFORMED IN COMPLIANCE WITH THE VIRGINIA PROCUREMENT ACT

Upon motion of Supervisor Campbell, 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 authorizes and directs that future projects funded by the Tazewell County Board of Supervisors or by the Board’s Moral Obligation through the Industrial Development Authority (IDA) be performed in compliance with the Virginia Procurement Act and not exempted from procurement under the IDA exemption in the

August 2, 2011 Tazewell County Board of Supervisors Meeting Minutes

Code of Virginia and further that the IDA follow the County's procurement policies, e.g. advertisement policies with eVA, etc.

ADJOURN

Now, there being no further business to be transacted, and upon motion of Supervisor Anderson, seconded by Supervisor Campbell 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 meeting is hereby adjourned.

The next meeting is scheduled for September 6, 2011 at 6:00 p.m.

David R. Anderson, Chairman

By: RG

Recess time: 10:10 p.m.