

VIRGINIA: AT A REGULAR MEETING OF THE TAZEVELL COUNTY BOARD OF SUPERVISORS HELD FEBRUARY 1, 2011 AT 6:00 P.M. IN THE TAZEVELL COUNTY ADMINISTRATION BUILDING, 108 EAST MAIN STREET, TAZEVELL, VIRGINIA 24651

PRESENT: DAVE R. ANDERSON, CHAIRMAN
D. MICHAEL HYMES, VICE CHAIRMAN
SETH R. WHITE, MEMBER
JOHN M. ABSHER, MEMBER (arrived at the meeting at approximately 6:08 p.m.)
JIM CAMPBELL, MEMBER
JAMES H. SPENCER, III – COUNTY ADMINISTRATOR
C. ERIC YOUNG, COUNTY ATTORNEY
PATRICIA GREEN, ASSISTANT COUNTY ADMINISTRATOR
RUTH GROSECLOSE, ADMINISTRATIVE ASSISTANT
MEMBERS OF THE PRESS: JIM TALBERT, CLINCH VALLEY NEWS/RICHLANDS NEWS PRESS; CHARLES OWENS, BLUEFIELD DAILY TELEGRAPH

ABSENT: NONE

The Chairman, Dave R. Anderson, called the regular meeting to order and presided.
Supervisor Absher arrived at the meeting at approximately 6:06 p.m.

Supervisor White gave the invocation with Supervisor Hymes leading those present in the Pledge of Allegiance to the US flag.

AGENDA APPROVED AS AMENDED

Upon motion of Supervisor Hymes, seconded by Supervisor Campbell and adopted by a vote of 4 to 0, with all members present and voting in favor thereof and no one against the same, and with Supervisor Absher absent from the meeting, the Tazewell County Board of Supervisors hereby approves the February 1, 2011 agenda as amended, to include an additional item to the

executive/closed meeting, pursuant to Virginia Code Section 2.2-3711 A(29) Bid evaluation involving Cavitts Creek Dam.

Further, upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Absher absent from the meeting and 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(1) Personnel Matter involving the County Engineer Dept; A(6), A(29), Contract negotiations with the Town of Richlands for Gas line MOU and A(29) Evaluation of a bid involving Cavitts Creek Dam.

Supervisor Absher arrived at the meeting at approximately 6:06 p.m. and entered the executive/closed meeting.

Now, upon motion of Supervisor White, seconded by Supervisor Anderson and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby returns from the Executive/Closed Meeting and adopts the following resolution read by Supervisor Hymes:

**CERTIFICATION
OF EXECUTIVE/CLOSED MEETING**

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

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

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

Ayes: Five (5) Supervisor Absher, Campbell, Hymes, White and Anderson
Nays: None (0)
Absent: None (0)
Absent during vote: None (0)

REPORT OF ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING
MEMORANDUM OF UNDERSTANDING

M.O.U.

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 Memorandum of Understanding Number 1, for a feasibility study for a Natural Gas Line in the Western District of Tazewell County, Virginia as revised in the Executive/Closed Meeting held this date and hereby further authorizes, empowers and directs the Chairman of the Board of Supervisors to execute the document on behalf of the Tazewell County Board of Supervisors. A copy of the M.O.U. once executed will be on file in the office of the County Administrator and a copy of same attached to these minutes and incorporated herein by reference.

FLOOD INUNDATION MAPPING PROJECT
BIDS REJECTED

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 rejects all bids received on the Flood Inundation Mapping Project and hereby authorizes and directs the County Administrator to re-advertise same by placing said ad for the Request for Proposals (RFP) with the State's Electronic Service and notifying the original proposers and other qualified firms by providing copies of the advertisement to them.

CONSENT CALENDAR APPROVED

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

Calendar. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

WARRANTS APPROVED AS PAID:

December 2010/January 2011

Payroll

Ordered that Warrant Nos. 133283 through 133358, and direct deposits totaling \$199,459.66 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending December 31, 2010, be approved.

Ordered that Warrant Nos. 133360 through 133437 and direct deposits totaling \$205,042.95 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending January 15, 2011 be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 450821 through 450959, for \$823,709.46 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of December, 2010, be approved.

Ordered that Warrant Nos. 450961 through 450977, for \$153,126.68 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending December 31, 2010, be approved

Ordered that Warrant Nos. 450979 through 451153, for \$1,475,523.09 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of January 2011, be approved.

Ordered that Warrant Nos. 451155 through 451172 for \$154,771.70 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending January 15, 2011, be approved.

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Ordered that Warrant Nos. 801552 through 801563 for \$941,745.74 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of December 2010, be approved.

