

VIRGINIA: **AT A MEETING OF THE TAZEWELL COUNTY
BOARD OF SUPERVISORS AT A REGULAR MEETING
HELD DECEMBER 3, 2013 AT 6:00 P.M. IN THE
TAZEWELL COUNTY ADMINISTRATION
BUILDING, 108 EAST MAIN STREET, TAZEWELL,
VIRGINIA 24651.**

PRESENT: **JOHN ABSHER, CHAIRMAN
CHARLES A. STACY, VICE-CHAIR
D. MICHAEL HYMES, MEMBER
SETH R. WHITE, MEMBER
GARLAND ROBERTS, 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: WARREN HINKLE,
TAZEWELL COUNTY FREE PRESS; JIM TALBERT,
CLINCH VALLEY NEWS/RICHLANDS NEWS PRESS;
ANN ELGIN, BLUEFIELD DAILY TELEGRAPH;
PHILLIP KEENE AND LISA WARD, THE VOICE NEWSPAPER**

ABSENT: **NONE**

The Chairman, John M. Absher, called the regular meeting to order and presided with all members in attendance. He welcomed all those present. Supervisor Roberts gave the invocation which was followed by the Pledge of Allegiance to the US Flag.

AGENDA APPROVED AS AMENDED

Upon motion of Supervisor Roberts, 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 agenda format as amended.

MINUTES APPROVED

Upon motion of Supervisor Roberts, 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 November 12, 2013 meeting minutes as written.

The Chairman then welcomed visitor, House of Delegate Member, Will Morefield. The Chairman also recognized and welcomed his father, J.R. Absher who was in attendance. Mr. Absher served as a member of the Board of Supervisors from the mid to late 1980's.

EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor Hymes, seconded by Supervisor Roberts 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 to discuss the following matters:

- A-5 Prospective Business or Industry - where no previous announcement has been made involving Project Jonah.
- A-5 Prospective Business or Industry – where no previous announcement has been made – Western District
- A-5 Prospective Business or Industry – where no previous announcement has been made involving Project TM.
- A-7 Legal Contractual Matter related to costs involving health proposal
- A-7 Legal Consultation regarding Gas Well Assessment
- A-1 Personnel regarding one employee in Workforce Development
- A-7 Legal Matter – consultation with legal counsel regarding the Dental School M.O.U.

RETURN/CERTIFICATION/REPORT OF ACTION

Upon motion of Supervisor Stacy, 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 returns from the Executive/Closed Meeting, with Supervisor Hymes 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: Supervisor Roberts, Stacy, Absher, Hymes and White

Nays: None

Absent: None

Absent during vote: None

The Chairman announced that the Board would return to the Executive/Closed Session at the end of the meeting to finish the matters that were not addressed in the previous executive closed meeting.

ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING

PROJECT JONAH

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 authorizes and approves a letter of support to the Commonwealth of Virginia Tobacco Commission and the Virginia Coalfield Economic

Development Authority (VCEDA) for Project Jonah and include in the letter, Tazewell County's willingness to offer the Project, a grant from the Tazewell County Industrial Development Authority (IDA) equal to three (3) years of their real property and machinery tools tax payments to the County of Tazewell or \$1,000,000.00 whichever is greater.

SPECIAL PRESENTATIONS

COMMUNITY THANKSGIVING DINNER RECOGNITIONS

Supervisor Hymes welcomed Town of Tazewell, Chief of Police Cooper, Connie Roberts – Juvenile & Domestic Relations Court and Italian Village and presented a Meritorious Service Award to each of them for providing “good fellowship and a free community Thanksgiving Dinner to those in need on Saturday, November 23, 2013. Supervisor Hymes commended the group and stated that this type of fellowship and goodwill “is the kind of community we live in where we do for our own.” The group provided a free hot meal at the American Legion Building and delivered meals to those who were unable to get to the Legion Hall.

Supervisor Roberts then presented an additional Meritorious Service Award to the Lambert family, J.L. “Punky” Lambert and Mike Lambert and Big Daddy’s Restaurant for offering a free hot meal and good fellowship on Thanksgiving Day, November 28, 2013 to those in need. Supervisor Roberts stated that this was what Tazewell County folks do for Tazewell County.

