

VIRGINIA: At a regular meeting of the Tazewell County Board of Supervisors held August 7, 2012 in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651

PRESENT: D. Michael Hymes, Chair
John Absher, Vice Chair
Seth R. White, Member
Charles A. Stacy, Member
Dr. Thomas M. Brewster, 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: Warren Hinkle, Tazewell County Free Press;
Jim Talbert, Clinch Valley News/Richlands News Press

ABSENT: None

The Chairman, D. Michael Hymes, called the meeting to order and presided, with all members in attendance. He welcomed those present.

Supervisor White gave the invocation which was followed by the Pledge of Allegiance to the US Flag.

AGENDA FORMAT

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 August 7, 2012 agenda format as amended. Amendments included an A-1 Personnel matter regarding a member of the Board of Supervisors.

MINUTES APPROVED

Upon motion of Supervisor Absher 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 approves the June 28, 2012 meeting minutes as written.

EXECUTIVE/CLOSED MEETING

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 as follows:

- (A) (3) Property Acquisition involving Baptist Valley Polling Place
- (A) (6) Investment of public funds involving PSA Bonds for Claypool Hill Waste Water Treatment Plant
- (A)(3) Property Acquisition for Cavitts Creek Park
- (A)(7) Legal Consultation regarding the Tazewell County Fire and Rescue lease
- (A)(5) Prospective Business or Industry – where no previous announcement has been made of the business ‘ or industry’s interest in locating its facilities to the community - Project (DB)
- (A)(1) Personnel matter involving a member of the Board of Supervisors

RETURN/CERTIFICATION/REPORT OF ACTION

Upon motion of Supervisor Absher, 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 returns from the Executive/Closed Meeting with Supervisor Absher reading the following certification:

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: Five (5) Supervisor Stacy, Brewster, Absher, White and Hymes

Nays: None

Absent: None

Absent during vote: None

ACTION: There was no action to report as a result of the Executive/Closed Meeting.

**ROBERT'S RULES OF ORDER SUSPENDED –
AGENDA FORMAT MODIFIED**

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 suspends Robert's Rules of Order and hereby modifies the agenda format to include a report from David Larimer, County Treasurer, further moving Mr. Larimer to the front of the agenda, following the two special presentations.

SPECIAL PRESENTATIONS

Supervisor White introduced and welcomed Dusty Ballard, son of the late Les Ballard who passed away June 23, 2012. Mr. Ballard was a well known citizen and served as a Board of Supervisor member from 1972 to December 31, 1983.

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 Supervisor adopts a Resolution in Memory of the late Leslie Arlington Ballard Sr. and presents same to the Ballard family.

**RESOLUTION
IN MEMORY OF THE LATE LESLIE ARLINGTON BALLARD SR.**



WHEREAS, Leslie Arlington “Les” Ballard, Sr. 88 of Richlands passed away June 23, 2012 in Bristol, Virginia. Born in Buena Vista, Virginia – he made his home in the Richlands Virginia area most of his life; and

WHEREAS, he was a U.S. Army, World War II Veteran and a graduate of the National Business College in Roanoke, Virginia and was the owner and operator of Ballard Insurance Agency in Richlands, Virginia; and

WHEREAS, his service to Tazewell County was well known where he campaigned for public office and was elected by the people to the office of Board of Supervisor representative for the Western District of Tazewell County, with a term commencing January 1, 1972 to December 31, 1983. He was past master and 50 year honorary member of the Richlands Masonic Lodge # 318 AF& AM. He was a former collegiate and amateur league baseball player and an avid golfer for many years. He attended and was a member of the Gethsemane Baptist Church; and

WHEREAS, Mr. Ballard was a distinguished citizen and public servant and contributed greatly to the betterment of county citizens. He worked hard and had an elegance of style and was a prominent figure in his community; and

WHEREAS, Mr. Ballard’s service to the citizens of Tazewell County will be deeply missed by his loving family, his numerous colleagues, his countless friends and associates; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Tazewell County, Virginia hereby presents this resolution to the Ballard family in recognition and in memory of Mr. Ballard’s long life, and as an expression of high regard in which his memory is held. Adopted and presented this the 7th day of August, 2012

**RESOLUTION – COMMENDING CODY BURNETTE/
GRAHAM HIGH SCHOOL – SKILLS USA CONTESTANT**

Supervisor Brewster introduced and welcomed Cody Burnette, a 2012 graduate of Graham High School and the Tazewell County Career and Technical Center. He also welcomed Spott Steele, Instructor, and Career and Technical Center Principal, Mr. Stacy.

