

**VIRGINIA: AT A RECESSED MEETING OF THE TAZEWELL COUNTY BOARD  
OF SUPERVISORS HELD JANUARY 12, 2017 AT 6:00 P.M. IN THE  
TAZEWELL COUNTY ADMINISTRATION BUILDING, 108 EAST MAIN  
STREET, TAZEWELL VIRGINIA 24651**

**PRESENT: D. MICHAEL HYMES, MEMBER  
JOHN M. ABSHER, MEMBER  
CHARLES A. STACY, MEMBER  
MAGGIE ASBURY, MEMBER  
TRAVIS HACKWORTH, MEMBER  
C. ERIC YOUNG, COUNTY ATTORNEY  
PATRICIA GREEN, COUNTY ADMINISTRATOR  
RUTH GROSECLOSE, EXECUTIVE ASSISTANT  
WHITNEY PARSONS, AUDIO/SOUND  
MEMBERS OF THE PRESS: JIM TALBERT, CLINCH VALLEY  
NEWS/RICHLANDS NEWS PRESS; WARREN HINKLE, THE  
VOICE NEWSPAPER**

**ABSENT: NONE**

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Presiding Chairman, D. Michael Hymes called the recessed meeting to order and welcomed those present. All members of the Board of Supervisors were in attendance. Supervisor Hackworth gave the invocation with Supervisor Stacy leading those present in the Pledge of Allegiance to the United States Flag.

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**AGENDA APPROVED AS AMENDED**

Upon motion of Supervisor Stacy, seconded by Supervisor Hackworth 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 January 12, 2017 agenda as amended.

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**MINUTES APPROVED AS WRITTEN**

Upon motion of Supervisor Stacy, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the December 6, 2016 meeting minutes as written.

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Presiding Chairman Hymes then turned the meeting over to Patricia Green, County Administrator for the Organizational Structuring for calendar year 2017. Supervisor Hymes stated that as always, he has enjoyed serving as Chairman of the Board of Supervisors and the Board would adhere to the rotation method for Chairman and Vice Chairman as the Board had done in the last few years.

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**ORGANIZATIONAL STRUCTURING 2017**

The County Administrator, Patricia Green called for nominations for a Chairman of the Board of Supervisors for a term of one-year or until his successor is duly elected.

The name of John M. Absher was placed in nomination by Supervisor Hymes, with Supervisor Hackworth seconding the foregoing. The County Administrator then called for additional nominations of a Chairman of the Board of Supervisors, and there being none she declared nominations closed. Then, upon motion of Supervisor Stacy, seconded by Supervisor Hackworth 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 elects John M. Absher as Chairman of the Tazewell County Board of Supervisors for calendar year 2017 or until his successor is duly elected. The following vote is hereby recorded:

Supervisor Absher:	Aye	Supervisor Asbury:	Aye
Supervisor Stacy:	Aye	Supervisor Hackworth:	Aye

Supervisor Hymes: Aye

Chairman Absher thanked members of the Board of Supervisors for their confidence and for electing him to lead the County in the New Year.

### **ELECTION OF A VICE CHAIRMAN**

The newly elected John M. Absher then proceeded with the election of a Vice Chairman of the Board of Supervisors for calendar year 2017.

The name of Margaret Ann "Maggie" Asbury was placed in nomination by Supervisor Hymes with Supervisor Stacy seconding the foregoing. Chairman Absher sought further nominations from the floor for Vice Chairman and there being none he declared the nominations closed with Supervisor Stacy moving and with Supervisor Hymes seconding the foregoing, and by acclamation, hereby elects Margaret Ann "Maggie" Asbury as Vice Chairman of the Tazewell County Board of Supervisors for calendar year 2017 or until her successor is duly elected, and with all members present voting in favor thereof and no one against the same. The following roll call vote was hereby recorded:

Supervisor Stacy: Aye

Supervisor Hymes: Aye

Supervisor Asbury: Aye

Supervisor Hackworth: Aye

Supervisor Absher: Aye

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### **REGULAR MEETINGS, DATE, PLACE AND TIME - CALENDAR YEAR 2017**

Upon motion of Supervisor Hymes, seconded by Supervisor Asbury 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 designates the 1<sup>st</sup> Tuesday of each month beginning at 6:00 p.m. in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651 as the regular meeting date, place, time and location for regular meetings of the Tazewell County Board of Supervisors for calendar year 2017.

