

VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD FEBRUARY 5, 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)
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; KATIE COLE, BLUEFIELD DAILY TELEGRAPH; WARREN HINKLE, TAZEWELL COUNTY FREE PRESS**

The Chairman, John M. Absher, called the regular meeting to order and presided with Supervisor Childress being a few minutes late. The Chairman then welcomed those present.

Supervisor Stacy gave the invocation with Supervisor Hymes leading those present in the Pledge of Allegiance to the United States Flag.

AGENDA APPROVED AS AMENDED

Now, upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 4 to 0, with Supervisor Childress absent from the meeting, the Tazewell County Board of Supervisors hereby approves the agenda format as amended to include an additional item to the Executive Session, pursuant to 2.2-3711, A-19 - emergency services matter/representative with regard to the County's ability to respond to emergencies.

MINUTES APPROVED AS WRITTEN

Upon motion of Supervisor Stacy, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Childress absent from the meeting, the Tazewell County Board of Supervisors hereby approves the January 8, 2013 meeting minutes as written.

EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 4 to 0, with Supervisor Childress absent and with all those 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 – and hereby further authorizes and directs that individuals be allowed to enter into the executive/closed meeting as may be necessary with regard to the areas of discussion:

- A-7 Legal Consultation regarding gas well assessment
- A-7 Legal Consultation regarding the Claypool Hill Waste Water Treatment Plan Bond Issue
- *A-7 Legal Consultation regarding Dental School M.O.U.
- *A-1 Personnel matter involving Assistant County Attorney
- *A-19 Emergency services matter/representative with regard to the County's ability to respond to emergencies.

Supervisor Childress arrived at approximately 6:04 p.m.

RETURN/CERTIFICATION/REPORT OF ACTION

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

CERTIFICATION OF EXECUTIVE/CLOSED MEETING

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, White and Absher

Nays: Five (5)

Absent: None (0)

Absent during vote: None (0)

There was no action to report as a result of the Executive/Closed Meeting. However, the Chairman noted that the Board would be returning to the Executive Closed Session to discuss unfinished business, concerning the Dental School Project and a personnel matter relative to an assistant county attorney position.

COMMEMORATIONS

Chairman, John Absher, gave the floor to Supervisor Mike Hymes who introduced and welcomed the family of the late Andrew Fox, a Virginia State Trooper killed in the line of duty in October 2012. Andrew was a young man, only 27. He attended Tazewell High School and his Mother, Father, sister & step-brother are from Tazewell. His young wife, Virginia Martin Fox was in attendance as well. Supervisor Hymes stated that Andrew was a tremendous young man, with high caliber, and his Mother and Father's families were well known and have lived in the Tazewell area for generations.

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

**RESOLUTION
COMMEMORATING THE LIFE OF VIRGINIA STATE TROOPER
ANDREW DAVID FOX**



WHEREAS, Virginia State Trooper, Andrew David Fox died in the line of duty on October 5th, 2012 at the age of 27 as a result of injuries while directing traffic at the State Fair near Richmond, Virginia;

WHEREAS, he is survived by his wife, Virginia Martin Fox, his father, David Harman Fox, his mother, Julia Karen Surface Fox, sister Lauren Alainna F. Fox and half -brother, Thomas Fox and his step-mother Stephanie Fox; and

WHEREAS, a native of Tazewell, Virginia, Andrew graduated from Tazewell High School and then Virginia Tech in 2006 with a bachelor's degree in Agricultural Science. He then pursued his dream of following in his father's chosen field of becoming a Law Enforcement Professional and expressed to anyone that would listen, that one day he would become a Virginia State Trooper; and

WHEREAS, Andrew worked for the Tazewell Police Department as an Auxiliary Officer spending countless hours working, serving and protecting the citizens of the Town of Tazewell, he then joined the Virginia State Police in 2007 and graduated from the Academy as a member of the 111th Basic Session; where he was assigned to Fairfax's Division's Area 48 Office in Springfield; and

WHEREAS, Andrew escorted President Obama and President Bush, as well as other dignitaries in Northern Virginia as part of his duties. He was also assigned to the State Police Honor Guard, an instructor at the State Police Training Academy, named to the Tactical Team and received numerous commendations for exemplary service; and

WHEREAS, Andrew was then assigned to Pulaski County in May 2012, which is part of the Wytheville Division's Area 24 Office to the Dublin Area 24 State Police. He was a member of the Draper Volunteer Fire Department; and