Each group received a standing ovation for their meritorious service to the people of Tazewell County, Virginia.

DENNIS LEE – COMMONWEALTHS ATTORNEY

Supervisor Stacy welcomed Dennis Lee, Tazewell County Commonwealth Attorney to the meeting and recognized his efforts for receiving \$1.32 million dollars of forfeiture money for Perdue Pharma and for his two decades of outstanding service to the people of Tazewell County. Now, upon motion of Supervisor Stacy, seconded by 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 following resolution:

RESOLUTION
ON THE RECEIPT OF FEDERAL DRUG FORFEITURE MONEY BY
TAZEWELL COUNTY COMMONWEALTH'S ATTORNEY DENNIS HOWARD LEE

WHEREAS, Tazewell County Commonwealth's Attorney Dennis Howard Lee has served in that capacity for over 14 years; and

WHEREAS, Tazewell County Commonwealth's Attorney Dennis Howard Lee was appointed in 2001 as a Special Assistant United States Attorney by the United States Attorney John Brownlee to help prosecute the rise in drug cases in and around Tazewell County, Virginia; and

WHEREAS, Tazewell County Commonwealth's Attorney Dennis Howard Lee has federally prosecuted over 200 defendants for primarily narcotics trafficking and firearms related crimes which were either committed in or affected Tazewell County, Virginia; and

WHEREAS, beginning in 2003, Tazewell County Commonwealth's Attorney Dennis Howard Lee and members of his office assisted the United States Attorney's Office by prosecuting cases. This freed up the United States Attorney's Office after it took on a complex task of investigating and prosecuting Purdue Pharma for deceptive marketing of the drug OxyContin. Ultimately, Purdue Pharma was ordered to forfeit over \$600 Million Dollars and the Tazewell County Commonwealth's Attorney's Office received \$1.32 Million Dollars of this forfeiture; and

WHEREAS, Tazewell County Commonwealth's Attorney Dennis Howard Lee was reappointed by United States Attorney for the Western District of Virginia Timothy Heaphy in 2009, for a third time as Special Assistant United States Attorney; and

WHEREAS, The United States Attorney's Office in Abingdon was asked to investigate a pharmaceutical company named Abbott Laboratories, which investigation led to the forfeiture of \$198.5 Million dollars and a fine of \$500 Million Dollars. Because Tazewell County Commonwealth's Attorney Dennis Howard Lee and his office provided support in continuing to prosecute many of the narcotics trafficking and illegal firearms cases, the Tazewell County Commonwealth's Attorney's Office was awarded another \$1.3 Million Dollars in July, 2013; and

WHEREAS, The Tazewell County Commonwealth's Attorney's Office has so far used said monies to help support local law enforcement, the Tazewell County Drug Court, and other substance abuse prevention programs, among other things; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Tazewell County, Virginia hereby presents this resolution to Dennis Howard Lee for his completion of more than two decades of outstanding service to the people of Tazewell County and to the Commonwealth and hereby presents this resolution as an expression of the Board of Supervisors gratitude for his meritorious service.

CONSENT CALENDAR APPROVED

Upon motion of Supervisor Roberts seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present, and 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 presented as “Consent Calendar”. The 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:

Approved the following warrants as paid:

Payroll

Ordered that Warrant Nos. 138194 through 138249 and direct deposits totaling \$369,843.37 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending October 31, 2013, be approved.

Ordered that Warrant Nos. 138251 through 138307 and direct deposits totaling \$357,201.69 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending November 15, 2013 be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 463389 through 463537, for \$413,311.02 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of October 2013, be approved.

Ordered that Warrant Nos. 463539 through 463551, for \$134,278.60 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending October 31, 2013 be approved.

Ordered that Warrant Nos. 463553 through 463674, for \$238,078.07 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of November 2013, be approved.

Ordered that Warrant Nos. 463676 through 463820, for \$25,571.59 from the General Fund, covering operating expenses for the Election Officials for the month of November 2013, be approved.

Ordered that Warrant Nos. 463822 through 463835, for \$124,317.29 from the General Funds, covering payroll deductions for the various County agencies for the period ending November 15, 2013, be approved.