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### **ROBERTS RULES OF ORDER ADOPTED**

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 Robert's Rules of Order as the official

rules of procedure for conducting meetings/business of the Tazewell County Board of Supervisors for calendar year 2017.

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**CLERK OF THE BOARD OF SUPERVISORS**

Upon motion of Supervisor Stacy seconded by Supervisor Hackworth 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 Patricia K. Green, County Administrator as Clerk to the Board of Supervisors for calendar year 2017.

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**DIRECTOR OF EMERGENCY SERVICES FOR TAZEWELL COUNTY**

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 the County Administrator, Patricia K. Green, as the Director of Emergency Services for Tazewell County for calendar year 2017.

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**LEGISLATIVE CONTACT TO WORK WITH VACo- 2017**

Upon motion of Supervisor Hackworth, seconded by Supervisor Asbury 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 Charles A. Stacy to serve as Tazewell County's legislative contact to work with VACo during the upcoming 2017 General Assembly. The County Attorney, Eric Young will advise and assist in this endeavor.

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**TAZEWELL COUNTY BUDGET COMMITTEE FY17-18**

Upon motion of Supervisor Absher, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints Supervisor Hymes and Supervisor Hackworth to the Tazewell County Budget Committee for Fiscal Year 17-18 with the three remaining Supervisors appointed as an alternate members, to serve as needed in the absence of Members Hymes and Hackworth.

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**PERSONNEL COMMITTEE - CALENDAR YEAR 2017**

Upon motion of Supervisor Stacy, seconded by Supervisor Asbury 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 Asbury and Supervisor Hymes as the Tazewell County Personnel Committee for calendar year 2017.

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**SPECIAL PRESENTATION**

The Commonwealth's Attorney, Michael L. Dennis, was present and presented a check to Sheriff, Brian Heatt in the amount of \$28,321.25 to help with the purchase of a new DARE vehicle for the Sheriff's Office. The check was presented as a result of monies received from the Asset Forfeiture funding. The Board of Supervisors applauded Mr. Dennis for the donation. Sheriff Brian Heatt thanked the Commonwealth Attorney and his office. The vehicle will be used by officer, Cpl. Glen Keene, in the expanded DARE Program in middle and high schools.

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**MONTHLY UPDATES**

**MATT ANDERSON, COUNTY ENGINEER**

**JOYCE ENGINEERING AGREEMENT AMENDMENT -**

**\$4,000.00 ENGINEERING FEES TRANSITION TO SANTEK**

Upon motion of Supervisor Stacy, seconded by Supervisor Hackworth and adopted by a vote of 4 to 1, with Supervisor Hymes voting no, and subject to legal review and approval, the Tazewell County Board of Supervisors hereby approves the amount of \$4,000.00 as an amendment to cover Joyce Engineering fees for the transition to Santek. Supervisor Hymes voting against the motion because he disagreed with Joyce Engineering charging \$4,000.00 to give County documents to someone else. The County Administrator is hereby authorized and directed to issue said warrant in accordance herewith this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

**\$62,735.00 APPROVED FOR JOYCE ENGINEERING 2017 COST AGREEMENT**

Upon motion of Supervisor Stacy, seconded by Supervisor Asbury and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, and subject to legal review and approval, the Tazewell County Board of Supervisors hereby approves the following Joyce Engineering 2017 Cost Agreement amounts. The County Administrator is

hereby authorized and directed to issue said warrant in accordance herewith this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

Joyce Engineering 2017 Cost agreement : This is an agreement for the costs to be associated with this calendar year. This work is not included in the Santek agreement, until the expanded management portion starts. The agreement includes:

Groundwater Monitoring and Reporting Fixed Fee \$39,629

Corrective Action Monitoring and Reporting Fixed Fee \$2,806

Total Base Fee \$42,435

APC Variance Petition (Not completed last Year - Fixed Fee \$6,800

Environmental General Consulting Estimated Budget (As-needed) \$7,500

Engineering General Consulting ( To assist in Santek Transfer) Estimated Budget (As-needed) \$6,000

Total Fees \$62,735

### **ROAD PROJECTS APPROVED**

Upon motion of Supervisor Hymes, seconded by Supervisor Hackworth 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 road projects from district fund accounts. The County Administrator is hereby authorized and directed to issue said warrant in accordance herewith this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia:

- o Northern District Road fund \$5,000.00 for Lester Lane
- o Southern District Road fund \$5,000.00 for Dayton Drive
- o Western District Road fund \$5,000.00 for Montana Drive

### **TAZEWELL SOIL AND WATER CONSERVATION DISTRICT GRANT - MATT ANDERSON TO SIGN OFF ON PLANS**

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 gives Matt Anderson, County Engineer,

permission to sign off/stamp plans for a grant project for the Tazewell Soil and Water Conservation District as may be applicable.