WHEREAS, Andrew was an amazing husband, son, and brother. He was kind, compassionate, even tempered, a man of tremendous integrity, humility, generosity, possessed a passion for his job even under the most trying of circumstances; he was loyal to all he counted as friend and family; and

WHEREAS, Andrew was a dedicated Law Enforcement professional as witnessed by his countless hours of service and protection to the citizens of Fairfax, Pulaski and Tazewell Counties and the State of Virginia; and

NOW, THEREFORE, BE IT RESOLVED, that the Tazewell County Board of Supervisors note with sadness the passing of a highly respected, accomplished, and professional young man; and

RESOLVED FURTHER, that the Tazewell County Board of Supervisors hereby presents this resolution to the family of Andrew David Fox, in recognition of his courage, his life of service and his commitment to the citizens of Tazewell County and to the Commonwealth.

DONALD E. NEAL – COMMEMORATION

The Chairman then gave the floor to Supervisor Stacy, who welcomed and introduced Gary Neal and his sister Polly Stacy, children of the late Donald E. Neal. Mr. Neal was a lifelong resident of Tazewell County, a community leader who was active and participated in numerous organizations and served on many boards and authorities and various other positions in Tazewell County. He was a man of great integrity.

Now, 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 adopts and presents the following resolution in memory of the late Donald E. Neal:

**RESOLUTION
COMMEMORATING
Donald Edwin Neal
October 16, 1933 – December 19, 2012**

WHEREAS, Donald Edwin Neal, a lifelong resident of Tazewell County, Virginia passed away on December 19, 2012 following a short illness; and

WHEREAS, Mr. Neal was recognized as a pillar of strength in his family, his faith, his business and his community and he made a difference in the lives of so many; and

WHEREAS, Mr. Neal, upon his death was survived by his wife, Peggy of 58 years, but with immense sadness, she too passed away shortly following his death; and

WHEREAS, Mr. Neal is survived by his daughter, Nancy Neal, his son, Gary(Ardena) Neal and grandsons, Kyle, Jared and Blake Neal as well as a sister, Polly Stacy; and

WHEREAS, Mr. Neal was a civic activist, leader and visionary, whose enthusiasm for Tazewell County never faltered. He had a long history of actively participating in his community and he served it well, with honor, love and compassion and his life was one of servant leadership; and

WHEREAS, Mr. Neal was a devoted member of the Bluefield Virginia Church of God for 57 years, where he taught Sunday School, served as church clerk and in various other lay positions; and

WHEREAS, Mr. Neal went to work at Bluefield Monument Company in 1952 and purchased the company in 1983. He retired in 2002, but continued to work at the company until

the time of his death. Mr. Neal had an extraordinary range of interests, talents and achievements. He was a skilled craftsman, from freehand designs for memorials, to carpentry work at Camp Joy to making blue-ribbon biscuits for numerous meetings; and

WHEREAS, Mr. Neal was a member of various boards and commissions working tirelessly and extensively as an advocate for issues to improve local and state-wide community projects; and his community services included positions as Chairman of the Clinch Valley Community Action, Inc; Bluefield Business and Professional Association; Habitat for Humanity; Bluefield Union Mission; United Way of the Virginias'; Maple Hill Cemetery Commission; Tazewell County Fair Association; Town of Bluefield Zoning Appeals; Tazewell Chamber of Commerce; Tazewell County Council; Greater Bluefield Chamber of Commerce; which awarded him the Robert Francis Hamilton Award in 2006 for superior community service in his region. He was a lifelong member of the Virginia PTA, he was a founder of the Parent Teacher Associations in Tazewell County Schools and he also chaired the Democratic Party in the eastern district of Tazewell County. He was also a member of the Kiwanis Club of Bluefield, Virginia where he represented the Kiwanis Club for many years as Santa Claus, visiting patients and staff at local hospitals; and

WHEREAS, in May 2010 the Clinch Valley Community Action, Inc. named their offices the Donald E. Neal Building in his honor; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Tazewell County, Virginia does mourn the passing of Donald E. Neal and will miss his vivaciousness, enthusiasm and his community pride, active citizenship and devoted public service. He will always be in the hearts of those who knew him; and

RESOLVED FINALLY that the Board of Supervisors of Tazewell County, Virginia hereby presents this resolution to his family as an expression of respect and in honor of his lifetime of dedicated service in which Donald E. Neal's memory is held by the Tazewell County Board of Supervisors. Adopted this the 5th day of February 2013.