COYOTE CLAIMS APPROVED

- \$50.00 to Gregory Rasnick, Jr. 206 Rasnick Rd. North Tazewell, Virginia 24630 for 1 coyote killed by a snare on January 16, 2010
- \$300.00 to Ray Howell, 1477 Rosenbaum Rd. Bluefield, VA 24605 for 6 coyotes killed on January 11, 2011 with a snare
- \$50.00 to Johnny Coleman, PO Box 1301 North Tazewell, VA 24630 for 1 coyote killed on January 12, 2011 with a vehicle
- \$150.00 to William Bandy, 231 Gillespie Road, Pounding Mill, VA 24637 for 3 coyotes killed on January 13, 2011 with a snare
- \$50.00 to George L. Brown, 5595 Dryfork Rd. Cedar Bluff, VA 24609 for 1 coyote killed on December 21, 2010 with a trap
- \$100.00 to George L. Brown, 5595 Dryfork Rd. Cedar Bluff, VA 24609 for 2 coyotes killed on January 3, 2011 with a trap
- \$50.00 to Randy Rose, 305 Canterbury Rd. Bluefield, VA 24605 for 1 coyote killed on December 29, 2010 with a snare
- \$100.00 to Phillip Linkous, 1093 Cochran Hollow Rd. Cedar Bluff, VA 24609 for 2 coyotes killed with a rifle on January 7 & 8, 2011 with a rifle
- \$300.00 to Phillip Linkous, 1093 Cochran Hollow Rd. Cedar Bluff, VA 24609 for 6 coyotes killed on January 15, 2011 with a snare/rifle
- \$50.00 to Jerry Ball, Earls Branch Rd. Cedar Bluff, VA 24609 for 1 coyote killed on January 17, 2011 with a rifle
- \$150.00 to Dillard Putman, PO Box 932, Bluefield, VA 24605 for 3 coyotes killed on January 18, 2011 with a snare

- \$50.00 to Patrick Akers, 851 Buckhorn St. North Tazewell, VA 24651 for 1 coyote killed on January 14, 2011 with a rifle
- \$150.00 to Stanley Roberts, PO Box 757 Pounding Mill, VA 24637 for 3 coyotes killed on January 12, 2011 with a rifle
- \$50.00 to Archie Kenneth French, 207 Salina Road, North Tazewell, VA 24630 for 1 coyote killed on January 3, 2011 with a rifle
- \$50.00 to Archie Kenneth French, 207 Salina Road, North Tazewell, VA 24630 for 1 coyote killed on January 20, 2011 with a snare
- \$100.00 to Alfred Webb, 244 Beachwood Ln. Tazewell, VA 24651 for 2 coyotes killed on January 5, 2011 with a snare
- \$50.00 to Jessie Asbury, 4025 Hogback Rd. Tazewell, VA 24651 for 1 coyote killed on Dec. 1, 2010 with a snare
- \$50.00 to Jessie Asbury, 4025 Hogback Rd. Tazewell, VA 24651 for 1 coyote killed on Dec. 9, 2010 with a snare
- \$300.00 to Jessie Asbury, 4025 Hogback Rd. Tazewell, VA 24651 for 6 coyotes killed on January 15, 2011 with a snare
- \$50.00 to Stephen Breedlove, 2906 Pounding Mill Road, Pounding Mill, VA 24637 for 1 coyote killed with a rifle on January 24, 2011
- \$150.00 to Russell Harrington, 157 Dailey's Chapel Rd. North Tazewell, VA 24630 for 3 coyotes killed on January 21, 2011 with a trap
- \$50.00 to Scotty Maxfield, 1230 Cavitts Creek Rd. North Tazewell, VA 24630 for 1 coyote killed on January 7, 2011 with a rifle
- \$100.00 to Norm Mullins, PO Box 1703 Cedar Bluff, VA 24609 for 2 coyotes killed with a trap on January 27 & 28, 2011 with a trap
- \$100.00 to Norm Mullins, PO Box 1703 Cedar Bluff, VA 24609 for 2 coyotes killed with a trap on January 29, 2011 with a trap
- \$100.00 to Norm Mullins, PO Box 1703, Cedar Bluff, VA 24609 for 2 coyotes killed with a trap on January 18 & January 22, 2011 with a trap
- \$50.00 to Norm Mullins, PO Box 1703, Cedar Bluff, VA 24609 for 1 coyote killed on January 7, 2011 with a trap