**OTHER PROJECTS:**

Matt Anderson reported on additional projects:

Buckhorn Road project is ongoing; Clinic Road project is ongoing; Richlands School Complex is ongoing; Paving scheduled is completed; Road Maintenance Bids - The County going is going to look at smaller contracts and need to determine remaining funds for each district . Bishop Fire Dept. - the use of GPS in this area isn't accurate enough for mapping - a new preliminary layout will be forthcoming. A Eastern District Road Project - request from Ms. Shumaker - it is a VDOT Road; Hackworth requested the status of horse riding signs for Jewell Ridge- ongoing; Route 102 Bridge Project next to Pic & Save - could not close bridge because of school bus route; Route 696 sign request - is ongoing.

**TOURISM UPDATE**

A County tourism update was presented by Dave Woodward ( Mike Thompson emailed the TCBOs his report, he is out of the office due to recent knee surgery); Mr. Woodard said that winter is tradeshow time for tourism; He and Megan Brown attended a Progressive International Motorcycle Show in Washington DC - one of the largest show's TC has ever attended. He said tradeshow would keep him and Megan busy until mid Feb. They will be attending a Snowbird Extravaganza Tradeshow in Florida; another Motorcycle Show in Ohio and a Motorcycle Show in Chicago IL.

**DAHMON BALL - PSA**

Dahmon Ball - PSA: The Greater Tazewell WTP to Pocahontas Water Supply Phases II & III, Phase II - Contract 1 (Queensberry's Inc, - Gillespie Pump Station) - the project is complete; Phase III - Contract II (Frizzell Const. Co. Inc. - Divides Pump Station) the project is complete and operational; Greater Tazewell Regional WTP to Town of Pocahontas Project (Phase IV) - VDH will have a second PH on the environmental review for the project - March 6, at the PSA conference room. Tazewell to Divides Sewer Leachate Line Project - notice to proceed issued for all 3 contracts, Dec. 12 (Certificate of Take issued). He also reported on the Landfill Leachate Pump Station - the substantial completion date is tentatively scheduled for July 10, 2017 as well as the Witten Mill Sewer Lift Station. Baptist Valley West Sewer Project Committee - Don Dunford, Rhudy Keith, and Warren Hinkle as citizen member. Natural Gas

Project - the County Attorney continues to work with John Ebert on an agreement to extend natural gas within Tazewell County; he will update the Board and notify appropriate individuals when a meeting is scheduled.

**AIRPORT AUTHORITY - JERRY MCREYNOLDS**

Mr. McReynolds, Airport Manager, did not have a report, but was present and stated that everything was good there.

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**EXECUTIVE/CLOSED MEETING**

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 enter into and executive/closed meeting pursuant to Virginia Code, Section **EXECUTIVE/CLOSED SESSION - 2.2 - 3711**.

- A-1 Personnel matter - annual evaluation of the County Administrator
- A-1 Personnel matter - annual evaluation of the County Attorney
- A-1 Personnel matter - review of Rescue 945 Personnel
- A-5 Prospective Industry - discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made involving Project Jonah
- A-5 Prospective Industry - discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made involving Project Homestead
- A(7) Legal Consultation regarding Cumberland Plateau and BVU potential litigation.