CONSENT CALENDAR APPROVED

Upon motion of Supervisor Hymes seconded by Supervisor Stacy and adopted by a vote of 4 to 0, with all members present, and with Supervisor Absher abstaining from the vote, the Tazewell County Board of Supervisors hereby approves the following items presented as "Consent Calendar". Matters requiring the issuance of warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

WARRANTS

January 2013

Payroll

Ordered that Warrant Nos. 136984 through 137044 and direct deposits totaling \$343,614.80 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending December 30, 2012, be approved.

Ordered that Warrant Nos. 137046 through 137106 and direct deposits totaling \$346,813.77 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending January 15, 2012 be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 459783 through 459948, for \$541,312.42 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 2012, be approved.

Ordered that Warrant Nos. 459950 through 459958, for \$126,829.51 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending December 30, 2012 be approved.

Ordered that Warrant Nos. 459960 through 460091, for \$1,244,317.00 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 2013, be approved.

Ordered that Warrant Nos. 460093 through 460103 for \$117,750.66 from the General Funds, covering payroll deductions for the various County agencies for the period ending January 15, 2013, be approved.

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Ordered that Warrant No. 801754 through 801767 for \$442,307.99 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of January 2013, be approved.

- Approved Coyote Claims (these payments are part of the 100 claims checked in at the county landfill) \$950.00:
 - \$50.00 to Charlie Asbury, PO Box 870, North Tazewell, VA 24630 for 1 coyote killed with a snare on January 6, 2013
 - \$50.00 to Charlie Asbury, PO Box 870, North Tazewell, VA 24630 for 1 coyote killed with a snare on January 2, 2013
 - \$50.00 to Jessie Asbury, 4025 Hogback Road, Tazewell, VA 24630 for 1 coyote killed with a snare on December 12, 2012
 - \$100.00 to Jessie Asbury, 4025 Hogback Road, Tazewell, VA 24630 for 2 coyotes killed with a snare on January 1, 2013
 - \$50.00 to Ray Howell, 1477 Rosenbaum Road, Bluefield, VA 24605 for 1 coyote killed with a snare on January 3, 2013
 - \$200.00 to Ray Howell, 1477 Rosenbaum Road, Bluefield, VA 24605 for 4 coyotes killed with a snare on December 28 & December 31, 2012 with a snare
 - \$50.00 to Ray Howell, 1477 Rosenbaum Road, Bluefield, VA 24605 for 1 coyote killed with a snare on January 7, 2013
 - \$100.00 to Jerry Smith, 165 Matt St. Tazewell, VA 24651 for 2 coyotes killed with a snare on January 5, 2013
 - \$100.00 to Archie French, 207 Salina Road, North Tazewell, VA 24630 for 2 coyotes killed with a snare on December 31, 2012
 - \$50.00 to Alfred Webb, 244 Beachwood Lane, Tazewell, VA 24651 for 1 coyote killed with a snare on November 6, 2012
 - \$100.00 to Alfred Webb, 244 Beachwood Lane, Tazewell, VA 24651 for 1 coyote killed with 2 coyotes killed with a snare on January 4, 2013
 - \$50.00 to Virginia Turley, 3930 Freestone Valley Rd., Tannersville, VA 24377 for 1 coyote killed with a rifle on January 3, 2013.

- Southern District Fund:
 - Approved the amount of \$1,000.00 to Pack 93 and Troop 93
 - Approved the amount of \$100.00 for Nuckolls Hall Rental – Tazewell Middle School
 - Approved the amount of \$2,500 for the Clearfork Fire Department
- Sheriff's Department:
 - Approved \$405.00 from the Contingent Grant Resource Account 91050-7041 to the Sheriff's Account No. 31020-6010 Police Supplies –check received from VH Holmes for Scrap Metal.
 - Declared surplus – firearms and ammo no longer in use by the Sheriff's office:
 - Firearms serial numbers**
 - Beretta CX4 storm 9mm carbine ser#CX16772 ser#CX17120 ser#CX18993.
Ruger mini 14/223 ser# 18443775. There are a total of 3 Beretta carbines and 1 ruger 223.
 - Ammo**
 - 1500 rounds of Remington 9mm 147 grain hollow point duty rounds. 3000 rounds Remington 9mm full metal jacket practice ammo. 850 rounds of 40 cal. Winchester 155 grain hollow point duty ammo. 1000 rounds Remington 40 cal. 180 grain practice ammo.
- Commissioner of Revenue:
 - Approved a \$4,000.00 transfer from Line Item 012090-3160 (contractual) to 012090-5510 (travel expense)
- Reed-Hess Scholarship/SVCC - approved \$2,500.00 (\$500 from each district fund)
 - Approved \$1,000.00 to Troy W. Absher, Sr. 360 Absher Road, Pounding Mill, VA 24639 for 2 bulls killed by gun on October 11, 2012 (approved by Sheriff's office).