- \$100.00 to Phillip Linkous, 1093 Cochran Hollow Rd. Cedar Bluff, VA 24609 for 2 coyotes killed with a snare on January 21, 2011
- \$200.00 to Ronnie Shrader, 287 Mundy Town Road, North Tazewell, VA 24630 for 4 coyotes killed on December 19, 2010 with a trap
- \$250.00 to Ronnie Shrader, 207 Mundy Town Road, North Tazewell, VA 24630 for 5 coyotes killed on January 19 & January 20, 2011 with a trap
- \$100.00 to Ronnie Shrader, 207 Mundy Town Road, North Tazewell, VA 24630 for 2 coyotes killed on January 14, 2011 with a trap
 - Animal Friendly License Plate Funding from DMV ratified \$315.00 to County organization(s) supporting dog/cat sterilization (PET HAVEN)
 - Ratified \$27,815.28 to the Sheriff's Dept. to purchase one (1) four-wheel emergency vehicle from Account No. 91050-7008 Capital Projects Contingency Fund.

EMERGENCY OPERATIONS PLAN 2010 –
PRESENTATION BY DAVE WHITE,
EMERGENCY SERVICES COORDINATOR

Dave White, Tazewell County Emergency Services Coordinator for Tazewell County, gave a brief update on the revised Emergency Operations Plan for 2010. The EOP Plan is a legal and organizational basis for Emergency Operations in Tazewell County and must be updated every five years. It is the responsibility of Tazewell County to have trained and knowledgeable personnel to execute the EOP. All personnel shall complete NIMS and ICS training and the ESC Director (County Administrator) and Coordinator are responsible for the development, administration and maintenance of a comprehensive training and exercise program to fit the needs of Tazewell County. Mr. White stated that training and mock exercises are required annually and all appropriate officials, emergency response personnel and appropriate county employees are required to participate in the mock exercises. Any deficiencies identified by the exercise will be addressed immediately.

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

approving the REVISED EMERGENCY 2010 OPERATION PLAN FOR TAZEWELL COUNTY, VIRGINIA

WHEREAS, it is the responsibility of the Tazewell County Board of Supervisors to maintain an effective operational government during emergency conditions; and

WHEREAS, Tazewell County is subject to natural and man-made disasters; and

WHEREAS, the Tazewell County Board of Supervisors has directed the Tazewell County Coordinator of Emergency Services to develop and maintain a County wide Emergency Operations Plan (EOP); and

WHEREAS, such a Plan provides for an organized and coordinated response to emergency situations; and

WHEREAS, the Tazewell County Operations Plan (EOP) was updated in 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Tazewell County Board of Supervisors do hereby adopt the revised Emergency Operations Plan (EOP) for Tazewell County, Virginia; and

FURTHER, BE IT RESOLVED that all county, state and federal agencies and all local, state and National Emergency Services oriented organizations have cooperated in the updating and revision of this Emergency Operation Plan (EOP) for Tazewell County, Virginia.

TAZEWELL CARILION COMMUNITY HOSPITAL –
STUDY PRESENTED BY RANDY SWATZYNA- CEO

The Chairman welcomed Randy Swatzyna, CEO of Tazewell Carilion Community Hospital to the meeting. Mr. Swatzyna presented the conclusions of a study of the hospital. An independent consultant prepared the study. The study concluded that the emphasis must shift to outpatient services and reduce, but not eliminate patient care.

Following is a summary of proposed outpatient, inpatient and emergency care at Tazewell Carilion Community Hospital:

- Combine emergency department/hospitalist program, allowing for a more consistent delivery of quality care with enhanced expertise at the bedside
- Upgrade imaging services, including a new CT Scanner, and electronic picture archiving equipment
- Hospital remodeling for clinic care and mid-level providers and rotating specialists

- Merge intensive care unit and medical/surgical unit
- Cost-saving measures not related to patient care include closing the hospital cafeteria and assessing how to best provide patient dietary services

Mr. Swatzyna said it was very difficult to lose service, but in order to keep the hospital open, alternate measures must happen. He reiterated the importance of community understanding and support in order for the plan to work. The changes will take place over an 18-month period and Carilion proposes to invest approximately \$2 million in facility and equipment upgrades.

Supervisor Campbell thanked Mr. Swatzyna and said he thought the plan was good and he liked the idea of bridging the gap between the emergency department physicians and the physicians on the floor. He commended Mr. Swatzyna and thanked Carilion for allowing county citizens to continue receiving local hospital care as well as keeping people employed.

Supervisor Hymes reiterated Mr. Campbell's comments and said he was excited about getting the closure issues behind him. He said it was the county's goal to support local businesses through the County's IDA and offered the County's support in moving the new plan forward.