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**RETURN/CERTIFICATION/REPORT OF ACTION**

Upon motion of Supervisor Hymes, seconded by Supervisor Asbury 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 certifies the following resolution:



**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 Board of Supervisors that such executive/closed meeting was conducted in conformity with Virginia law;

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

Ayes: Five (5) Supervisor Stacy, Asbury, Hymes, Absher, Hackworth

Nays: None

Absent: None

Absent during vote: None

**REPORT OF ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING -  
RESOLUTION ESTABLISHING COUNTY DEPARTMENT OF EMERGENCY  
MEDICAL SERVICES**

Upon motion of Supervisor Stacy, seconded by Supervisor Asbury 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 creating an Emergency Medical Services Department of County Government to serve the Eastern District and portions of the Northern District in accordance with this "Resolution Establishing County Department of Emergency Medical Services" which is hereby incorporated herein this motion. And, hereby further move to authorize the County Administrator to approve the service area map referred to in the aforesaid resolution, consistent with the services area described in the resolution that is attached hereto and incorporated herein by reference thereto.

The Chairman then announced that the Board would need to return to the executive/closed session near the end of the meeting.

## **CONSENT CALENDAR**

Upon motion of Supervisor Hymes seconded by Supervisor Absher and adopted by a vote of 4 to 0, with Supervisor Stacy abstaining from the approval of the coyote claims as set forth below, the Tazewell County Board of Supervisors hereby approves the following items presented as "Consent Calendar". The matters requiring the issuance of warrants shall be issued by the County Administrator in accordance with this action and converted to negotiable checks by the Treasurer of Tazewell County, Virginia.

Approved the warrants for the month of Nov/Dec. 2016

## **WARRANTS**

### **December 2016**

#### **Payroll**

Ordered that Warrant Nos. 142101 through 142149 and direct deposits totaling \$368,413.47 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending November 30, 2016, be approved.

Ordered that Warrant Nos. 142151 through 142201 and direct deposits totaling \$372,912.27 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending December 15, 2016, be approved.

#### **Accounts Payable/Payroll Deductions**

Ordered that Warrant Nos. 476888 through 477033 for \$323,383.18 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of November 2016, be approved.

Ordered that Warrant Nos. 477035 through 477048 for \$153,773.94 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending November 30, 2016, be approved.

Ordered that Warrant Nos. 477050 through 477181, for \$277,375.93 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 2016, be approved.

Ordered that Warrant Nos. 477183 through 477196, for \$128,485.21 from the General Funds, covering payroll deductions for the various County agencies for the period ending December 15, 2016, be approved.

**Handwritten**

Ordered that Warrant No. 801977 through 801981 for \$33,138.55 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of November 2016, be approved.

- Approved Coyote Claims:
  - \$50.00 to John Stacy, 766 Sable Lane Bluefield, VA 24605 for 1 female coyote killed with a snare on December 3, 2016.
  - \$300.00 to Rodney Ruble, 1477 Big Branch Rd. Bluefield, VA 24605 for 6 female coyotes killed by trapping on December 10, 2016
  - \$50.00 to Charlie Asbury, PO Box 870, North Tazewell, VA 24651 for 1 female coyote killed with a trap on December 22, 2016
  - \$50.00 to William Bandy, 231 Gillespie Rd. Pounding Mill, VA 24637 for 1 female coyote killed with a trap on December 22, 2016
  - \$50.00 to William Bandy, 231 Gillespie Rd. Pounding Mill, VA 24637 for 1 female coyote killed with a trap on December 13, 2016
  - \$50.00 to James Earl White, 6377 Pounding Mill, VA 24637 for 1 female coyote killed with a trap on January 2, 2017
- Ratified \$1,500.00 from the Rescue Acct. paid to Rescue 945 for December 16 payroll

- Ratified \$1,600.00 to be transferred from Rescue Acct. 32020-8109 and paid out of Acct. 32020-5604 -2 paid to assist with Rescue 945 - January 6, 2017 payroll
  
- Ratified Christmas Program money for Abbs Valley Boissevain Elementary School approved Nov.1 be paid to the Center for Christian Action instead of Pure and Heart Ministries.
  
- Library Account - approved the following transfers from the Contingent Expenditures & Grant Account No. 91050-7041 to the Library Accounts:
  - \$20.00 to 7301-3099 received as a donation from Catherine McDowell
  - \$10.00 to 7301-3099 received as a Lowe's rebate
  - \$500.00 to 7301-6012 received as a donation from North Tazewell Lion's Club
  - \$1,000.00 to 7301-8101 received from the Cruise Foundation
  
- Northwestern District - Approved the amount of \$1,780.00 from Account No. 91050-7041 to Account No. 91700-5699-30 - A payment was inadvertently duplicated for wrecker services for the Jewell Ridge Fire Dept. This action reimburses the Northwestern District Fund.
  
