

VIRGINIA: AT A RECESSED MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD FEBRUARY 20, 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
THOMAS B. CHILDRESS, MEMBER (INTERIM)
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; BILL ARCHER, BLUEFIELD DAILY TELEGRAPH; WARREN HINKLE, TAZEWELL COUNTY FREE PRESS**

ABSENT: JAMES H. SPENCER, III – COUNTY ADMINISTRATOR

The Chairman, John M. Absher, called the recessed meeting to order and presided with all members in attendance. Invocation was given by Supervisor Stacy, with Supervisor Childress leading those present in the Pledge of Allegiance to the United States Flag.

The Board extended get-well and speedy recovery wishes to Ellie Spencer, daughter of the County Administrator, Jim and wife, Becky Spencer. Ellie had surgery today at Johns Hopkins University in Baltimore, MD.

AGENDA FORMAT APPROVED AS AMENDED

Upon motion of Supervisor Stacy, seconded by Supervisor White 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 agenda as amended. Amendments

included moving Agenda Item 3 A. – Second Chance Rocks the Two Virginias – request for payable grant into the Executive/Closed Meeting pursuant to Virginia Code Section 2.2-3711 A-29 and further that members of the Bluefield Town Council and other persons as may be necessary and appropriate be invited to attend the Executive/Closed Session during the Boards discussion of the Second Chance funding request. Supervisor Stacy then welcomed members of the Bluefield Town Council who were in attendance, as well as Erik Robison, Executive Director of the Second Chance Learning Center.

SUMMER INTERNSHIP – VPI EXTENSION OFFICE

REQUEST FOR FUNDING

The Board of Supervisors received a funding request from John Blankenship, VPI Cooperative Extension – local office, for monies to help fund a forty hour ten-week summer Internship program offered through VCE. The objective of the Internship Program is to afford the intern the opportunity to examine “Extension” as a career choice and to contribute to the Summer Programs of the Unit – the intern is typically undergraduate students, usually rising juniors or seniors. Information about the program is posted on the VCE “Jobs” website. The State VCE administration will provide a maximum of \$2,000 plus associated FICA, for the cost of the intern, and the local unit will be responsible for the remaining funds of \$2,000.00 plus FICA at 7.65%. The Tazewell County Farm Bureau was requested to contribute partial funding for this cause and at their February 18, 2013 meeting, the Farm Bureau decided to take no action on the funding request until additional information was received. The Farm Bureau suggested the Internship Program funding request be treated like a “scholarship” with applicable scholarship application policies. The Board of Supervisors deferred this matter to the March 5, 2013 meeting to give the Board time to review the information regarding the contribution request.

\$237,764.96 TO THE IDA – REIMBURSE BLUEFIELD COLLEGE FOR EXPENSES RELATED TO THE DENTAL SCHOOL PROJECT

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 none against, the Tazewell County Board of Supervisors hereby approves the amount of \$237,764.96 from the Capital

Projects Fund – Account No. 23-97010-8162 to be used by the IDA to reimburse the Bluefield College for expenses related to the Dental School Project.

MUG BOG EVENT – POCAHONTAS, VIRGINIA

ATV ORDINANCE ADOPTED –

MONIES FOR SIGNS APPROVED FOR SIGNS FROM THE COUNTY’S GENERAL FUND 91050-7023

Supervisor Childress reiterated the need for ATV road signs during the Mug Bog event scheduled for early May 2013 and the signs have to be approved by VDOT. The event will enhance tourism and be a big economic boost for Tazewell County.

The County Attorney, Eric Young, reviewed the March 2012 ATV Ordinance proposed by the Board as well as suggested amendments this date, regarding all-terrain vehicle travel (ATV) on certain State Routes as well as the discussion of the RDA developing a from permit/fee for ATV operation by County residents and non-County residents, to be effective April 15, 2013.