Handwritten

Ordered that Warrant No. 801817 through 801826 for \$58,631.72 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of October 2013, be approved.

- Approved coyote claims in the amount of \$500.00 as follows:
 - The amount of \$50.00 payable to Jimmy Cornett, Jr. 764 Daniels Road, Bandy, Virginia 24602 for 1 coyote killed with a muzzleloader on Nov. 15, 2013.
 - The amount of \$50.00 payable to John Kidd, Jr. 271 T.R. Barrett Rd. North Tazewell, Virginia 24630 for 1 coyote killed with a muzzleloader on Nov. 15, 2013.
 - The amount of \$50.00 payable to Rodney Ruble, 1477 Big Branch Rd. Bluefield, Virginia 24605 for 1 coyote killed with a trap on Nov. 9, 2013.
 - The amount of \$50.00 payable to Larry Davis, 2767 Sugar Grove Valley Rd. Harriman TN. 37748 for 1 coyote killed with muzzle loader on property Mr. Davis owns in Dicks Creek on Nov. 9, 2013.
 - The amount of \$50.00 payable to John Richardson, 313 Richardson Hollow Rd. Cedar Bluff, VA 24609 for 1 coyote killed with muzzle loader on Nov. 11, 2013.
 - The amount of \$50.00 payable to Danny White, 1754 Gose Mill Road, Tazewell, Virginia 24651 for 1 coyote killed with a rifle on Nov. 7, 2013.
 - The amount of \$100.00 payable to Lonnie Davis, 2146 Indian Paint Rd. Pounding Mill, Virginia 24637 for 2 coyotes killed with a muzzleloader on Nov. 7, 2013.
 - The amount of \$50.00 payable to Rodney Ruble, 1477 Big Branch Road, Bluefield, Virginia 24605 for 1 coyote killed with a trap on Nov. 1, 2013.
 - The amount of \$50.00 payable to Jack Hagerman, PO Box 223, Horsepen, VA 24619 for 1 coyote killed with a trap on Nov. 20, 2013.
- Approved to close county offices on December 18, 2013 from 11:30 a.m. to 1:30 p.m. for annual employee Christmas luncheon at Nuckolls Hall

- Ratified \$500.00 additional from Western District Fund to the Richlands High School Basketball Cheerleader – Sports Fund
- Ratified \$250.00 additional from Southern District Fund to the Town of Tazewell Community Thanksgiving – held Nov. 23, 2013
- Library Account – approved the amount of \$1,898.80 (\$898.80 Comcast Cable E-rate Refund and \$1000.00 donation from Norfolk Southern) from Account No. 91050-7041 to Library Accounts, No. 7301-5203 and 7301-3099 respectively.
- Approved \$1,298.44 from Southern District/Coal Road Fund No. 24-91030-8109-3 as amount due above the original contract for paving overages on Baugh’s Ridge Road.

BRIAN STANLEY – VIRGINIA DEPARTMENT OF HEALTH

¹Brian Stanley, Environmental Health Manager, CPHD, with the Virginia Department of Health updated the Board with regulations regarding VDH SHIFT (Safety and Health in Facilitating Transition). The greatest concern with the privatization of direct delivery service of the onsite sewage program was costs. The idea of added expenses to hire a private company to do onsite sewer determination, the Board felt would be detriment to people in the area may be considering building houses, as well as cost concerns for upcoming changes to Stormwater Management permit fees. Property owners disturbing one acre or more, the fees could reach \$2,700.00 – 28 percent of which would be returned to the State. The possibility of adding costly fees for prospective home builders would be disadvantageous to the county’s economy. A copy of the complete report in a form, as well as the list of questions that need to be addressed, as presented this evening, is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

¹ Following the December 3, 2013 meeting the Board approved the County Administrator to send a letter objecting to the new SHIFT Program –expressing concerns about privatization of on-site sewer programs in Tazewell County.

THS - MODEL GENERAL ASSEMBLY

\$2,500.00 (\$500 FROM EACH DISTRICT)

Following a request by Larry Hypes, Instructor at Tazewell High School and a presentation by Amanda Smith, THS student, and upon motion of Supervisor Hymes, seconded by Supervisor Roberts 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 \$2,500.00 (\$500 from each district fund) payable to the Tazewell High School – Model General Assembly, 167 Cosby Blvd. Tazewell, Virginia 24651. This money will be used to assist in the costs of paying for a bus and driver and other expenses associated with THS MGA students’ attendance to the Governor’s Inaugural festivities in the upcoming New Year. 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.