A REPORT AND FINDINGS AND RECOMMENDATIONS FOR TAZEWELL COUNTY FIRE AND EMS STUDY

Thomas H. Moffett, Virginia Professional Firefighter's Association and a member of the Virginia Fire Services Board, gave a power point presentation to the Board of Supervisors

making recommendations for Tazewell County Fire and Emergency Medical Services (EMS) Study. The Mr. Moffett reiterated that the report was only a recommendation and did not constitute legal advice or a binding recommendation. The report also provided acknowledgements to all the County Fire & Rescue organizations for their contributions in the development of the report. Mr. Moffett said the report was intended to provide guidance, capitalize on what is working as well as indentify areas for improvements. The County solicited the VA Fire Services Board's help by requesting they study the County's emergency services needs and to identify areas to enhance services throughout the County. The Study suggested that there be a Centralized Authority for Fire and Rescue, Emergency Response Zones and Station Locations, Develop a strategic plan for fire and rescue services to increase performance levels and service delivery – in addition, the County should develop unified vision and mission statements for all fire and rescue departments; enact the Statewide Fire Prevention Code through a local ordinance and enforce the Statewide Fire Prevention Code. The Study suggested that the County appoint an Emergency Communications Advisory Committee to analyze the County's dispatch system and develop standard dispatch protocols and procedures; host a strategic communication system, with a skilled mediator to assist in the development effective communications in and between the fire and rescue departments, the communications center, emergency services personnel and County Administration. It also suggested the Board of Supervisors explore the option of consolidating and remaining departments to maximize its limited resources and personnel. The County should implement a countywide recruitment and retention plan and examine the possibility of establishing a Volunteer Coordinator position to support existing volunteers. With regard to training, the study suggested that Director of Fire and Rescue Services develop a structured and coordinated training program to address comprehensive training needs of the County and schedule classes accordingly. The County should develop a program that illustrates leadership and interpersonal relationship skills within the fire and rescue services and focus on growing new leadership within the County. Budget/County Funding and accountability practices were addressed as well suggesting the Board of Supervisors complete a yearly county-wide needs assessment for the delivery of fire and rescue services and develop a base funding allocation system upon the priorities set through the needs assessment and quantitative data. Suggestions for a Standardization and Central Purchasing Department were made, i.e. the county should survey the fire and rescue

organizations for equipment commonalities, establish equipment and apparatus standardization, and centralize purchasing to ensure cost effectiveness.

Mr. Moffitt told the board that they should look to the future and decide where they want to be ten (10) years from now with regard to fire and rescue aspects.

Supervisor Childress mentioned a department in the Northern District that had not recorded fire and rescue calls due to the lack of modern technology to do so. He said the County is taking steps to correct the situation. Mr. Moffitt applauded these efforts.

Supervisor Stacy questioned if there was a jurisdiction in the Commonwealth similar to Tazewell County's size that has successfully blended volunteer status to paid status. Mr. Moffitt said there were success stories all over the Commonwealth, but he believed that Tazewell County should coordinate their volunteer efforts of Tazewell County – someone to manage the County's efforts, to give direction to meet the Fire and EMS needs, economically and to enhance emergency services needs. Mr. Moffitt said that Brook Pittinger, Dept. of Fire Programs would be the person to contact for a list of organizations in the Commonwealth that have had studies completed.

The Board thanked Mr. Moffitt for the presentation. Supervisors Hymes stated he felt the Emergency Services Committee would need Mr. Moffitt's future input and guidance.

For the record, a complete copy of the Virginia Fire Services Board "A Report of Findings and Recommendations: for the County of Tazewell Fire and EMS Study" as well as the Power Point Presentation presented this date, is on file in the office of the Tazewell County Administrator, County Administration Building, Tazewell, Virginia 24651.

KASEY ADDAIR –

LANDON HIEATT – OH DE KWON MARTIAL ARTS \$250.00

(\$50.00 FROM EACH DISTRICT FUND)

Ms. Casey Addair, Head Instructor and Sr. Instructor, Logan Hieatt requested funding assistance for the upcoming Tazewell OH DE KWON FY 13 MARTIAL ARTS Tournament. Tazewell will be hosting the tournament for Virginia competitors at Tazewell High School on March 30, 2013. The tournament will bring tourism and other revenues to Tazewell County. Competitors will be attending from Ohio, Tennessee, Kentucky, West Virginia and Virginia. Last year the Tazewell TKD won 25 first place medals, 28 second place and 15 third place

medals. Ms. Addair said funding up to \$250.00 is needed for Tazewell High School custodian service during the event.