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 adopts the following ordinance as amended, as set forth below, and incorporated herein by reference thereto, and hereby further authorizes and directs that any costs for ATV signage be hereby approved from the County’s Contingency Fund, Account No. 91050-7023. The County Administrator is hereby authorized, empowered and directed to issue said warrants at such time as may be applicable for the signs – in accordance with this action, and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

VIRGINIA:

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF TAZEWELL COUNTY, VIRGINIA HELD AT THE COUNTY ADMINISTRATION BUILDING AT 108 EAST MAIN STREET IN THE TOWN OF TAZEWELL, VIRGINIA, ON THE 20th DAY OF FEBRUARY 2012, UPON DULY ADVERTIZED NOTICE TO THE PUBLIC BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY OF TAZEWELL, THE FOLLOWING ORDINANCE WAS ADOPTED, AFTER A PUBLIC

HEARING HELD MARCH 6, 2012:

ORDINANCE NO. 2202013

DATE: FEB. 20, 2013

AN ORDINANCE TO PERMIT TRAVEL BY ALL TERRAIN VEHICLES ON
CERTAIN STATE ROUTES IN TAZEWELL COUNTY

WHEREAS, the Board intends to develop, through the County's Recreational Development Authority, a system of recreational trails, including trails amenable to All-Terrain Vehicles (ATVs);

WHEREAS, development of such trails will be greatly facilitated by permitting users thereof to traverse certain State Routes in and around the Pocahontas area of Tazewell County;

WHEREAS the General Assembly of the Commonwealth of Virginia has enacted legislation authorizing the Board to permit such travel on certain State Routes;

NOW THEREFORE, be it ORDAINED that pursuant to Section 46.2-915.1 of the Code of Virginia, as amended, the Board of Supervisors hereby does authorize operation of All Terrain Vehicles or ATVs on certain State Routes under certain conditions as hereinafter set forth;

Section 1 No all-terrain vehicle, hereinafter referred to as "ATV", shall be operated on any State Route in the County of Tazewell except in compliance with the Code of Virginia and this Ordinance.

Section 2 No person under the age of sixteen (16) may operate an ATV on any State Route, pursuant to this Ordinance;

Section 3 No person may operate an ATV on any State Route, pursuant to this Ordinance, without wearing a protective helmet of a type approved by the Superintendent of State Police for use by motorcycle operators;

Section 4 No person may operate an ATV, pursuant to this Ordinance, on another person's property without the written consent of the owner of the property or as explicitly authorized by law;

Section 5 No person may operate an ATV on any State Route, pursuant to this ordinance, with a passenger at any time, unless such ATV is designed and equipped to be operated with more than one rider;

Section 6 Pursuant to this Ordinance, persons may operate ATVs upon the below indicated State Routes, only under the conditions herein set forth in this Ordinance:

A. Along the Pocahontas Trail in and between the Town of Pocahontas and Boissevain; across Virginia Routes 644, 663, 659, 627, 734, and 747 on such courses as approved by the Tazewell County Board of Supervisors by Resolution.

B. The Recreational Development Authority shall not issue any permit, as hereinafter described, until the County Administrator shall cause to be posted signs, whose design, number, and location are approved by the Virginia Department of Transportation, warning motorists that ATVs may be operating on the highway;

C. ATVs may only be operated on the routes herein set forth during daylight hours.

D. ATVs may only be operated on the routes indicated on the highway for at most one mile between one off-road trail and another;

E. ATV operators shall, when operating on the highway, pursuant to this Ordinance, obey all rules of the road applicable to other motor vehicles;

F. Such ATVs shall operate at speeds of no more than 25 miles per hour.

G. Violation of any provision of this ordinance shall be punishable by a civil penalty of not more than \$500 in addition to any fines imposed by State Law.

Section 7 No ATV may be operated on any State Route pursuant to this Ordinance unless the operator thereof is permitted to do so by the Recreational Development Authority of Tazewell County in accordance with this section.

A. The Recreational Development Authority may issue permits to persons for operation of their ATV on State Routes as described in this Ordinance. Such permit shall be issued only upon (1) a written acknowledgement by the permittee that the permittee has read and understands the limitations and conditions set forth in this ordinance and (2) an executed release of liability by the permittee.

B. The Recreational Development Authority may develop a form permit which shall include a map showing which routes the Authority has approved for travel. The Authority may charge a fee for the permit not to exceed \$50.00 Dollars for County Residents and \$100.00 Dollars for persons who are not County Residents. Notwithstanding the provisions of this subsection, the Authority may elect that any permit to operate an ATV upon a recreational trail developed by the Southwest Regional Recreational Authority, or by another locality, or by a sister State, shall also serve as a permit to operate an ATV in accordance with this ordinance.

Section 8 For the purposes of this Ordinance, "ATV" shall have the meaning ascribed to "all-terrain vehicle" in Section. 46.2-100 of the Code of Virginia as amended.