CHUCK SLEMPY – CITIZEN COMMENTS

GOVERNORS CAMPAIGN FOR ADOPTION

Charles “Chuck” Slempt, Wise County, Virginia, Commissioner of Accounts and a steering committee member of the Governor’s Statewide – Virginia Commission on Youth reported on The Governor’s Campaign for Virginia Adopts 1000 - an initiative intended to match 1000 children currently in foster care with adoptive families. There are currently 4000 children in foster care in Virginia and in 2012, 708 children were adopted. He said the foster care program does not always locate an adoptive family, and 25.5 percent of all children leave the system by aging out, becoming emancipated from foster care at age 18 without a safe and permanent family. Mr. Slempt said the Campaign has been successful and since January more than 800 across the State were adopted or matched with a family. He requested that the Board help spread the word with the important initiative because every child deserves a stable, loving and a secure home environment.

TIM HAAS – CITIZEN COMMENTS

Tim Hass, 2656 Tip Top Road, North Tazewell, Virginia 24630 wanted to know why VDOT placed a No Parking sign on the side of the road on a wide spot in Tip Top past Pyott Boone. He said he had always used the wide spot to park his vehicle to go hunting in the woods where he has permission to hunt, but the sign was placed there one day while he was hunting. He feels his truck will get toed if he parks there again. Mr. Hass also said that he called every VDOT office in the area, including Lebanon, but no one has returned his calls. He only wants an explanation as to why the sign was placed so abruptly. He said it took VDOT over a year to place a “school bus stop” near a blind curve. Mr. Hass further said he understood it was a politician involved in the placement of the no parking sign. The board requested that the County Administrator contact Conrad Hill with regard to Mr. Hass’s concern.

POCAHONTAS FIRE DEPARTMENT –**2014 POLARIS – ATV**

Tammy Buchanan representing the Pocahontas fire & rescue dept. was present and stated that the department obtained a quote from Outdoor Country in Cedar Bluff for \$14,175.00 for the purchase a 2014 Polaris 800 Ranger Crew, ATV. The fire department is willing to put up approximately \$8,000.00 to assist with the lighting, skid unit and trailer. The ATV will be used during emergency situations and as a rescue vehicle on the ATV Trail in Pocahontas. The Fire Department is seeking an additional \$15,000.00 from the County to assist with the purchase of same. The County Administrator has talked to Mike Davidson, Swampfox Motor Sports, Inc. and discussed ATV cost predictions with him.

Now, upon motion of Supervisor Roberts, 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 requests the Tazewell County Budget Committee to place the monies for the purchase of same in the FY2015 County Budget and should funds become available in FY2014 in the Fire Department Capital Outlay Account, the County Administrator is hereby authorized and directed to purchase same once he obtains three (3) quotes.

BOARD OF SUPERVISORS LIAISON'S REPORT

PLANNING COMMISSION

Supervisor Stacy did not have anything to report as a result of the November 14, 2013 Planning Commission meeting. The next meeting is scheduled for December 12, 2013. However, Supervisor White stated he would like to find out what Dominion Power's plans are with regard to the proposed wind towers. He suggested county officials obtain some feed-back on this topic during the up-coming legislative visit in Richmond. Supervisor Stacy agreed and said he was sure County folks would like to know Dominion's plans as well.

INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

Supervisor White said the IDA continues to work on many major projects. The IDA is waiting on funding news for the proposed Dental School; everything seems to be going well.

CUMBERLAND PLATEAU PLANNING COMMISSION (CPPD)

Supervisor White requested County officials to support and attend the VECEDA meeting on December 19, 2013 at 6:00 p.m. to represent Tazewell County's portion of the 4g project. He said all but 7 of the 4g network projects are very close to being complete. Monies are being sought to complete the 7 remaining towers.

SCHOOL BOARD

Supervisor Absher said there was nothing to report on behalf of the School Board.