Now, upon motion of Supervisor Hymes, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, 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 \$50.00 from each district fund for a total of \$250.00 to assist with Tazewell High School custodian services for FY13 Martial Arts Tournament. The County Administrator is hereby authorized and directed to issue said warrant to the Tazewell County School Board, 209 West Main Street, Tazewell, Virginia 24651 and earmarked for this purpose. Said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

**ERIK ROBINSON – 2ND CHANCE LEARNING CENTER
SECOND CHANCE ROCKS THE TWO VIRGINIAS
REQUEST FOR FUNDING**

Deferred to the February 20, 2013 recessed meeting, a request from Erik Robinson, Executive Director, Second Chance Learning Center – for a repayable grant in the amount of \$125,000.00 that would assist in the recovery of expenses related to the Second Chance Rocks the Two Virginias Concert. He said the grant would be paid back, in full, within 60 days of the date of the 2013 event. Mr. Robinson said he would be asking other area localities for help as well. Mr. Robinson said he would approach the Town of Bluefield to see if they would provide funding for the event and he planned to seek assistance from neighboring towns, as well as Mercer County too. Supervisor Stacy said he would be attending the Bluefield Council meeting was well and would report to the Board the Council’s decision. The County Attorney was requested to determine the legality of the County making a grant to the SCLC – which is a 501©3 foundation, as well as determining the County’s borrowing power/how to secure a commitment to repay and co-signing for the Second Chance Learning Center.

SOUTHWEST VIRGINIA – BASEBALL ASSOCIATION

JOHN CLIFTON, MANAGING MEMBER

REQUEST FOR FUNDING

Following presentation by John Clifton, Managing Member, Southwest Virginia Baseball Association, 212 Grayson Avenue, Richlands, Virginia 24641 (SVBA, LLC) and upon motion of Supervisor White, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following amounts from district funds, payable to the Richlands Youth Baseball Boosters Club, Inc. PO Box 1209, Richlands, VA 24641 for the Southwest Virginia Baseball Association, 212 Grayson Avenue, Richlands, Virginia 24641 to assist with baseball practice activities associated with SVBA's lease of the Tazewell County Airport Hangar, i.e. the purchase of netting; cables and hardware; mats for the floor and for a port-a-potty on the outside of the Hangar, as well as additional insurance to cover players to age 18. This will allow the use of the facility as a year-round practice. The SVBA, LLC is not a 501© 3 Corporation.

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. Further, upon motion of Supervisor Stacy, seconded by Supervisor Absher and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby further authorizes and directs that this action is contingent upon a letter from the SVBA, LLC notifying the Board of Supervisors that the Hangar be open to any and all little league facilities in Tazewell County, Virginia:

- \$1,350.00 Western District Youth Funds
- \$1,350.00 Eastern District Youth Funds
- \$2,700.00 Northwestern District Funds

Total: \$ 5,400.00

BOARD OF SUPERVISORS LIAISON REPORT

Planning Commission – Supervisor Childress

Supervisor Childress reported at the January 10, 2013 meeting, the Planning Commission voted to table the proposed Peddlers License Ordinance and do not intend to bring the ordinance

back up. The Comprehensive Plan Subcommittee met and is moving forward with revisions to the Comprehensive Plan as mandated by State law.

IDA – Supervisor White

Supervisor White stated that he and Supervisor Stacy attended a dinner for the Dental School and everything seems to be moving forward.

Western District Gas Project- Supervisor White

Supervisor White requested that the County Administrator give a report on the Western District Gas Project.

Emergency Services Committee (ESC) Update

Supervisor Hymes reported that the Burn Building in Richlands is complete. Supervisor White and Supervisor Stacy stated they plan to seek assistance from various municipalities because the Burn Building will benefit every agency/fire-fighter in this county.

BURN BUILDING

\$50,000.00 APPROVED

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 \$40,000.00 from the FY12-13 Contingency Fund Account No. 91050-7023, and the amount of \$10,000.00 from the Northwestern District Account No. 91400-5660, to assist with costs associated with the Town of Richlands – Burn Building Project. Further, that the Tazewell County Board of Supervisors will consider and look at ways to provide additional funding for this project in the County’s 2013-14 budget process. 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.