Cody Burnette recently participated in the SkillsUSA – State Championship event for bricklaying in Hampton, VA and finished 1st place.

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

**RESOLUTION
COMMENDING
CODY BURNETTE - GRAHAM HIGH SCHOOL (GHS)
SkillsUSA
Tazewell County Career and Technical Center**



WHEREAS, Cody Burnette, a 2012 graduate of Graham High School and Tazewell County Career and Technical Center, participated in the SkillsUSA - State Championship contest for bricklaying in Hampton, VA on April 21, 2012; and

WHEREAS, Cody had a remarkable performance where he finished 1st place in the State bricklaying competition and is the only winner from Tazewell County in 25 years to accomplish a first place award in bricklaying; and

WHEREAS, Cody's championship is a tribute to his hard work and determination to excel in bricklaying; and

WHEREAS, Cody has brought honor and recognition to himself, his instructor, Robert Steele, his school, his parents and to the entire community; and

NOW, THEREFORE, BE IT RESOLVED, that the Tazewell County Board of Supervisors hereby commends and congratulates Cody Burnette for his talent, dedication and hard work and hereby presents this resolution in honor and in recognition of his exceptional achievements. Job Well Done - Congratulations!

COUNTY TREASURER – ANNUAL SETTLEMENT OF COUNTY FUNDS

David Larimer, County Treasurer, was present and presented the Annual Settlement – Financial Condition of the County of Tazewell, Virginia as of June 30, 2012. Total committed funds were \$15,841,826.26; Uncommitted funds/General Fund \$2,924,287.91 and Total All Funds were \$18,766,114.47. He said the County was in good strong financial condition compared to other counties in the Commonwealth. He presented a comparison of uncollected County taxes from 2008-2011. Uncollected taxes for 2011 were 4.53%; 2010 at 2.39%; 2009 at 1.45% and 2008 showed 1.13% uncollected. Mr. Larimer also presented the list of delinquent

real estate & personal property taxes for 2010-11. Mr. Larimer commended his staff, county administrator and his staff and the board of supervisors for their hard work and thoroughness in helping keep the County's financial status in good financial form. Mr. Larimer praised the employees in his office for their excellent work and commitment to the county. He also spoke in high regard of his predecessor, Norman Cook for his superior work and commitment to keep Tazewell County in first-rate fiscal condition. Mr. Larimer applauded the checking automatic – draft payment program for county citizens. He said the program was well liked by county tax payers. The Board thanked Mr. Larimer for the presentation.

COYOTE BOUNTY ORDINANCE AMENDMENT

– PUBLIC HEARING

Now, the Chairman called to order a public hearing that was duly advertised according to law, entitled “**AN ORDINANCE ENTITLED “A REPEAL AND REENACTMENT OF THE COUNTY’S ORDINANCE REGULATING COYOTE BOUNTIES.”** A complete copy of the ordinance in a form as advertised was posted at the County Courthouse on Main Street, Tazewell, Virginia as well as a copy on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia.

Eric Young, County Attorney explained the proposed amendments due to a sharp increase in coyote appropriations. He said the proposed ordinance gives the Board of Supervisors various flexibility to pay coyote bounties as well as possibly setting a bounty for female coyotes. The proposed changes were reviewed by the Tazewell County Farm Bureau and its President, Eric Whitesell, whose comments were incorporated into the proposed amendments.

He then called for public comments from the floor with regard to the subject public hearing.

- William “Bill” Osborne, Vice President, Tazewell County Farm Bureau, Tannersville, Virginia – stated he supported the proposed ordinance, but recommended the Board change the payment of claims from July 1 to June 30 to a calendar year, January 1 to December 31. He said this would help Farm Bureau in assisting the County in the payment of coyote claims. He commended the Board for keeping the ordinance, stated it would be cheaper than hiring a trapper.

- B. C. Fuller, 709 Triangle Road, Bluefield, Virginia – stated he was for the coyote bounty ordinance but against hiring a trapper outside of Tazewell County. He said the money should stay in Tazewell County.

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

Then, 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 adopts an ordinance entitled “**AN ORDINANCE ENTITLED “A REPEAL AND REENACTMENT OF THE COUNTY’S ORDINANCE REGULATING COYOTE BOUNTIES.”**” – amending section 3-101 (a) to read: “calendar” year instead of fiscal year.