RECREATION DEVELOPMENT AUTHORITY (RDA)

Supervisor Roberts reported no quorum was present for the last RDA meeting. Extension discussions were held on the ATV Trail in Pocahontas. Supervisor Roberts said he would like to see a spring 2014 ground-breaking ceremony.

AIRPORT AUTHORITY

Jerry McReynolds, Airport Manager was present requested that he is planning an educational visit at the Airport beginning in April 2014. All county towns, managers, councils, staff will be invited. He wants to showcase the Airport, placing an emphasis on the importance of the Airport as a “tool” to be used in economic development. One town each month will be invited with no order set at this point.

The County Administrator requested that the Airport Authority host an IDA meeting and invite Randall Burdett with the Dept. of Aviation to provide information on the importance of an Airport for Economic Development.

In other news, two businesses are being considered for the large and small hangar. A full report will be forthcoming.

AIRPORT MILEAGE & STIPEND

The Board then discussed the mileage reimbursement and a proposed stipend for members of the Airport Authority. The consensus of the Board was to allow the Airport Authority to pay from its budget, a stipend of \$25.00 per meeting attended and to reimburse mileage of 56.5 cents per mile to members traveling to and from Airport Authority meetings.

Now, upon motion of Member Roberts seconded by Member 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 offer the Airport Authority the opportunity to pay Airport Members from the Tazewell County Airport Budget, a stipend of \$25.00 per meeting attended, at a standard mileage rate for transportation or travel expenses at 56.5 cents per mile for all miles of business use (business standard mileage rate) mileage reimbursement.

PUBLIC SERVICE AUTHORITY

Supervisor Roberts said the PSA fire hydrant issue is resolved. An In-house study for Natural Gas should be available by January 2014. The bids on the Claypool Hill Wastewater Treatment Plan will be opened December 11, 2013.

APPOINTMENTS

SW VIRGINIA ALCOHOL SAFETY ACTION PROGRAM (VASAP)

Upon motion of Supervisor Stacy, 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 appoints Kathryn Mooney, Assistant Commonwealth Attorney, PO Box 946, Tazewell, Virginia 24651 as a member of the ASAP Policy Board governing SWVA Alcohol Safety Action Program, VASAP, for a term of two (2) years effective December 1, 2013 to December 1, 2015.

AIRPORT AUTHORITY

Upon motion of Supervisor Roberts, 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 appoints Debra Stockton, 15342 Grassy Spur Road, Bandy, Virginia 24602 to the Tazewell County Airport Authority, for a term effective immediately and expiring December 31, 2016 (3 year term). This term fills the expired term of Steven Rebkovich who resigned.

CPMT – BOS REPRESENTATIVE

Upon motion of Supervisor Stacy, 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 appoints John M. Absher, PO Box 1516 Cedar Bluff, VA 24609, as the BOS representative on the CPMT – Community Policy and Management Team, with a term commencing January 1, 2014 and expiring with his elected term of office.

CROOKED ROAD

One (1) appointment to the Crooked Road was deferred to the January 2014 organizational meeting.

CPPD

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 on one against the same, the Tazewell County Board of Supervisors hereby reappoints John M. Absher, to serve as a BOS Elected Official representative of the Cumberland Plateau Planning District Commission for a term effective immediately and expiring December 31, 2017 (coincides with elected term of office).

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, PO Box 541, Cedar Bluff, VA 24609 as a member of the Cumberland Plateau Planning District Commission for a term effective immediately and expires June 30, 2014.

One citizen member from the Town of Tazewell was deferred to the January 7, 2014 organizational meeting.

SOUTHWEST VA EMERGENCY COUNCIL, INC.

Upon motion of Supervisor Roberts, 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 appoints Mr. Rhudy Keith, 5759 Baptist Valley Road, North Tazewell, VA 24630 as a member of the Southwest Virginia Emergency Council, Inc., with a term commencing January 1, 2014 and expiring December 31, 2016.

EMERGENCY SERVICES COMMITTEE

Upon motion of Supervisor Stacy, seconded by Supervisor Roberts 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 D. Michael Hymes, PO Box 7, Tazewell, Virginia 24651, as a member of the Emergency Services Committee, with a term effective immediately and expiring December 31, 2017.