- Property Maintenance Account - transferred the amount of \$3,150.00 from Account 91050-7041 to Account No. 3440-3310. This is a check received from VACORP CLAIMS for wind damage to a trailer.
  
- Sheriff's Account - approved a transfer in the amount of \$4,287.00 from the Contingent Expenditures & Grant Acct to Account No. 31020-8105 Automobiles. This is an insurance check received from VACO for Keith Dunn's vehicle
  
- Sheriff's Account - approved a transfer in the amount of \$3,561.48 from the Contingent Expenditures & Grant Account to Account No. 31020-8105 Automobiles. This is an insurance check received from VACO for Adam Crouse's vehicle
  
- Sheriff's Office - Declared Surplus -- Sheriff Dept. duty weapons Glock 357 Serial No. SNK849 (Russell Stowers) and Glock 357 Serial No. SNK855 (Connie Hess) and allow Officer Stowers and Officer Hess to buy the weapons for \$1.00 each, pursuant to Virginia Code Section 59.1-148.3 Subsection E.

- Sheriff's Office - Declared surplus a 2008 Ford Crown Vic, VIN No. 2FAFP71V18X124340 and allow Sheriff to auction
- Sheriff's Office - approved a transfer in the amount of \$9,356.98 from the Contingent Expenditures & Grant Account to Line Item No. 31020-5510 Travel and Training. This is monies received as EDI Reimbursements for extraditions from July 1-Dec. 16, 2016.
- Sheriff's Office - approved a transfer in the amount of \$1,248.41 and \$1,588.37 from the Contingent Expenditures & Grant Account to Line Item No. 31020-6009 Vehicle Supplies. This is monies received from VACo for two damaged cars.
- Sheriff's Office - approved the amount of \$650.00 (\$130 from each district fund) to the Sheriff's Office
- Southern District Funds - approved \$50.00 rental fee for Fuller Peery January, 27 2017 event.
- Clerk of the Circuit Court - approved a transfer from Account No. 91050-7041 to Account No. 21060-6021 in the amount of \$45,034.00. This is grant money received from the Library of Virginia for preservation of various records in the Circuit Court
- Ratified closure of County offices 1/2 day December 22, 2016 (noon); December 23, 2016; December 26, 2016 and January 2, 2017 in accordance with the same schedule as the Judge approved for the Courthouse by order signed by on December 19, 2016
- Check for Jury Services -approved to appropriate Sandra K. Bailey's check in the amount of \$120.00 back to the County's General Fund for services as a Juror on 11/21/2016 (4) days. Ms. Bailey is a county employee and cannot accept additional payment from the County for Jury service
- Authorized a transfer from Acct. No. 91050-7041 to Acct. No. 35070-3110, cover the approved \$660.00 to the Crab Orchard Veterinary Services, Tazewell, VA as money received from DMV for the FY2016 Sterilization Program
- Electoral Board & Officials - Approved the amount of \$1,110 from the Contingent Expenditures & Grant Account to Line Item 13010-1111 as reimbursement monies, \$250 each from the towns of Richlands, Tazewell, Bluefield and Cedar Bluff and \$100 from Pocahontas to offset the cost of election officials. This amount will be used during the upcoming June 2017 Primary.

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**GROUP WORKCAMPS -**

**HOME REPAIR - MICHAEL KRANTZ**

Mike Krantz, Group Cares, updated the Board of Supervisors on the Work-camps that took place last summer, 2016. The group /community team stayed in the Graham High School facility and worked to directly improve 37 homes in Tazewell County. The Board of Supervisors approved \$6,200.00 last year to help with materials. Mr. Krantz said their goal for this summer was \$19,000.00 all of which will go directly to home repairs for people identified by the Community Team with guidance from Group Cares. The board deferred action on Mr. Krantz's funding request to the February 7, 2017 meeting. Supervisor Stacy requested a list of homes and the geographic location that the group worked on in 2016.

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**JENNIFER BOURNE -**

**STALKING AWARENESS MONTH**

Jennifer Bourne, Family Crisis Services Director/Planner, Clinch Valley Community Action, Inc. was present and requested that the Board of Supervisors adopt a Proclamation proclaiming January 2017 as STALKING AWARENESS MONTH in Tazewell County. Now, 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 adopts a Proclamation joining forces with the victim service providers, criminal justice officials, and concerned citizens throughout Tazewell County, Virginia and the United States to observe National Stalking Awareness Month.