RESCUE 945 – REQUEST FOR 20% GRANT \$26,815.20

80/20 RECEIVED FROM THE OFFICE OF EMERGENCY MEDICAL SERVICES

- NEW AMBULANCE

Following a request from the Tazewell County Emergency Services Committee (ESC), and with Jim Webb representing Rescue 945, and upon motion of Supervisor Hymes, seconded by Supervisor Childress 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 \$25,000.00 earmarked in the FY12-13 Capital Outlay Account for Bluefield VA Rescue Squad – be transferred to Rescue 945 for a 80/20 grant from the Office of Emergency Medical Services, for the purchase of a new ambulance. The cost of the ambulance is \$133,966.00 and the amount of the grant award is \$107,172.80. With the approval of the \$25,000.00 transfer, the additional \$1,815.20 needed, will be funded with monies from the Rescue 945 Account. The County Administrator is hereby authorized and directed to make the necessary transfers in accordance with this action.

POCAHONTAS FIRE DEPARTMENT MUD EVENT PLANNED

Tammy Buchanan, Pocahontas Fire Department, announced the upcoming ATV Rally in Pocahontas, May 3, 4 & 5. A mud- bog event is being planned. An estimated 400 to 500 people are expected. The County Administrator questioned whether the Board in conjunction with the Town of Pocahontas granting permission for ATV uses. A meeting with Spearhead trail representatives is scheduled next week to discuss the legality of same. Eric Young cited several statutes regarding ATV traffic on certain state routes – VDOT requires posted signs as well as other requirements, including traffic patrol by local and state law enforcement officers. A report will be forthcoming.

BUDGET COMMITTEE UPDATE

Supervisor Stacy reported the County is waiting on figures from the State with regard to the School Board Budget – the next county budget committee meeting is scheduled for Feb. 22. Core essential services for the County are being addressed first. The School Budget has to be approved by May 1 by the Board of Supervisors.

SCHOOL SAFETY COMMITTEE

Supervisor White said the letter was mailed from the County requesting that the School Board appoint 2 members to serve on the County's School Safety Committee. The County has not received a reply. Once a response is received and the committee is in place, a meeting will be scheduled accordingly.

FIVE (5) MINUTE RECESS

The Chairman called for a recess of five (5) minutes after which the meeting was duly reconvened.

EMERGENCY GENERATORS

The County Administrator reported that Major Harold Heatley has found five (5) surplus military emergency generators that the County can possibly use, but there are several obstacles the County must comply with, such as wiring to meet AEP standards, and other requirements since the generators are military-decommissioned surplus. Agreements will need to be signed as well. Supervisor Hymes said when the generators become available he wanted to make sure that the Clearfork Fire Department receives one of them.

APPOINTMENTS

Clinch Valley Community Action, Inc.

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 Mrs. Shelia Weimer, 107 Franklin Street, Bluefield, VA 24605 to serve the unexpired term of the late Donald E. Neal, as a member of the Clinch Valley Community Action, Inc. – with a term commencing immediately and expiring June 30, 2013.

Cumberland Mountain Community Services Board

One at-large appointment to the Cumberland Mountain Community Services Board was deferred to the next regular meeting.

Tall Structures Appeals Board

One northwestern district appointment to the Tall Structures Appeals Board was deferred to the next regular meeting.

ANNUAL LEGISLATIVE MEETING UPDATE

The County Administrator gave a brief update on the January 2013 Annual Legislative meeting update. He said the County was well represented and was a very productive event. Business contacts were made for the Bluestone as well. The County also presented its new Apps during the Legislative meeting. He said the new App was well received by legislators and other state municipalities.

WILSON STREET – TAZEWELL COUNTY PROPERTY MAINTENANCE

The County Administrator reported that the County received five (5) bids to remove and dispose of two (2) defaced wood frame structures in the Bluefield Virginia area, more particularly, Wilson Street. The apparent low bidder was Virginia Asphalt and Paving, Inc., 221 Wood Avenue, Princeton, WV for \$5,000.00 to remove both houses.

Now, upon motion of Supervisor Stacy, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby awards a bid of \$5,000.00 to the lowest responsive bidder, Virginia Asphalt and Paving, Inc. 221 Wood Avenue, Princeton, WV in the amount of \$5,000.00 to remove both houses. The work will include, asbestos testing and abatement for both structures; demolition of both wooden structures; removal of all debris and trash from site and grading of demolition site, contingent upon the County Attorney's legal review and approval as well as preparing an agreement in accordance with this bid award. A copy of the agreement once executed will be on file in the office of the County Administrator, and incorporated herein by reference thereto.