CITIZEN COMMENTS

UNSCHEDULED

Supervisor Hymes briefly addressed the Board of Supervisors intent to revisit the County's current coyote ordinance. Supervisor Hymes, Supervisor White as well as the County Attorney will serve as a committee to work with Farm Bureau representatives to discuss changes to the proposed ordinance. A public hearing on the proposed amendments to the ordinance is planned for this spring.

Ray Howell, Chairman of the Tazewell County Safety Commission spoke from the audience and said the TCSC is taking a progressive approach with regard to county highway projects. He said the Commission continues to oppose closure of the Tazewell Residency and recently forwarded to Cumberland Plateau Planning District the Commission's recommendations regarding top priority highway projects for the Long-Term Transportation 6-year Plan. TCSC Member Heldreth was also present and echoed Mr. Howell's comments. Chairman Anderson thanked Mr. Howell and Mr. Heldreth for their excellent work.

Dallas Sparks, 163 Blackberry Lane, Tazewell, Virginia 24651 thanked Chairman Anderson for giving him a ride to Richmond on Jan. 31. He urged the Board of Supervisors to enact zoning for Tazewell County as quickly as possible within the guidelines of state and local regulations to avoid state intervention.

APPOINTMENTS

Tazewell County Airport – Upon motion of Supervisor Absher, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby reappoints Wayne Thompson, 163 Katelyn Drive, Cedar Bluff, VA 24609 as a member of the Tazewell County Airport Authority, with a term commencing immediately and expiring December 31, 2013 (three (3) year term).

One (1) Airport Authority appointment (Steven Rebkovich) was deferred.

Library Board - Upon motion of Supervisor Campbell, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby reappoints Ms. Veronica S. Daugherty, 6047 Abbs Valley Road, Bluefield, VA 24605 as a member of the Tazewell County Library Board of Trustees, with a term commencing immediately and expiring January 31, 2015 (four (4) year term).

New River Highlands RC & D Council –

Upon motion of Supervisor Anderson, 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 reappoint Jack Asbury, PO Box 139, Bluefield, VA 24605 to the New River Highlands RC & D Council for a term of one (1) year, commencing immediately and expiring December 31, 2011.

Tazewell County Tourism Committee - Upon motion of Supervisor Anderson seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints Mr. Mickey Vance, 302 Ridgeway Drive, Bluefield, VA 24605 as a member of the Tazewell County Tourism Committee with a term effective immediately and expiring June 30, 2013. This appointment replaces Dr. Don Scott who resigned.

EMERGENCY SERVICES COMMITTEE RECOMMENDATION

\$10,000 APPROVED FOR STOCKING

COUNTY HAZMAT TRUCK

Following a recommendation from the Emergency Services Committee and upon motion of Supervisor Campbell, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$10,000 from the Fire Capital Outlay Account No. 32010-8109 for the purpose of stocking the Hazmat Truck with necessary equipment as presented by the Tazewell County Emergency Services Committee, as well as painting/lettering the truck as CO. HAZMAT and further that the truck be housed at the Tazewell County Fairgrounds/County Garage to be used countywide.

Supervisor Campbell expressed desire for the county to continue looking into vehicle needs for emergency services.

MOUNT VISTA COURT - ORDINANCE OF VACATION

ADOPTED

Pursuant to a public hearing held on the 11th day of January 2011 and upon duly advertised notices to the public and notice to the adjacent property owners as required by statute, and upon motion of Supervisor Anderson, seconded by Supervisor Absher and adopted by a vote of 3 to 0, with Supervisor Hymes and Supervisor Campbell abstaining from the vote, the Tazewell County Board of Supervisors hereby adopts the following ordinance, vacating a portion of Mount Vista Court, pursuant to Section 15.2-2272 of the Code of Virginia, (1950), as amended:

WHEREAS, pursuant to §15.2-2272 of the Code of Virginia, (1950), as amended, any subdivision plat or part thereof of may be vacated by ORDINANCE of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies;

WHEREAS, it has come to the Board's attention that a private fence has been erected within the public right of way along Mount Vista Court; and

WHEREAS, it appears to the Board that requiring that the fence be moved would not be in the best interests of the public; and

WHEREAS, it appears to the Board that *in lieu* of requiring that the fence be moved the public interest would best be served by requiring the owners who erected the fence to purchase the public right of way enclosed by the fence for the assessed value thereof in exchange for vacation of the that portion of the public right of way and to then apply the proceeds therefrom to improving said road; and