A copy of the Proclamation in a form as adopted is attached hereto these minutes and incorporated herein by reference thereto.

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**TAZEWELL COUNTY FIRE CHIEFS ASSOCIATION -  
FUNDING REQUEST**

Scott Cornell, gave an introduction and advised the board on the mission of the newly formed Fire Chiefs Association. Funding for the Association was requested, but stated there was not a rush for the funding. He said the FCA would be very beneficial to the County by forming a corporation (501 c3) and by developing a budget and coming together as a leaders for fire services in Tazewell County. Barry Brooks said the ESC and Board would be very pleased with what the FCA would be doing to help the County. He said the FCA would be very functional and helpful in many aspects. The funding request will be considered at a later time.

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**SANTEK PRESENTATION BY MATT DILLARD**

Matt Dillard, Santek, updated the Board on the landfill transition. He said all employees have been hired and Quinto Falgiani was named the landfill manager for Santek and they had a group of great employees. He said he was pleased that Santek received a compliment from a customer..

Mr. Dillard reported that fences are being put up; garbage is being covered and other action is being taken to improve the landfill site. Santek will notify county officials in the event the landfill or transfer station is temporarily closed. All the transfer stations will remain open and the landfill and transfer station hours would stay the same. The County is still responsible for the groundwater monitoring (contract with Joyce Engineering).

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**MATT WYNN -- PSA TANK CONCERN**

**WILL ADAMS - PSA TAZEWELL TO DIVIDES SEWER PROJECT CONCERN**

Matt Wynn, 128 Lake Witten Road, North Tazewell, VA - was present and again requested that the PSA find another site for their water tank.

Will Adams, 2801 Governor Perry Hwy., Tazewell, Virginia was present and again voiced dismay that the PSA is taking his land as well for a PSA Project Hwy., Tazewell, VA - and the Notice of Intent he received from the County to take his property. Mr. Adams is unhappy about the PSA not having any negotiations with him or having any documentation of other sites being looked at. His property is in the pathway of the PSA - Tazewell to Divides

Sewer Project - pump station. He said the project blocks access to his property and will drop his land value.

**STEVEN MITCHELL - DANCE HALL LOCATION -  
REQUESTED TO USE NUCKOLLS HALL**

Steven Mitchell, Bluefield, Virginia requested that he be allowed to rent Nuckolls Hall every Friday night to hold weekly dances to include bands that is attended mostly by senior citizens. Patricia Green, County Administrator recommended that the County not rent the facility to the same person weekly because other county groups need to be given the opportunity to use the facility. The Board recommended that this matter be deferred in order to give the County Administrator time to help Mr. Mitchell possibly find another location in the County for his weekly events. The old Jr. High building was suggested if air condition was available.

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**SALLY RASH - CENTER FOR CHRISTIAN ACTION**

Sally Rash, Center for Christian Action, Pocahontas, Virginia was present and stated that Mike Kratz/Group Cares was a blessing to Pocahontas and the surrounding area and that she stood behind Group Cares and their work.

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**SALLY HARMON - LANDFILL CONCERNS**

Sally Harmon, Abbs Valley, Virginia had questions and concerns about the County's transfer of the landfill to Santek. The Board informed her that the landfill is only under lease to Santek for three years, all transfer stations are operational, all hours are the same, and no one is being charged to put their garbage in the landfill.

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**PUBLIC HEARINGS HELD JANUARY 10, 2017 -  
VOLUNTEER FIRE FIGHTERS - RESCUE PERSONNEL -  
TAX EXEMPTION EXTENSION ORDINANCE ADOPTED**

One ordinance was adopted, this date, January 12, 2017 as a result of the Public hearing held January 10, 2017, i.e. Amendments to the Ordinance exempting personal property for volunteer firefighters and rescue squad members by local classification or designation, extending the filing time to March 31 of each year.



Consideration of adopting the Hickory Street resolution was deferred to February 7, 2017. The Planning Commission Road Committee will look at the road in question and then make a recommendation to the Board of Supervisors.