**A REPEAL AND REENACTMENT OF THE COUNTY’S ORDINANCE
REGULATING COYOTE BOUNTIES**

WHEREAS the Board desires to continue supporting the coyote bounty system previously established by Ordinance;

WHEREAS the Board desires to continue to work with the Farm Bureau to eradicate the destructive impact of coyotes in the County;

WHEREAS the Board desires to achieve the greatest possible impact on the coyote population;

NOW THEREFORE, be it ORDAINED that Sections 3-101 and 3-102 of the Code of Tazewell County, Virginia, are hereby repealed and reenacted to state as follows:

3-101 Pursuant to Section 15.2-926.1 of the Code of Virginia (1950), as amended, the killing of coyotes within the boundaries of the County of Tazewell shall be permitted.

The Board of Supervisors shall pay a bounty in the amount and on the terms as hereinafter set forth:

(a) The Board of Supervisors shall pay a bounty of FIFTY DOLLARS (\$50.00) per coyote killed on lands in the County dedicated to agricultural use, as identified on the tax records of the County, for the first 100 coyotes so killed, such that the aggregate bounty paid each calendar year shall not exceed FIVE THOUSAND DOLLARS (\$5,000.00).

(b) The Board of Supervisors may, by resolution, authorize an increased Bounty on female coyotes not to exceed Seventy Five Dollars (\$75.00); limit to certain months of the year the time during which the increased bounty shall be paid; and – designate the locations within the county, including non-agricultural lands, where the increased bounty shall be applicable. Such increased bounty shall remain in effect for a period not to exceed twelve months unless reenacted by the Board of Supervisors. The increased bounty payments for females pursuant to this code section shall not be included in the aggregate bounty limits set forth elsewhere in this section.

(c) The Board of Supervisors may designate one or more County Coyote Trappers and compensate him or her from such funds as the county may make available for such purpose. The Board may limit said trapper’s jurisdiction to such portions of the County as the Board may deem appropriate. Any bounty paid to the designated County Trapper shall not be included in the aggregate bounty limits set forth in this section.

3-102 All bounty payments must be approved by the Board of Supervisors. The Board of Supervisors may pay such bounty in cash or by any other means authorized by State Law, except such method of payment shall be established by resolution at the beginning of each fiscal year. The County Administrator or his or her designee shall establish such reasonable requirements for proof that the coyotes were killed in the County and at such places in the county as represented by the persons claiming such bounty. The

Administrator may, but is not required to, institute a tag system whereby the owners of land dedicated for agricultural use shall be provided tags with which to label coyotes killed on lands dedicated to agricultural use.

**RESOLUTION APPROVING PSA’S MORAL OBLIGATION RESOLUTION
IN SUPPORT OF UP TO \$350,000.00 LOAN FOR RENOVATION AN IMPROVEMENT
OF BURNETTE STREET PUMP STATION**

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 a “*RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT PROVIDING FOR THE NON-BINDING UNDERTAKING OF THE BOARD OF SUPERVISORS OF TAZEWELL COUNTY, VIRGINIA TO CONSIDER CERTAIN APPROPRIATIONS TO THE TAZEWELL COUNTY PUBLIC SERVICE AUTHORITY AND AGREEING TO CERTAIN MATTERS RELATED TO THE ISSUANCE AND SALE BY THE AUTHORITY OF REVENUE BONDS FOR THE BURNETTE STREET PUMP STATION PROJECT “ and a SUPPORT AGREEMENT BETWEEN THE BOARD OF SUPERVISORS OF TAZEWELL COUNTY, VIRGINIA (the “Board”) acting as the governing body of Tazewell County, Virginia (the “County”), TAZEWELL COUNTY PUBLIC SERVICE AUTHORITY (the “Authority”) a public body politic and corporate of the Commonwealth of Virginia, and VIRGINIA RESOURCES AUTHORITY, as administrator of the Virginia Water Supply Revolving Fund (“VRA”), a public body corporate and a political subdivision of the Commonwealth of Virginia, as purchaser of the Series 2012 [B], Bond (as hereinafter defined), pursuant to a Financing Agreement dated as of August 11, 2012 (the “Financing Agreement”) between VRA and the Authority – the Board of Supervisors, on behalf of the County, hereby agrees to the issuance by the Authority of the Bond, provided that the original principal amount of the Bond does not exceed \$350,000.00. A copy of the RESOLUTION and the SUPPORT AGREEMENT in a form as hereby approved and executed is attached hereto and incorporated hereby by reference thereto – and a copy on file is on the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.*

CONSENT CALENDAR APPROVED

Upon motion of Supervisor Absher 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 approves the following items presented as “Consent Calendar”. Matters requiring the issuance of warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

WARRANTS

June/July 2012

Payroll

Ordered that Warrant Nos. 136153 through 136227 and direct deposits totaling \$217,395.40 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending June 30, 2012, be approved.