**ATV TRAIL –VA DEPARTMENT OF CONSERVATION AND RECREATION
GRANT \$100,000.00 - 80/20 MATCHING FUNDS**

Upon motion of Supervisor Childress, 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 authorizes and directs the County Administrator to proceed and enter into and execute an agreement with the Virginia Department of Conservation and Recreation – for grant funding in the amount of \$100,000.00 for the Pocahontas Motorized Trails – for use by ATV's, OHV's, UTV's and dirt bikes. This is an 80/20 grant and all grant funds will be paid on an 80% matching reimbursement basis not to exceed the total grant of \$100,000.00. A copy of the Project Agreement in a form as approved is on file in the office of the County Administrator, Tazewell, Virginia and incorporates herein by reference thereto.

FIRE & RESCUE VOLUNTEER MEMBERS – TETANUS VACCINATIONS

The County Administrator said the Virginia Department of Health will be giving the Tdap Vaccine (Tetanus, Diphtheria, Pertussis) at the Tazewell County Health Department Wednesday, February 20, 2013 from 1:00 p.m. to 7:00 free of charge to individuals. The vaccine will be free, but insurance (Medicare, Medicaid, and Anthem) will be charged an administrative fee to help recover clinic costs. All EMS personnel are encouraged to take advantage of the free vaccinations.

TOURISM SIGNS – WELCOME TO TAZEWELL COUNTY

Jim Spencer, County Administrator said that he has samples of signs in this office with regard to the “Welcome to Tazewell County” sign project. He suggested that the Board of Supervisors form a committee to review and study the samples and make a recommendation to the Board with regard to how to move the project forward.

Now, upon motion of Supervisor Absher, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints Joan Yates, Tom Childress and Supervisor Seth White to serve as a committee to review and study the signs and to make a recommendation to the Board of Supervisors accordingly.

AEP- VIRGINIA PUBLIC AUTHORITIES – EXTENSION AND AMENDMENT TO THE AGREEMENT EFFECTIVE JULY 1, 2009 – FOR THE PURCHASE OF ELECTRICITY FROM APPALACHIAN POWER COMPANY

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the Extension and Amendment to the APCo Agreement, effective July 1, 2009 for the purchase of electricity from Appalachian Power Company – the agreement is entered into by and between Appalachian Power Company, herein called the “Company” and Tazewell County Board of Supervisors, called the “Customer.” Collective, Company and Customer may be referred to herein as the “Parties” and each, individually, as a “Party.” A copy of the agreement in a form as hereby approved is on file in the office of the Tazewell County Administrator and copy of same is attached hereto and incorporated herein by reference.

POCAHONTAS -WALKING RIDING TRAIL

The County Administrator stated that he has seen modifications Hill Studio made to the agreement regarding the Pocahontas- Walking Trails, which included certain species of trees, i.e. \$1,300 for one tree. The total cost for trees for the project was listed at \$24,000.00. The County Administrator and Supervisor Childress will work through the agreement and contact Hill Studio with recommendations on behalf of the County. The County Administrator also said that Supervisor Childress would like for the Pocahontas to Bramwell Rail project continue.

COURTHOUSE WI-FI SERVICES

BID NOT TO EXCEED \$50,000.00 FROM LAW LIBRARY FUNDS

Upon motion of Supervisor Stacy, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves bid, to the lowest responsive bidder, not to exceed the amount of \$50,000.00 from the Tazewell County Law Library Fund, for Wi-Fi services in the Tazewell County Courthouse. The County Administrator is hereby authorized, empowered and directed to issue said warrant in accordance with this action as such time as may be necessary and appropriate and is hereby further directed to execute and enter into an agreement as may be needed. A copy of same will be on file in the office of the County Administrator and incorporate herein by reference.

SENATE BILL – 1341

Supervisor Stacy expressed great gratitude to the Board and constituents in his district with regard to their opposition to Senate Bill 1341 – Renewable energy facilities. He said that the concerns regarding House Bill 1341 actually has been resolved e.g. the Senate voted to strike the Bill.

GRAHAM HIGH SCHOOL

\$3,000.00 FROM EASTERN DISTRICT FUNDS - EARMARKED FOR WALL MATS FOR THE NEW GYM

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 approves the amount of \$3,000.00 from the Eastern District Funds, payable to Graham High School, 210 Valley Dale, Bluefield, Virginia 24605, attn: Lee Rife & earmarked especially for wall-mats in the new gym. 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.