WHEREAS the Board has duly advertized its intent to do so, setting forth the description of the portion of the map to be vacated and stating the time, date, and place of the public hearing before the governing body, after which the adoption of the ordinance was to be voted upon, was duly published on the 22 day of December 2010 and the 29 day of December 2010 in the Bluefield Daily Telegraph newspaper having general circulation in the County in which Mount Vista Court is located, all as required by §15.2-2272 of the Code of Virginia, (1950), as amended; and

WHEREAS, the Board finds that the requirements for vacation of portions of the plat as contained in §15.2-2272 of the Code of Virginia, (1950), as amended, have been met;

NOW THEREFORE BE IT ORDAINED, that the Board hereby adopts and approves the following Ordinance, vacating a portion of Mount Vista Court pursuant to §15.2-2272 of the Code of Virginia, (1950), as amended:

The Board does hereby **ORDAIN** That portion of the northern end of Mount Vista Court lying more than eight (8) feet west of the center line of Mount Vista Court, beginning at the Southeast corner of lot number 42 running north to the north eastern corner of lot 40, containing approximately 4,121 square feet or 0.0946 acres, is hereby vacated pursuant to §§15.2-2272 of the Code of Virginia, (1950), as amended; and

Be it further **RESOLVED** that this vacation is conditioned upon the sum of ONE THOUSAND, ONE HUNDRED AND SEVENTY FIVE DOLLARS (\$1,175.00) being paid to the County of Tazewell, pursuant to Section 15.2-2008 of the Code of Virginia; and

Be it further **RESOLVED** that the County Attorney hereby is directed to record this ordinance in the Tazewell County Circuit Court Clerk's Office listing Michael T. Hegstrom and Stephanie Hegstrom, the owners of parcels 041A0020, 0040, 0041 as Grantees upon receipt of

the above referenced payment; such recording shall be conclusive proof that said payment was received by the County; and

Be it further **RESOLVED** that the proceeds shall be transferred in the Eastern District roads fund for improvement of the remainder of Mount Vista Court.

It is so **ORDAINED** by the Board on this the 1st day of February 2011.

RECORDED VOTE: 3 to 0

MEMBERS PRESENT: Absher, Campbell, Hymes, White and Anderson

MEMBERS ABSENT: None (0)

AYES: Three (3)

NAYS: None (0)

ABSTENTIONS: Two (2) Supervisor Campbell and Supervisor Hymes

VACO's – REQUEST FOR SPECIAL ASSESSMENT (\$3,000.00)

DEFERRED

VACO's request for Special Assessment for \$3,000 was deferred to the March 1, 2011 regular meeting. This issue involves protecting the current burden of proof process in real estate and property assessment appeals. If new legislation is passed, the costs of appeals will be shifted to localities. VACo is requesting each County to consider a special assessment of at least \$3,000 to help with costs associated with protecting the current standard of proof in real estate and property assessment. The Board requested that the County Administrator check the status of the proposed legislation (bill) as well as determining neighboring county participation.

ZONING COMMUNITY MEETINGS

Member White gave a brief update on the three (3) zoning workshops held in the communities of Baptist Valley, Thompson Valley and at Southwest Virginia Community College (SWCC). The zoning workshop scheduled for Springville Elementary School was cancelled due

to inclement weather. The Springville zoning workshop will be rescheduled and publicly announced. According to Supervisor White and Absher, the most disapproval of the zoning proposal came from county farmers. Supervisor White encouraged continued community input and requested that Planning Commission members be involved in the zoning process and community meetings. Supervisor White reiterated that the intent of the zoning ordinance was not to restrict people's rights, but to protect them. It was further noted that County staff as well as least five (5) community meetings in various areas of the County, Jewell Ridge, Burkes Garden, etc. The Board of Supervisors also requested that members of the Tazewell County Farm Bureau be included in the zoning process as well.

TOURISM ZONES UPDATE

Chairman Anderson mentioned the need to move forward with Tourism Zones for Tazewell County, particularly in combination with the Spearhead Trail in the Northern District. He said the board needed recommendations with regard to areas for Tourism Zone incentives as well as costs. The County Administrator, in conjunction with this topic, mentioned the proposal for Tazewell County welcome signs. Supervisor White stated that the Tourism Committee is prepared to present several options regarding the welcome signs to the Board of Supervisors at the March 1, 2011 meeting. Supervisors Hymes said he wanted to see a logo contest among schoolchildren and county residents, similar to the contest for the County seal (exempting commercial businesses). The Board agreed to appoint Supervisor Hymes and Supervisor Campbell to the Tourism Zone Committee to come up with reasonable locations for Tourism Zones as well as costs involved.