Ordered that Warrant Nos. 136229 through 136302 and direct deposits totaling \$219,946.49 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending July 15, 2012 be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 457544 through 457723, for \$575,577.98 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 2012, be approved.

Ordered that Warrant Nos. 457725 through 457739, for \$152,336.26 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending June 30, 2012, be approved.

Ordered that Warrant Nos. 457741 through 457760, for \$192,946.35 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 2012, be approved.

Ordered that Warrant Nos. 457762 through 457881, for \$1,747,391.07 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 2012, be approved.

Ordered that Warrant Nos. 457883 through 457899 for \$163,191.94 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending July 15, 2012, be approved.

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Ordered that Warrant No. 801696 through 801701 for \$48,274.97 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of June 2012, be approved.

- Ratified a resolution for the Declaration of a Local Emergency
- Ratified \$3,000 (\$1,500 from Western District & \$1,500 from Northwestern District) paid to Richlands Little League
- Ratified \$500 from Northwestern District payable to the Town of Richlands for fireworks
- Ratified \$3,000 from Northern District funds payable to Town of Pocahontas for grass cutting project at the Pocahontas Cemetery
- Ratified \$2,000 from Southern District funds and \$1000 from Northern District funds payable to Tazewell Little League Baseball
- Waived Cumberland Plateau Regional Housing Authority's payment in Lieu of Taxes in the amount of \$9,441.51 for fiscal year ending March 31, 2012 – HUD development.
- Approved a delinquent tax settlement with Ricky Boyd for \$6,500.00 and authorized the County attorney to approve settlement on behalf of the Board of Supervisors.
- Adopted a resolution requesting a safety study for Route 747 - reduction in speed / Old River Road Pocahontas
- Approved \$600 to renew the annual contract for Employee Ethics Hotline

- Approved a payment of up to \$30,000.00 to the Tazewell County Airport for eminent domain deposit, for property acquisition to construction drainage pond off site, on condition that the Board of Supervisors be reimbursed when grant proceeds are received.
- Adopted a resolution requesting repairs & guardrail to Loop Road - Falls Mills
- Library – Approved transfers:
 - \$150.00 from the Contingent Expenditures & Grant Acct. No. 91050-7041 to Library Accts. No. 7301-3099; \$25.00 to Account No. 7301-6012 & \$25.00 to Account 7301-6012 (donations received).
- Approved \$1,250.00 from Southern District funds & the remaining funds from Northern District funds to assist in the purchase of a pitching machine for Tazewell Softball Program (Spot Steele’s group).
- Approved \$250.00 from the Southern District - sponsorship of Greater Bluefield Chamber event.

VIRGINIA DEPARTMENT OF TRANSPORTATION – UPDATE

Conrad Hill, VDOT, Transportation Residency Administrator, Lebanon Office, presented an update on various highway projects in Tazewell County. He presented a written summary of on-going construction projects in the county, copy which is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651. He thanked Matthew Taylor, VDOT for his help in compiling the list for presentation to the Board.

Mr. Hill briefed the Board on the Hockman Pike Bridge Project in Bluefield. He said the bridge would be left as “pedestrian” traffic only. This bridge is adjacent to the Mayflower Restaurant entrance.

He announced the Burkes Garden Bridge Deck Replacement project would begin August 27, 2012.

Mr. Hill said the Route 651 to Route 655 project was awarded to Elk Knob, Inc. Pennington Gap, Virginia – at a price of \$1,238,479.00. The project is 1.50 miles grade, drain and asphalt pavement and 1.00 mile plant mix overlay.

Route 657/Laurel Creek Section - the beaver problem is subsiding.

The Revenue 2013 money has been approved. Each BOS will be requested to prepare a list of guardrails from each district for consideration and submit to VDOT.

Red Ash area/Pentecostal Church - Supervisor White requested that the culvert be cleaned out due to the fine gravel that has filled up the culvert.

Ivan Street – near Ray’s Self Storage near Bottom Road- Supervisor White requested that VDOT look at the drainage problem there. He said when it rains the area looks like a holding pond/lake.

Woodstone Drive – Supervisor Stacy would like the road to be considered for inclusion in the Secondary System/possibly under the Rural Rustic Road Program. VDOT will look at the road right-of-ways, width, etc. with the County staff.

Cedar Bluff Bridge – Supervisor Absher questioned necessary repairs to the bridge. Mr. Hill said the bridge approaches would be repaved.

Supervisor Hymes thanked Mr. Hill & VDOT for their mowing/trimming efforts – to alleviate safety concerns.