Section 9 Effective April 15, 2013, pursuant to the provisions of Section 6 A hereof, the Board of Supervisors hereby authorizes and approves travel upon State Route 644 from the West Virginia, Virginia Line, near the intersection with Peel Chestnut Road, to the Corporate limits of the Town of Pocahontas. The permit requirements, set forth in Section 7 hereof, shall not apply for travel along Route 644 from the West Virginia, Virginia Line, near Peel Chestnut Road, to the Corporate limits of the Town of Pocahontas until July 1, 2013. Otherwise, all requirements set forth in this Ordinance shall be in effect on said route. Adopted this the 20th day of February 2013.

EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor Hymes, 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 enters into an Executive/Closed Meeting, pursuant to Virginia Code Section 2.2-3711:

- A-6 Consideration of the Investment of Public Funds regarding the Claypool Hill Wastewater Treatment Plant Bond Issue
- A-7 Legal consultation involving the Tazewell County Fire Rescue Lease
- A-29 Involving the Second Chance Learning Center's request for funding – discussion of the award of a public contract involving the expenditure of public funds and discussion of the terms and scope of such contract

RETURN/CERTIFICATION/REPORT OF ACTION

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

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 Childress, Stacy, Hymes, Absher and White

Nays: None

Absent: None

Absent during vote: None

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

\$50K SECOND CHANCE LEARNING CENTER

Upon motion of Supervisor Stacy, seconded by Supervisor Childress and adopted by a vote of 5 to 0, with all members present voting in favor thereof and none against, the Tazewell County Board of Supervisors hereby approves a grant to the Second Chance Learning Center in the amount of \$50,000.00 for providing supplemental educational services to residents of Tazewell County through July 1, 2016 and for sponsoring the 2013 Second Chance Concert, on

the condition that \$45,000.00 of such grant shall be returned to the County, subject to other conditions set forth in a Grant Agreement approved by the County Attorney.

TCPSA – VRA

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 none against, the Tazewell County Board of Supervisors hereby authorizes and directs the Tazewell County Public Service Authority to proceed with the design of the Claypool Hill Wastewater Treatment Plant subject to the terms of the VRA financing commitment letter.

Supervisor White and Supervisor Childress left the meeting due to prior engagements.

BOARD CONCERNS

\$500.00 TO THE THS GRAD PEN & INK DRAWING PROJECT (SOUTHERN DISTRICT YOUTH FUNDS)

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy and adopted by a vote of 3 to 0, with Supervisor White and Supervisor Childress absent, and 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 \$500.00 to the Tazewell High School (THS) Graduation – Pen & Ink Drawing Project from Southern District Youth Funds. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

\$500.00 TO BOY SCOUT THOMPSON VALLEY - TROOP 92 ATTN: BRIAN BALES (SOUTHERN DISTRICT YOUTH FUNDS)

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy and adopted by a vote of 3 to 0, with Supervisor White and Supervisor Childress absent, and 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 \$500.00 from the Southern District Youth funds to Thompson Valley Boy Scout Troop 92, Attn: Brian Bales, Scoutmaster Troop 92, 514 West Riverside Drive, 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.

\$1000.00 TO THE THS FORENSIC TEAM ATTN: CINDY YOUNG REGIONAL CONTEST (SOUTHERN DISTRICT YOUTH FUNDS)

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy and adopted by a vote of 3 to 0, Supervisor White and Supervisor Childress absent from the meeting, and 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 \$1000.00 from the Southern District Youth funds to the Tazewell High School (THS) Forensics Team, Attn: Cindy Young. This money will assist with the team's attendance to the Forensics Team – Regional event. 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 with the Treasurer of Tazewell County, Virginia (Mrs. Young picked up check).

COUNTY TREASURER, DAVE LARIMER APPOINTED AS EX-OFFICIO MEMBER OF THE COUNTY'S BUDGET COMMITTEE

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy and adopted by a vote of 3 to 0, with Supervisor White and Supervisor Childress absent, and with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints County Treasurer, Dave Larimer, to serve as an ex-officio member of the Tazewell County Budget Committee.

FIRE DEPARTMENT COMMUNICATION

Supervisor Hymes expressed the need to move forward as quickly as possible to resolve communication/paging problems with regard to fire department/suppression needs. He said there have been two bad residential fires recently, one just a few nights ago in the Witten Valley community and a recent fire in Burkes Garden.

ADJOURN

Now, there being no further business to be transacted, and upon motion of Supervisor Hymes, seconded by Supervisor Absher and adopted, the Tazewell County Board of Supervisors hereby adjourns this meeting. The next regular meeting is scheduled for March 5, 2013 at 6:00 p.m.

John M. Absher, Chair

By: RG

6:36 p.m.