NEW RIVER HIGHLANDS RC & D COUNCIL

Upon motion of Supervisor Stacy, seconded by Supervisor Roberts 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 Jack Asbury, PO Box 139, Bluefield, Virginia 24605, as a member of the New River Highlands RC & D Council, for a term of one (1) year, commencing immediately and expiring December 31, 2014.

PUBLIC SERVICE AUTHORITY (PSA)

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 Richard Smith, 207 Terry Drive, Richlands, Virginia 24641, as a member of the Tazewell County PSA, with a term commencing immediately and expiring December 31, 2017 (4 year term).

DEPARTMENT OF SOCIAL SERVICES

Upon motion of Supervisor Roberts, 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 Robert "Spot" Steele, 4330 Witten Mill Road, North Tazewell, Virginia 24630 as a member of the Tazewell County Department of Social Services Board with a term effective January 1, 2014 with a term effective January 1, 2014 and expiring December 31, 2017.

DENTAL SCHOOL PROJECT – NOMINEES

Upon motion of Supervisor White, seconded by Supervisor Roberts 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 nominates the following individuals to serve as members of the Dental Project Inc., Board, with four (4) year terms, pursuant to the Dental School M.O.U.

- Seth R. White, PO Box 520, Richlands, Virginia 24641

- Charles A. Stacy, 518 Sable Lane, Bluefield, Virginia 24605
- Frank Barnes, PO Box 305, North Tazewell, Virginia 24630
- George M. McCall, PO Box 309, Richlands, Virginia 24641 (replacing Dr. Thomas Brewster who resigned)

CUMBERLAND MOUNTAIN COMMUNITY SERVICES BOARD

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 appoints Bobby Mullins, Jr. 319 Tazewell Ave. Richlands, VA 24641 as a member of the Cumberland Mountain Community Services Board of Directors, with a term commencing immediately and expiring December 31, 2014. This appointment fills the unexpired term of Mr. Iris Martin.

DONEES RESOLUTION ADOPTED

Upon motion of Supervisor Roberts, 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 following resolution:

RESOLUTION REQUIRING ACCOUNTABILITY BY DONEES

WHEREAS the Board serves as the stewards of public funds;

WHEREAS from time to time the Board donates funds to certain organizations for charitable purposes;

WHEREAS the Board desires that the organizations receiving public funds demonstrate that such funds are in fact used for such charitable purposes as the Board required;

NOW THEREFORE, BE IT RESOLVED,

That, effective immediately, any organization receiving donations from the Tazewell County Board of Supervisors in the amount of \$1,000.00 or more during any fiscal year shall provide to the County Administrator a written itemization of how such funds were spent, including written receipts from any vendors or contractors to whom such funds were paid by the organization. Such accounting shall be provided within ninety (90) days of the expenditure of

said funds. The terms of this resolution shall be incorporated into a grant agreement which shall be binding on the organization and shall provide that any funds not properly accounted for shall be returned to the Board.

The Board of Supervisors further directed the Accounts Payable Dept. to send a letter to all agencies/organizations receiving funds in the amount of \$1,000.00 or more a letter explaining same.

BLUESTONE OPEN HOUSE

The County Administrator announced that self-guided tours would begin December 6 at the Bluestone. Signs will be placed with the hours near the entrance and the media will be notified accordingly.

TAZEWELL COUNTY MAINTENANCE CODE –

IN HOUSE PLAN DEFERRED TO JANUARY 7, 2014

Due to the schedules of the County Administrator and Dave White, Code Enforcement Officer, the In-House Plan for the Tazewell County Maintenance Code was deferred to the January 7, 2014 regular meeting.

HAVA SYSTEM AND SPACE STUDY

TAZEWELL COUNTY COURTHOUSE

The County Administrator and Assistant County Administrator met with courthouse officials today and a plan will be made and presented to the Board with regard to the utilization of office space in the Courthouse as well as improvements to the HVAC System.

POCAHONTAS ATV TRAIL

The County Administrator said the DCR wanted some wording changed in the land agreement for the ATV Trail. He plans to meet with the SARA/Spearhead in hopes to get the agreement modified so SARA will sign.