BOARD OF SUPERVISORS LIAISONS REPORT

Planning Commission – Supervisor Absher said there was nothing to report as a result of the July 12, 2012 Planning Commission meeting.

Industrial Development Authority – Supervisor White reported there was nothing new to report as a result of the last IDA meeting.

Emergency Services Committee – Supervisor Stacy reported the importance of the proposed Burn Building in the Richlands area for Tazewell County. Supervisor White said that the project is a regional concept and that the facility would make training a lot closer for county folks – other counties will use the facility as well and would benefit everyone.

Recreation Development Authority – Supervisor Brewster said VDOT needs to sign off on various projects with regard to the final issues for the Pocahontas Walking Trail/Revitalization Project.

POCAHONTAS TRAIL / TRANSPORTATION GRANT VDOT REQUESTED TO EXPEDITE OBLIGATIONS

Now, 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 requests the County Administrator to send a letter/resolution to the Virginia Department of Transportation asking that they expedite their bidding roles and expectations with regard the Pocahontas Walking Trail/Revitalization Project in order to make the Labor Day 2012 ground breaking efforts a reality. He requested the Town's historic context be noted, as well as the importance of the Town's annual events and the Town's revitalization efforts as well as their hard work and aspirations.

RAY HOWELL – ROSENBAUM/ AEP RIGHT OF WAY CONCERNS

Ray Howell, 1477 Rosenbaum Road (Abbs Valley) Bluefield, Virginia – voiced concern with regard to trees growing up in AEP/right-of-ways, causing the many outages county citizens has recently experienced. He challenged the Board of Supervisors to support his concerns and write a letter/resolution encouraging A.E.P. to take care of their ROW's in order to provide county citizens with more reliable electrical service.

AEP – REQUESTED TO INCREASE MAINTENANCE AND IMPROVE MONITORING OF RIGHT-OF-WAYS

Now, upon motion of Supervisor Brewster, 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 requests the County Administrator to write a letter to Appalachian Power Company encouraging increased maintenance and monitoring of AEP power line right-of-ways in Tazewell County.

TAZEWELL TKD ‘DAWG POUND’

Sensei Kasey Addair and Sensei Landon Hieatt, Tazewell Tae Kwon Do, spoke to the Board and thanked them for their donation of the custodial fees for the March 2011 tournament at THS. Ms. Addair said the tournament was a success with competitors from four states participating. She said event raised enough money to buy new traveling uniforms. In all, the Tazewell team won 25 first place metals, 28 second place metals and 15 third place metals and 4 out of 9, black belt champions of the day. She said her team; Tazewell Tae Kwon Do would be participating in St. Albans, WV Sept. 15, 2012 and are trying to raise enough money to charter a bus to finish the circuit in Coal Grove, Ohio on November 10. Ms. Addair provided the Board

with a news-paper article regarding the team's recent honors and awards. Chairman Hymes said it is always good to support the youth in our County.

THOMAS B. CHILDRESS – AEP INCREASE CONCERN

Thomas B. Childress, Peeled Chestnut, voiced concern about AEP's announcement to request a rate increase due to the recent winds storms. He requested that the Board take a stand and voice opposition to the rate increase. Both Chairman Hymes and Supervisor White echoed Mr. Childress's comments and said they were frustrated with AEP's continued, almost yearly rate increases causing additional financial hardships for county citizens.

LPN PROGRAM – TAZEWELL COUNTY SCHOOL BOARD

- COUNTY – LPN TASK FORCE RECOMMENDATION

Upon motion of Supervisor Brewster, seconded by Supervisor Absher and adopted by a vote of 4 to 1, with Supervisor White voting no, the Tazewell County Board of Supervisors hereby approves to fund the salaries and benefits, not to exceed the amount of \$168,000.00, for the Tazewell County School System's LPN Program for FY12-13, and with a Memorandum of Understanding (MOU) that the School Board continue to use their facilities and to administer the LPN Program for FY12-13.

Note: The not to exceed \$168,000.00 part of the motion was added following the last executive/closed meeting at the end of this meeting.

With regard to Supervisor White voting no, he said he was not against the LPN Program, but the \$168,000.00 was a lot of money and said there had to be some other way to continue with the Program. He said he wanted to go on record in support of the LPN Program, stating that he valued the LPN Program and its contributions to the area, but he thought the Board would be setting a bad precedent if the County funded the program, as well as setting a precedent that the County would fund additional school board cuts down the road. Supervisor Stacy agreed that he hoped the Board's motion would not open Pandora's Box, but also said he had faith in Supervisor Brewster and his recommendation to fund the program. Supervisor Absher said he agreed with all aspects of each board member's comments, but said the County need people working and most LPN graduates would work in Tazewell County.