Now, 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 adopts **AN ORDINANCE ENTITLED "A REVISION TO SECTION 18-88(B) OF THE TAZEWELL COUNTY CODE OF ORDINANCES BEING AN ORDINANCE TO EXEMPT PERSONAL PROPERTY FOR VOLUNTEER FIREFIGHTERS AND RESCUE SQUAD MEMBERS BY LOCAL CLASSIFICATION OR DESIGNATION:**

**WHEREAS**, the Tazewell County Board of Supervisors desires to reward Tazewell County's volunteer firefighters and volunteer rescue squad members who sacrifice their time, dedicate their labor, and risk their personal well being for the benefit of the health and safety of the County's residents by amending an Ordinance to provide them with a partial tax exemption from Tazewell County vehicle property taxes;

**WHEREAS**, pursuant to Section 58.1-3506(A)(15) of the Code of Virginia (1950), as amended, the County has enacted such exemptions within the limitations therein prescribed, to wit; to receive said exemption the individual must apply to the Commissioner of Revenue on or before January 31<sup>st</sup> each year;

**WHEREAS**, the Board wishes to amend the existing Ordinance to provide an extension of time for such volunteers to apply for the exemption; and

**WHEREAS**, the Tazewell County Board of Supervisors did on January 10, 2017, hold a public hearing in accordance with notice duly and lawfully published pursuant to the Virginia Code;

**NOW THEREFORE** be it **ORDAINED**, pursuant to Section 58.1-3506 (A)(15) of the Code of Virginia that Section 18-88(b) of the Tazewell County Code of Ordinances be amended as follows:

**CHAPTER 18 – TAXATION**

**ARTICLE III – EXEMPTIONS**

***DIVISION 4 – VOLUNTEER FIREFIGHTERS AND RESCUE SQUAD MEMBERS***

**SECTION 18-88 – PROCEDURE**

- (b) Any qualified taxpayer may submit to the Commissioner of Revenue an application, in a form approved by the Commissioner, on or before ~~January 31~~ *March 31* of each year to receive the exemption. *However, the Commissioner of Revenue shall be authorized, in his discretion, and for good cause shown and without fault on the part of the qualified taxpayer, to accept a certification after the March 31 deadline.*

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**TCBOS LIAISONS REPORTS**

PLANNING COMMISSION - Supervisor Asbury, nothing to report;

ESC - Supervisor Hymes, no report;

IDA - Supervisor Hymes pursuing several opportunities for jobs - good prospects

CPPD - Supervisor Stacy reported a committee was appointed to negotiate w/ CPPD & Sunset-BVU project

RDA - Supervisor Asbury reported that one free-ride day was held on the Pocahontas Trail through Spearhead - 45 permits have already been written for 2017; and the ATV cabins are averaging a 92% occupancy according to owners, Don and Ginger Cates who were present at the meeting.

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**APPOINTMENTS**

**Community Criminal Justice Board of Southwest Virginia Community Corrections  
- Michael L. Dennis**

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 Michael L. Dennis, PO Box 946, Tazewell, VA 24651, as Tazewell County's representative on the Community Criminal Justice Board of Southwest Virginia Community Corrections with a term effective immediately and expiring December 31, 2018 (two (2) year term).

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**RESOLUTION SEEKING ADDITIONAL FEDERAL FUNDING FOR TAZEVELL COUNTY PUBLIC SCHOOLS**

Upon motion of Supervisor Hymes, seconded by Supervisor Asbury and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts the following resolution:

**RESOLUTION SEEKING ADDITIONAL FEDERAL FUNDING FOR  
TAZEVELL COUNTY PUBLIC SCHOOLS**

**WHEREAS**, federal funding is essential for allowing Tazewell County Public Schools to provide the highest quality education to every student it serves;

**WHEREAS**, Tazewell County Public Schools received \$4,415.814.00 in federal funding in the 2015-2016 fiscal year;

**WHEREAS**, the federal funding received in the 2015-2016 fiscal year is \$400,000.00 less than Tazewell County Public Schools received a decade ago, in the 2005-2006 fiscal year; and

**WHEREAS**, the continued economic downturn in the coalfields of Virginia mandates the Board of Supervisors to contact our Federal Representatives requesting additional federal funding to meet the needs of Tazewell County Public Schools and the students of Tazewell County;

**NOW THEREFORE**, the Board of Supervisors, to promote excellence in education in Tazewell County Public Schools, does hereby **RESOLVE** to request an increase in federal funding for Tazewell County Public Schools for the 2016-2017 fiscal year, to be greater than the amount of \$4,415.814.00 received by Tazewell County Public Schools in the 2015-2016 fiscal year.