CANCER LETTERS TO STATE & FEDERAL OFFICIALS

Supervisor Campbell requested that the County Administrator proceed with letters to State Legislatures and Federal officials asking for cancer studies/statistics in Tazewell County. He also requested letters of receipt/acknowledgments apply as well. Supervisor Campbell reiterated his pro-active approach in obtaining information about the many cancer victims in Tazewell County, especially among the youth. Supervisor Hymes concurred with Supervisor Campbell's comments noting the need for responses.

REDISTRICTING UPDATE

Supervisor White announced that the newly established Tazewell County Redistricting Committee would conduct its first meeting February 10, 2011 at 5:30 p.m. in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia. The committee will meet to elect a Chairman, Vice Chairman and Secretary.

GIS RFP INTERVIEW 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 Supervisor Anderson and Supervisor White GIS committee to work with the County Administrator and staff to rank, evaluate and study the RFP-Professional Consulting Services for updates to the County GIS System, Maintenance of the County's GIS System, the Redistricting of Tazewell County's Voting Districts and other GIS related projects that may arise during the term- and based on the ranking, the GIS Committee is hereby authorized to go forward and enter into a non-exclusive agreement with the highest ranked firm, on behalf of the Tazewell County Board of Supervisors.

EQUIPMENT AND OPERATORS BID (MAINTENANCE CONTRACT)

TAZEWELL COUNTY & TAZEWELL COUNTY PSA

The County Administrator, Jim Spencer, reported that the County solicited bids from interested firms to furnish equipment together with operators, labor and necessary supervision to perform various projects throughout Tazewell County on an as needed basis, for a contract term of twelve (12) months. The County received three (3) bids; Eric Gardner; Bailey & Wells, Inc. and Hunter Paving, Inc. Gardner was the lowest responsive bidder. Gardner bid is as follows:

1. S/ A Dump Truck W/Operator	55.00 per hour
2. Tandem Dump Truck W/Operator	75.00 per hour
3. EX-160 Trac-hoe W/Operator	85.00 per hour
4. EX-160 Trac-hoe W/3,000lb. Breaker	120.00 per hour
5. 4X4 Pickup Truck W/Operator	28.00 per hour
6. Chain Saw 16" to 20" Blade W/Operator	28.00 per hour
7. Foreman	28.00 per hour
8. Skilled Laborer	18.00 per hour
9. Unskilled Laborer	17.50 per hour
10. 4X4 Backhoe 16'	55.00 per hour
11. Vibratory Roller 15,000lb. W/Operator	40.00 per hour
12. Boom Truck	80.00 per hour
13. Mower Tractor W/Operator	50.00 per hour

Now, upon motion of Supervisor Campbell, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby accepts and awards the FY2011 Maintenance Contract for Equipment and Operators to Gardner, Inc. PO Box 111, Vansant, VA 24656 to perform various projects throughout Tazewell County, Virginia on an as needed basis. The bid as submitted shall include the hourly rate for each piece of equipment (including fuel) as well as its operator, mobilization to and from the site, and supervision. The terms of the contract will be for 12 months, effective immediately.

HB 2367 THE VERIZON TELECOM BILL –
RESOLUTION OPPOSED

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 adopts a resolution opposing HB 2367, the Verizon Telecom Bill. The legislation, if passed, “would allow telecom companies to raise rates and skimp on telephone line maintenance, meaning Virginia customers could end up paying more and getting less service.”

HB 1766 METH LAB PENALTIES –
RESOLUTION OF SUPPORT

Upon motion of Supervisor Campbell, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves a resolution in support of HB 1766 METH LAB PENALTIES.

HB 884 AND SB 1340 –
ELECTION LEGISLATION

Upon motion of Supervisor White, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts a resolution supporting Senate Bills 884 and 1340 permitting the County to purchase replacement DRE voting machines and additional DRE voting machines as needed to supplement our current inventory; so that all voters throughout the County use the same equipment and that election workers may continue to use equipment with which they and the voters now are familiar.

HB 1588

The County Administrator reported on HB 1588. This issue involves protecting the current burden of proof process in real estate and property assessment appeals. If new legislation is passed, the costs of appeals will be shifted to localities. VACo is requesting each County to consider a special assessment of at least \$3,000 to help with costs associated with protecting the current standard of proof in real estate and property assessment. The Board requested that the County Administrator continuing checking the status of the proposed legislation (bill) and reach out to Delegate Morefield for help. According to the present status of the bill, it was sent to the House for amendments.

CAMP 31 –

D.O.C. FACILITY

Supervisor White stated that he spoke to Delegate Will Morefield and encouraged his support relative to Tazewell County's request for the State/DOC to convey the Camp 31/DOC facility to Tazewell County.