APPOINTMENTS

Clinch Valley Community Action

Upon motions made seconded and duly passed, the Tazewell County Board of Supervisors hereby reappoints the following individuals to serve as members of the Clinch Valley Community Action, Inc. – Board of Directors, with a term commencing July 1, 2012 and expiring June 30, 2013 – (One (1) year term):

- Donald A. Neal – 1807 Lee Avenue, Bluefield, VA 24605 (Stacy, White)
- Mr. Bev Smith – PO Box 415, North Tazewell, VA 24630 (Hymes, Stacy)
- Mrs. Frances Meadows – 201 Henderson Street, Richlands, VA 24641 (White, Absher)

Community Services Committee – Dissolved

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 dissolves the Community Services Committee effective August 8, 2012 – due to the inactivity of said committee since its establishment. The Chairman recommended that thank-you letters be written to members of the committee.

Cumberland Plateau Planning District Commission

Upon motions made, seconded and duly passed, the Tazewell County Board of Supervisors hereby appoints the following individuals to serve as members of the Cumberland Plateau Planning District Commission with terms as set forth below:

- Don Buchanan, PO Box 1144, North Tazewell, VA 24630 (elected official – Town of Tazewell, VA) July 1, 2012 to December 31, 2012 (coincides with Mr. Buchanan's elected term of office) (Hymes, Absher)
- John Biggs, 201 Tower Street, Tazewell, VA 24651 (citizen – Town of Tazewell, VA) July 1, 2012 to June 30, 2013 (Hymes, Absher)
- Don Harris, PO Box 1026, Bluefield, VA 24605 (elected official – Town of Bluefield, VA) July 1, 2012 to December 31, 2012 (coincides with Mr. Harris's elected term of office) (Stacy, Absher)

Local Emergency Planning Commission (LEPC)

The Board of Supervisors recommended that the County Administrator meet with Dave White, Emergency Services Coordinator to determine the number of new

appointments/reappointments to the Local Emergency Planning Commission. This matter will be discussed at the September 4, 2012 meeting.

Emergency Services Committee (ESC)

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 reappoints Mike Alford, 108 Serenity Lane, Bandy, Virginia 24602 as a member of the Tazewell County Emergency Services Committee, effective July 1, 2012 and expiring June 30, 2014 - two (2) year term.

One northwestern district appointment (Tim Owens) was deferred to the September 4, 2012 regular meeting.

Tall Structures Appeals Board

One (1) appointment to the Tall Structures Appeals Board was deferred to the September 4, 2012 regular meeting.

Tazewell County Tourism Committee

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 appoints the following members to serve as members of the Tazewell County Tourism and Recreation Committee with terms effective July 1, 2012 and expiring June 30, 2014 (2 year term):

- Larry Davidson, 497 Myrtle Road, Tazewell, Virginia 24651 (Southern District) – effective immediately and expiring June 30, 2014 (2 year term). This appointment replaces the expired term of Ms. Sharon Peery. (Hymes, Absher)
- Tom Childress, PO Box 391, Pocahontas, Virginia 24635 (Brewster, Stacy)
- Joan Yates, Crab Orchard Museum & Pioneer Park, 3663 Crab Orchard Road, Tazewell, Virginia 24651 (Absher, Stacy)

Wireless Services Authority

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 reappoints Mike Watson, 112 Huffard Drive, Bluefield, Virginia 24605 to serve as a member of the Tazewell County Wireless Services Authority with a term commencing July 1, 2012 and expiring June 30, 2016.

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 reappoints Sam Kinder, 1129 Laurel Creek Lane (Tannersville), Broadford, Virginia 24316 to serve as a member of the Tazewell County Wireless Services Authority with a term commencing July 1, 2012 and expiring June 30, 2016.

STATE PARK RESOLUTION

The County Administrator continues to speak with the Department of Conservation and Recreation (DCR) concerning the County possibly qualifying as a State Park designation. He said DCR has stated that the County does not meet the land qualifications, but other options for county/park incentives might be available. He continues to work with DCR on the options.

ENTERPRISE ZONE ORDINANCE

The County Administrator and Supervisor White continue to review the areas to be considered for the Enterprise Zone. The ordinance will need to be approved by the end of the year, 2012.

RECYCLING EFFORTS

The County Administrator has planned a field trip Monday, August 13, 2012 for County & town folks interested in visiting the Raleigh County Recycling Center. The group will meet at 10:00 a.m. at the Bluefield Town Hall and go from there.