MERCHANTS CAPITAL TAX RATE

Supervisor Hymes shared with the Board a chart showing the Merchants Capital Tax Rates in various counties in the State. Tazewell County's Merchants Capital Tax Rate is the highest at \$4.30 per \$100 assessed value. He suggested that he and Supervisor Absher meet with local towns within the county, Tazewell, Richlands and Bluefield, as well as local businesses to discuss possible rate reductions for job creation incentives.

TAZEWELL HIGH SCHOOL – PROJECT GRADUATION

\$ 1, 000.00 SOUTHERN DISTRICT FUNDS

Upon motion of Supervisor Hymes, seconded by Supervisor Childress 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 Southern District Funds, payable to Tazewell High School Project Graduation, PO Box 413, Tazewell, Virginia 24651, attn: Kimberly Repass. 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 SOUTHERN YOUTH; \$500.00 NORTHERN YOUTH

PAYABLE TO THE LABOR OF LOVE MISSION – LADY BULLDOG TRAVEL BASKETBALL/SOFTBALL TEAM

Upon motion of Supervisor Hymes, second by Supervisor Childress and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves \$1,000.00 (\$500 Southern Youth & \$500 Northern Youth) payable to the Labor of Love Mission Lady Bulldog Travel

Basketball/Softball Team, attn: Robert (Spot Steele). 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.

FALLS MILLS FISHING CLUB

\$3,000 (\$2,500.00 Northern; \$250 Eastern; \$250 Southern)

Upon motion of Supervisor Childress, 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 total of \$3,000.00 (\$2,500.00 from the Northern District Funds, \$250.00 from the Eastern District fund, \$250.00 from the Southern District fund) payable to the Falls Mills Fishing Club, PO Box 74, Falls Mills, VA 24613 attn: David S. Lewis, President. This will assist in the restocking of fish and needed maintenance as required. 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.

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 and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enter into an Executive/Closed Meeting pursuant to Virginia Code Section 2.2-3711:

- A-7 Legal consultation regarding the Dental School M.O.U.
- A-7 Legal consultation regarding the PSA- Claypool Hill Waste Water treatment Plant
- A-1 Personnel Matter involving the Assistant County Attorney Position

CERTIFICATION/REPORT OF ACTION

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

**CERTIFICATION
OF EXECUTIVE/CLOSED MEETING**

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

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

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

Ayes: Supervisor Childress, Stacy, Hymes, Absher and White

Nays: None

Absent: None

Absent during vote: None

**REPORT OF ACTION -
DENTAL PROJECT INC., BOARD**

Upon motion of Supervisor Childress, 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 nominates and approves the following individuals to serve as members of the Dental Project Inc., Board:

- Curt Breeding, PO Box 494, Richlands, Virginia 24641
- 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
- Dr. Tom Brewster, 172 Angel Lane, Falls Mills, Virginia 24613
- Monte Rife, 118 Richardson Drive, Tazewell, Virginia 24651
- James H. Spencer, III. , 264 Davidson Drive, Bluefield, Virginia 24605

**PUBLIC SERVICE AUTHORITY (PSA)
CLAYPOOL HILL – WASTE WATER TREATMENT PLANT**

Upon motion of Supervisor White, seconded by Supervisor Childress and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes and directs the Tazewell County Public Service Authority (PSA) to proceed with the design of the Claypool Hill Waste Water Treatment Plant, contingent upon the receipt of a commitment letter from Virginia Resources Authority (VRA) to finance the project.

SVBA, LLC (DONATION)

Supervisor Stacy said he would like to clarify his earlier donation to the Little League Program at the Airport. He said he just wanted to make sure that the facility would be open to all the little leagues in the County. If that is correct, he said he would support his earlier donation. He said he wanted to make sure the eastern end of Tazewell County could use the facility if they needed to.

Stacy/Absher 5 to 0

Now, per suggestion the County Attorney, the earlier donation to SVBA, is contingent upon a letter from them, notifying the Board of Supervisors that the Hangar will be open to any and all little league facilities in Tazewell County. This action is further incorporated in the motion adopted this date.

RECESS TO FEBRUARY 20, 2013 – 5:00 P.M.

Now, upon motion of Supervisor Stacy, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby recesses this meeting to February 20, 2013 at 5:00 p.m. (Wednesday).

John M. Absher, Chair

By: R.G.

Adjourn time: 10:55 p.m.