JEWELL RIDGE COMMUNITY –

CONVENIENCE AREA

Supervisor White reported that the County Attorney, Eric Young continues to do title work on the proposed convenience area in Jewell Ridge.

RESOLUTION –

APPROVING FUNDING SERIES 2003D, A PORTION OF THE PROCEEDS OF WHICH REFUNDED THE COUNTY OF TAZEWELL, VA – GENERAL OBLIGATION SCHOOL BONDS, 1993 SERIES C AND REFUNDING SERIES 1994;...

Consideration of adopting a resolution authorizing the execution of a "CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE VA PUBLIC SCHOOL AUTHORITY OF ITS SCHOOL FINANCING BONDS (1997 RESOLUTION) REFUNDING SERIES 2003 D, A PORTION OF THE PROCEEDS OF WHICH REFUNDED THE COUNTY OF TAZEWELL GENERAL OBLIGATION SCHOOL BONDS, 1993 SERIES C AND REFUNDING SERIES 1994 A; AND AUTHORIZING ANY OTHER ACTIONS NECESSARY TO ACHIEVE THE OBJECTIVES CONTEMPLATED HEREBY" was tabled. The Board felt they needed additional information as well as a time-line for the adoption of same. The County Administrator was requested to contact the School Board with regard to the time-line as well as requesting that the County Attorney review the resolution documents with the Bond Attorney and give an opinion on the matter accordingly.

\$22,096.00 to EMATS, PO BOX 40, CEDAR BLUFF, VA – 24609

AS MEMORANDUM OF CORRECTED ASSESSMENT BY THE COMMISSIONER OF THE REVENUE

The County Attorney, Eric Young received a letter from Emma Hagy, Commissioner of the Revenue, requesting that a corrective assessment be made to EMATS, Inc. PO Box 40,

Cedar Bluff, VA 24609, in the amount of \$22,096.00, pursuant to VA Code Section 58.1-3918. The Commissioner of Revenue made an excessive abatement on EMATS, Inc. on January 3, 2011 for the tax year 2007, as a result of EMATS failing to file a Return of Business Tangible Personal Property with the Commissioner of the Revenue.

Now, upon motion of Supervisor Absher, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves an adjustment/corrected assessment in the amount of \$22,096.00 payable to EMATS, INC. PO Box 40, Cedar Bluff, VA 24609. A copy of the letter submitted by Emma Hagy is set forth below and incorporated herein by reference:

January 27, 2011

Mr. Eric Young
County Attorney
110 East Main Street
Tazewell VA 24651

Dear Eric:

This office made abatement in the name of Emats, Inc. January 3, 2011 for the tax year of 2007. The reason for abatement is that Emats, Inc. failed to file a Return of Business Tangible Personal Property with this office. Pursuant to the Code of Virginia Section 58.1-3519 if the taxpayer fails or refuses to file such a return with the commissioner of the revenue within the time prescribed, the commissioner of the revenue shall place a statutory assessment on the books as if it was reported to her. A statutory assessment was made for the tax year 2007. December 29, 2010 Emats filed their return with this office for 2007. My statutory assessment was excessive of what Emats reported. An adjustment was made to show the proper amount of assessment as reported by Emats.

Sincerely,

Emma N Nagy
Commissioner of the Revenue

**BUILDING INSPECTOR'S POSITION –
UPCOMING VACANCY**

Supervisor Absher stated he was not aware of the upcoming vacancy of County Building Official and requested that he and Supervisor White be involved with the screening and interview process for the position.

Supervisor Campbell commented on the vacancy and requested that the County Administrator email the Supervisors when county positions become available.

RICHLANDS YOUTH BASEBALL PROGRAM

\$500.00 WESTERN DISTRICT

\$500.00 NORTHWESTERN DISTRICT

Upon motion of Supervisor Absher, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 from the Western District Recreation Fund and \$500.00 from the Northwestern District Recreation Fund (\$1,000 total), payable to the Richlands Youth Baseball 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.

ADRIA CONVENIENCE AREA

Supervisor Campbell questioned the status of the convenience station for the Adria community. The proposed location is at the face of Lake Jack Witten/Cavitts Creek Dam. The County Administrator reported that he is waiting on comments from the Department of Recreation and Conservation (DCR) with regard to the proposed site. Supervisor Campbell requested that the County Administrator stay at the forefront of the project.

SHERIFF RESPONSE

Supervisor Campbell stated that he felt he should independently, or the Board as a whole, proceed with a response to the Sheriff with regard to his recent newspaper articles on the subject of reelection and local government accusations.