RECESS – TEN (10) MINUTES

The Chairman called for a recess of ten (10) minutes after which the meeting was duly reconvened.

BOARD CONCERNS –

NATURAL GAS PROJECT

Supervisor White discussed the recent news-paper articles concerning the natural gas project and stated that the articles are causing a lot of turmoil and are causing confusion between the County & the Town of Richlands. He said the County has been working on the project for four years and Mr. Dunford should get all the facts before commenting on the natural gas project. He said he would be glad to set down with Mr. Dunford and the PSA Board and go over the

proposed project. Supervisor White suggested that all press releases concerning the gas project go through the County Administrator. Chairman Hymes suggested that the County Administrator, pursuant to a meeting held with the IDA Chairman & County Attorney, be the staff in charge of the Gas Project Committee i.e. call & organize all future gas project meetings, notify all members PSA & IDA members etc. He said Doyle Rasnick, IDA Chairman plans to appoint someone from the Eastern District to serve on the Committee. The County Administrator will also notify the PSA & IDA members of his authority with regard to the Natural Gas Committee.

BID PROCESS

Supervisor White reported his recent attendance to a seminar that focused on bid solicitation. He suggested the County create a base for soliciting bids such as a regional concept. He said the County under utilizes the way they bid products.

BURN BUILDING – SEEK CONTRIBUTIONS FROM TOWNS

Supervisor White suggested that each town be requested to contribute funding for the proposed Burn Building – Training Facility in Richlands. He said he believes Russell and Buchanan County each plan to contribute \$25,000 towards the project. Supervisor White again reiterated the importance of the training center.

COUNTY WEBSITE TO BE REVAMPED

Supervisor Stacy recommended that the County's IT Department seek ideas to spruce up the County's website to include events for day trips, guided tours, local eateries, merchants, etc. An Attorney, David Smith continues to post beautiful places in Tazewell County and he would like to see the areas posted that could result in many visitors coming to Tazewell County.

FALLS MILLS FISHING CLUB

Upon motion of Supervisor Brewster, 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 \$3,000.00 from the Northern District fund, payable to the Falls Mills Fish Club – attn: Wade Lovell, for ground repairs, insurance and operating costs. 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.

SAFETY STUDIES ADOPTED FOR SUBMISSION TO VDOT

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 adopt the following resolutions:

- Adopted a resolution requesting VDOT to conduct a safety study for the purpose of erecting “Children at Play” signs on Westview Street, Route 1233, located in the Western District – a distance of one (1) mile
- Adopted a resolution requesting VDOT to conduct a safety study for the purpose of erecting “Children at Play” signs on Fill Street located in the Western District, Route 1234, a distance of .78 miles

Other Road Matters:

- Authorized the County Road Department to take the necessary actions to place “Children at Play” signs on Granny’s Road located in the Western District (Orphan Road)
- Requested the County Road Department to determine if Aztec Road is an orphan road
- Kennedy Drive – determine if the road is eligible for inclusion in the County’s Orphan Road Program and to consider holding a public hearing for same

PUBLIC HEARINGS – Road Matters

Now, 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 authorizes and directs the County

Administrator to advertise for the following public hearings regarding various road matters:

- Consideration of a resolution to hold a public hearing for vacation of an unnammed alley in subdivision near Raven
 - Consideration of a resolution to hold a public hearing to consider accepting Minotaur Street into the County Orphan Road System
 - Consideration of a resolution to hold a public hearing to consider vacating Toronto Street in Osborne Huffman Subdivision near Raven
-

VEHICLE POLICY- CELL PHONE USE

The County Attorney, Eric Young, reported that the National Transportation Safety Commission has recommended that individuals with Commercial Drivers Licenses (CDL's) not talk on cell-phones while driving commercial vehicles. The Board recommended that the County Attorney and County Administrator prepare a draft cell-phone use policy to be considered for inclusion in the County's current vehicle use policy. As a personal injury lawyer, Supervisor Stacy spoke and said this was the number one question posed when a person is involved in a vehicle accident and said the number of vehicle accidents tied to cell-phone use is enormous. This matter will be placed on the September 4, 2012 agenda for discussion.

**BANDY COMMUNITY CENTER –
\$2,000.00 NORTHERN DISTRICT**

Upon motion of Supervisor Brewster, 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 from the Northern District Fund, payable to the Bandy Community Center, attn: George Barnett – to assist with Labor Day activities & building maintenance. 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.