FALLS MILLS SCHOOL/AASC ADULT CARE

The Assistant County Administrator stated that public meetings and other requirements are being followed with regard to a proposed Adult Care facility through AASC at the Falls Mills School.

ANNUAL LEGISLATIVE MEETING

The Annual Legislative Meeting is scheduled for January 15 and 16, 2014 in Richmond. All board members indicated their willingness to attend.

CHRISTMAS FOR CHILDREN – DECEMBER 16, 2013

OLD SKATING RINK

Supervisor Roberts announced that Santa Claus is coming to Pounding Mill on Saturday Dec 14, 2013 at All Seasons Indoor Flea Market (inside the old skating rink) from 11:00 am to 2:00 pm. He welcomed all children to the event.

EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor Roberts 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 Virginia Code Section, 2.2-3711:

- A-5 Prospective Business or Industry – where no previous announcement has been made – Western District
- A-5 Prospective Business or Industry – where no previous announcement has been made involving Project TM.
- A-7 Legal Contractual Matter related to costs involving health proposal
- A-7 Legal Consultation regarding Gas Well Assessment
- A-1 Personnel regarding one employee in Workforce Development

- A-7 Legal Matter – Consultation with legal counsel regarding discussion of Dental School/MOU

RETURN/CERTIFICATION/REPORT OF ACTION

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 returns from the Executive/Closed Meeting pursuant to Virginia Code, Section 2.2-3712:

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 Roberts, Stacy, Hymes, Absher and White

Nays: None

Absent: None

Absent during vote: None

Report of Action:

GAS WELL ASSESSMENT

Upon motion of Supervisor Hymes, seconded by Supervisor Roberts 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 the County Attorney to appeal the Equalization Boards decision regarding gas well assessments.

CANCER STUDY – UPDATE IN JANUARY

Supervisor Hymes stated that Ms. Smith from VA Tech should be ready to give the cancer study update at the January 7, 2014 organizational meeting in open session.

ANIMAL SHELTER UPDATE

Supervisor Hymes stated positive things are taking place at the Tazewell County Animal Shelter. He mentioned the need for updated by-laws for the purposes of obtaining grants and doing other positive things for the Animal Shelter to move it forward.

SCENIC RIVER STUDY – TOWN OF RICHLANDS

Supervisor White mentioned a letter received from the Town of Richlands regarding a study to see if the Clinch River qualifies for the scenic river status which would hopefully bring tourism and recognition to 6.2 river miles from east to the west of the Town of Richlands. The Town of Richlands indicated in the letter that the Town of Cedar Bluff might join the endeavor as well.

TAZEWELL BASKETBALL BOOSTERS

\$3,000.00 (\$1000 Northern & \$2000 Southern)

Upon motion of Supervisor Hymes, seconded by Supervisor Roberts 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 approves the following amounts from District Funds, totaling \$3,000.00, payable to the Tazewell High School Basketball Boosters, c/o Robin Elkins, President, 180 Barn Avenue, North Tazewell, Virginia 24630 to assist with the purchase of warm-ups for both the girls and boys basketball teams as well as bags for the boys teams. 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 check by the Treasurer of Tazewell County, Virginia:

- \$2000.00 from Southern District, Acct. No. 91800-5699-55
 - \$1000.00 from Northern District, Acct. No. 91600-5699-55
-

ABBS VALLEY ELEMENTARY SCHOOL – \$1,000.00

SEND TO TAZEVELL COUNTY SCHOOL BOARD/TRANSPORTATION, 209 WEST FINCASTLE, TAZEVELL, VIRGINIA 24651 ATTN: DR. MEYER

Upon motion of Supervisor Roberts, 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 \$1,000.00 from the Northern District Fund, Account No. 91700-5699-40, for the Abbs Valley Boissevain Elementary School, funding for transportation for the School Enrichment Program beginning in January 2014. This will assist in providing transportation services for the School Enrichment Program January to April, 2014. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action to the Tazewell County School Board, Transportation Dept. Attn: Dr. Meyer, 209 West Fincastle Turnpike, Tazewell, Virginia 24651, and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

LABOR OF LOVE MISSION – WHITE CHRISTMAS PROGRAM

\$1,500.00 (\$250.00 Western District, \$250.00 Eastern District and \$1,000 Northern District)