TAZEWELL HIGH SCHOOL PROJECT GRADUATION \$500 NORTHERN
GRAHAM HIGH SCHOOL PROJECT GRADUATION \$500 NORTHERN

Upon motion of Supervisor Campbell, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1000.00 from the Northern District Recreation Funds, with \$500.00 payable to the Graham High School Project Graduation and \$500.00 payable to the Tazewell High School Project Graduation. 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.

SALES TAX RECOUPMENT STATUS

Supervisor Hymes requested the status of the collection of sales tax recoupment overpayments and the allocation of same into various district funds. Assistant County Administrator stated that she would check on the status and inform the Board at their March 1 meeting.

TAZEWELL BOMBER'S /TAZEWELL LITTLE LEAGUE
TRAVELING BASEBALL TEAM, 9-10 YEAR OLD

Upon motion of Supervisor Hymes, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$1,400.00, to the Tazewell Little League for the Tazewell Traveling Bomber's 9-10 Year Old Baseball Team, c/o John Boothe, Jr. Tazewell, Virginia 24651 (Sentinel Bank) payable as follows from District Funds as set forth below. 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:

Southern District	\$ 300.00
Western District	300.00
Northwestern District	300.00
Eastern District	200.00
Northern District	<u>300.00</u>
	\$1,400.00

REGULAR MEETING AGENDA CUT-OFF

REQUESTED

Supervisor Hymes mentioned the need to have a cut-off date for placement of additional items on the regular monthly agenda. He reiterated the need for the board to be prepared to make decisions on county matters and the board could not make good judgment on last minute items. Supervisor Campbell used the school board bond item as an example. The Board agreed to a 5:00 p.m. deadline on Friday before the regular meeting as the date for supplementary agenda items.

BID PROCESS – ELECTRONIC VIRGINIA (eVA SITE)

Supervisor White requested that the County use eVA (Electronic VA) as the site to place all county bids. He said the broader the advertisement the more responses the county would receive. The board agreed to allow the County Administrator to look into costs for utilizing the eVA website for advertising bids, etc. as well as the County Administrator drafting bid advertisement guidelines to be presented to the Board at their March 1 regular meeting.

SCHOOL BOARD BUDGET MEETING & JOINT MEETING WITH BOARD OF SUPERVISORS

Supervisor Anderson requested that the County Budget Committee meet with the School Board as soon as possible as well as setting a joint meeting with the School Board to address budget matters. Supervisor White announced that the County Budget Committee met briefly today and addressed impending budget issues. Budget request form letters have been mailed to the various county departments, agencies and organizations. The Board also suggested that they receive a presentation from Chad Murray, Tazewell High School Educational Foundation, with regard to the proposed Tazewell High School Field House Project. The total budgeted cost is estimated to be \$800,000.

\$500.00 TO YOUNG LIFE BLUEFIELD, VA

EASTERN DISTRICT FUNDS

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 from the Eastern District Fund, payable to Young Life, Bluefield, Virginia 24605. 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.

\$300.00 TO CENTER FOR CHRISTIAN ACTION

EASTERN DISTRICT FUNDS

Upon motion of Supervisor Anderson, 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 \$300.00 from the Eastern District Funds, payable to the Center for Christian Action, Pocahontas, Virginia 24635. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

Supervisor Anderson also mentioned the Safe Drinking Water Bill being introduced and said the county should push for its approval.

Supervisor Anderson also presented a letter from NACo announcing a one-time free membership promotion for Tazewell County. The free membership will enable county officials to learn more about NACo services and programs.

Supervisor White requested that County to reach out to Senator Puckett with regard to supporting legislation relative to Sunday hunting.

\$315.00 EASTERN DISTRICT FUNDS TO PAWS

Upon motion of Supervisor Anderson, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Member Campbell abstaining from the vote (employee of DMV), the Tazewell County Board of Supervisors hereby approves the amount of \$315.00 from the Eastern

District Fund, payable to P.A.W.S. 186 Nature Lane, North Tazewell, VA 24630 to be used to support sterilization of dogs and cats. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

Supervisor Anderson's action is a result of the VA Dept. of Motor Vehicles (DMV) selling Animal Friendly license plates as part of its special license plate program. As a result, Tazewell County received \$315.00 from the DMV Animal Friendly Fund for Fiscal Year 2010. Monies from DMV were authorized payable to the PET HAVEN, approved this date in the CONSENT CALENDAR. The Board further requested that future monies received from DMV be alternated between the two organizations, i.e. P.A.W.S and PET HAVEN.

ADJOURN

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

The next regular meeting is scheduled for March 1, 2011 at 6:00 p.m.

David R. Anderson, Chairman

By: rg

Adjourn time 9:13 p.m.