EASTERN DISTRICT FUNDS \$5000.00

- **BLUEFIELD VIRGINIA CHARGERS \$2,000.00**
- **GRAHAM YOUTH LEAGUE \$3,000.00**

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 amount of \$5,000.00 from the Eastern District fund, payable as set forth below, subject to legal review and subject to written requests by the aforementioned organizations. The County Administrator is hereby authorized and directed issue said warrants in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia:

- ▶ Graham Youth League - \$3,000.00

- ▶ Bluefield Virginia Chargers - \$2,000.00

NORTHERN DISTRICT FUNDS

\$750.00 – TO BLUEFIELD VIRGINIA LITTLE LEAGUE BASEBALL

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 amount of \$750.00 from the Northern District Funds, payable to the Bluefield, Virginia Little League Baseball – attn: Lori Hale to assist with the purchase of new uniforms – subject to legal review and approval. 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.

STUFF THE BUS PROJECT

- LABOR OF LOVE MISSION \$1,250.00

(\$500 NORTHERN, \$250 SOUTHERN & \$500 NORTHWESTERN)

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 following amounts from District Funds payable to the Labor of Love Mission, attn: Spot Steele – Stuff the Bus Project, PO Box 386, North Tazewell, Virginia 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:

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

YOUNG LIFE - \$750.00**NORTHERN DISTRICT**

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, subject to legal review & approval, the amount of \$750.00 from Northern District Funds, payable to Tazewell Young Life, PO Box 172, Tazewell, Virginia 24651 Attn: Susan Lee. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

POCAHONTAS LODGE NO. #240**VA CHIP PROGRAM \$1,600.00**

Upon motion of Supervisor Hymes, 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 amounts from district funds as set forth below, payable to Pocahontas Lodge #240, PO Box 61, Pocahontas, Virginia 24635 attn: VACHIP Program. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651:

- Eastern - \$500.00
- Southern - \$1000.00
- Western - \$50.00
- Northwestern - \$50.00

Supervisor Hymes said he attended the recent VACHIP presentation at Tazewell Middle School by Pocahontas Lodge and said the program was extremely beneficial.

TAZEWELL YOUTH FOOTBALL LEAGUE**\$3,000.00 – SOUTHERN DISTRICT**

Upon motion of Supervisor Hymes, 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 approves the amount of \$3,000.00 from the

Southern District Fund, payable to Tazewell Youth Football, Inc. PO Box 778 North Tazewell, Virginia 24630 attn: Danny Mullins. 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.

FOUR SEASONS YMCA - \$11,500.00
(\$10,000.00 SOUTHERN & \$1,500.00 NORTHERN)

Upon motion of Supervisor Hymes, 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 approves the amount of \$11,500.00 to the FOUR SEASONS, YMCA - \$11,500.00 – (\$10,000.00 Southern & \$1,500.00 Northern) payable to the Four Seasons YMCA, 106 Gratton Road, 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 24651.

TAZEWELL HIGH SCHOOL FOOTBALL BOOSTERS (\$2,000.00)
\$1,000 .00 SOUTHERN & \$1,000.00 NORTHERN

Upon motion of Supervisor Hymes, 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 approves the amount of \$2,000.00 (\$1,000.00 Southern District & \$1,000.00 Northern District) payable to the Tazewell High School Football Boosters - Field house Project, attn: Chris Blankenship. 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 checks by the Treasurer of Tazewell County, Virginia 24651.

BURKES GARDEN SCHOOL BUILDING
-- PAINT PROJECT

Supervisor Hymes confirmed with the County Attorney, Eric Young that the County is responsible for painting the exterior of the Burkes Garden Community Association, formerly; the

Burkes Garden School building. Once Ms. Green receives the quotes the project will commence. The project is estimated at approximately \$1,850.00.

EXECUTIVE/CLOSED SESSION

Upon motion of Supervisor Absher, 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 enters into an executive/closed meeting, pursuant to 2.2-3711, A (7) legal consultation involving the Tazewell County Fire and Rescue lease.

Now, 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 returns from the Executive/Closed Session, with Supervisor Hymes reading the following certification:

CERTIFICATION

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 Stacy, Brewster, Absher, White and Hymes

Nays: None

Absent: None

Absent during vote: None

**CONSIDERATION OF TAX EXEMPT STATUS FOR
SECOND CHANCE LEARNING CENTER – PUBLIC HEARING TO BE HELD**

Upon motion of Supervisor Stacy, seconded by Supervisor Absher 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 Administrator to advertise for a public hearing to consider tax-exempt status for the Second Chance Learning Center, once the property transaction is finalized.

ADJOURN

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

The next regular meeting is scheduled for Tuesday, September 4, 2012 at 6:00 p.m.

D. Michael Hymes, Its Chairman

By: rg

Adjourn time: 10:30 p.m.