Upon motion of Supervisor Roberts, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,500.00 (\$250 Western, \$250.00 Eastern and \$1,000 Northern (91600-5699-32), payable to the Labor of Love Mission, White Christmas Program, Attn: Rene Steele, 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- \$945.91

TO CLOSE OUT NEGATIVE ACCOUNTS

Upon motion of Supervisor Roberts, 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 a transfer from the Northern District Account 91600-5699-24 in the amount of \$945.91 to close out negative accounts for the EMS Dinner, Scripps Spelling Bee Program and North Tazewell Elementary. The County Administrator is hereby authorized and directed to transfer these monies in accordance herewith.

THS PROJECT GRADUATION

\$1,000.00 SOUTHERN DISTRICT

Upon motion of Supervisor Hymes, seconded by Supervisor Roberts and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 from the Southern District Fund, Account No. 91800-5699-55, Tazewell High School Project Graduation, Attn: Melissa Whited, Treasurer, 578 Daniels Road, Bandy, Virginia 24602. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

RICHLANDS HIGH SCHOOL BASEBALL TEAM

\$1000.00 (\$500.00 WESTERN & \$500.00 NORTHWESTERN)

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1000.00 (\$500 Northwestern, 91700-5699-40 & \$500 Western, 91900-5699-40) payable to the Richlands High School Baseball Team, Attn: Adam Davis, 138 Tornado Alley, Richlands, VA 24641, to assist with the purchase of uniforms. 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.

RAVEN ELEMENTARY SCHOOL –

\$1,000.00 NORTHWESTERN DISTRICT FUND-

5TH GRADE TRIP

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 same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,000.00 from the Northwestern District Fund, 91700-5699-36, payable to the Raven Elementary School, 5th Grade Field Trip, attn: Brittany Sparks, 22 School Street, Raven, Virginia 24639. 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.

RAVEN THEATER

\$2,500.00 NORTHWESTERN

\$1,500.00 WESTERN

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$2,500.00 from the Northwestern District, Account No. 91700-5699-37 & \$1,500.00 from the Western District Fund, payable to the Raven Theater Project for continued construction of the project. The County Administrator is hereby authorized and directed to issue said warrant in accordance herewith and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

OAK LEAF DRAINAGE

Supervisor White requested that the County Administrator direct Matt Anderson, County Engineer to forward PSA sketches of the proposed Oak Leaf Street Drainage project to determine what the PSA could do in-house to assist with the project.

DIVINE STREET - VACATE ALLEY WAY

Supervisor Absher requested that the County Attorney proceed with taking the necessary actions, i.e. public hearings, etc. to vacate an alley-way on 192 Divine Street. Tex Salyers is the contact person.

**FALLS MILLS LAKE – VA TECH AQUATIC TEAM TO
STUDY HYDRILLA WEED**

Following explanation and a motion by Supervisor Roberts, 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 same, the Tazewell County Board of Supervisors hereby authorizes and directs the County Attorney to draft for execution, the necessary right of entry documents for property owners in Falls Mills Lake area, relative to a study by the Virginia Tech Aquatic Team to determine a solution regarding the choking of aquatic life in the Falls Mill Dam by Hydrilla Weed.

HISTORIC POCAHONTAS – TAX EXEMPTION CONCERNS

Supervisor Roberts voiced his opposition against the tax exemption the Board of Supervisors granted Historic Pocahontas this year. He said he did not like the Town of Pocahontas continuing to evade their tax debt when other people are paying their taxes even though they can't afford to. Supervisor Roberts said he believes Historic Pocahontas has robbed the Town of Pocahontas and the County for the last five years and wants the playing field leveled. He said the County shouldn't pass an ordinance or a law if it is not fair for everyone. He requested that the Board honor his request and rescind the ordinance.

Chairman Absher thanked fellow board members for their support and help during his tenure as Chairman of the Board of Supervisors. He said it was a pleasure to represent the Board and he enjoyed and was delighted in the time he served as Chairman.

ADJOURN

Now, there being no further business to be transacted and upon motion of Supervisor Stacy, 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 adjourns this meeting.

The organizational meeting is set for January 7, 2014 at 6:00 p.m.

John M. Absher, Chairman

By: RG