**IT IS SO RESOLVED** this the 12th day of January, 2017.

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**LEGISLATIVE MEETING - RICHMOND, VA**

The County Administrator, Patricia Green, reported that plans are being made for the upcoming Legislative Meeting - January 25 - 27, 2017 in Richmond. She also explained why cut backs were being made in the distribution of gift bags. She said some people would not

accept the gift bags last year as a result of regulations established by the Virginia Conflict of Interests and Ethics Advisory Council. However, invitations would be given out for the January 26 - Legislative Reception.

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**SECTION 504 GRIEVANCE PROCEDURE FOR TAZEWELL COUNTY, VA**

Upon motion of Supervisor Hackworth, 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 - SECTION 504 GRIEVANCE PROCEDURE FOR TAZEWELL COUNTY, VIRGINIA as set forth below:

**Section 504 Grievance Procedure for Tazewell County**

Tazewell County has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . ."

Complaints should be addressed to: Patricia Green, County Administrator, 108 East Main Street, Tazewell, VA 24651, 276-385-1204, who has been designated to coordinate Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within 30 days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Patricia Green. These rules contemplate informal but

thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53(b), Tazewell County need not process complaints from applicants for employment or from applicants for admission to housing.

4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Patricia Green and a copy forwarded to the complainant no later than 60 days after its filing.
5. The Section 504 coordinator shall maintain the files and records of Tazewell County relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 7 days to Patricia Green.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that Tazewell County complies with Section 504 and the HUD regulations.

#### **BLUEFIELD WV PROPERTY - ROGERS STREET**

Eric Young, County Attorney, said he did respond to a letter from Bluefield West VA - Atty. Brian Cochran with regard to the City of Bluefield's request for tax exemption of \$5.50 and \$1.88 for property on Rogers Street in Bluefield WV. Mr. Young stated that he informed Mr. Cochran that they would be responsible for advertising costs for a public hearing to exempt them from the taxes, in an approximate amount of \$220.00. Or, he said the Board of Supervisors

could make a donation to cover the taxes. The Board took no action on this matter.

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### **EXECUTIVE/CLOSED SESSION**

Upon motion of Supervisor Hymes, seconded by Supervisor Hackworth and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into an executive/closed meeting pursuant to Virginia Code 2.2-3711:

- A-1 Personnel matter - annual evaluation of the County Administrator
- A-1 Personnel matter - annual evaluation of the County Attorney
- A-5 Prospective Industry - discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made involving Project Jonah
- A-5 Prospective Industry - discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made involving Project Homestead
- A(7) Legal Consultation regarding Cumberland Plateau and BVU potential litigation

### **RETURN/CERTIFICATION/REPORT OF ACTION**

Upon motion of Supervisor Hymes, seconded by Supervisor Asbury 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 certifies the following resolution, read by Supervisor Stacy:

#### **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 Board of Supervisors that such executive/closed meeting was conducted in conformity with Virginia law;

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

Ayes: Five (5) Supervisor Stacy, Asbury, Hymes, Absher, Hackworth

Nays: None

Absent: None

Absent during vote: None

**REPORT OF ACTION AS A RESULT OF THE EXECUTIVE/CLOSED MEETING  
PROJECT HOMESTEAD**

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 authorizes the Industrial Development Authority of Tazewell County, Virginia to exercise its powers under Section 2.2-4344B of the Code of Virginia for project Homestead.

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**BOARD CONCERNS**

**EASTERN DISTRICT FUNDS APPROVED \$500.00 TO WEST GRAHAM  
AAU BASKETBALL CLUB c/o KELLY KIDD**

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 \$500.00 from the Eastern District Fund, payable to the West Graham Basketball Club, c/o Kelly Kidd, 611 Summit Street, Bluefield, VA 24605, subject to legal review. The County Administrator is hereby authorized and directed to issue said warrant in accordance herewith this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**NORTHERN DISTRICT - FALLS MILLS FISH CLUB  
\$2,500.00 ANNUAL STOCKING**

Upon motion of Supervisor Asbury, 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 amount of \$2,500.00 from the Northern District Fund payable to Falls Mill Fishing Club for the annual stocking of the Falls Mills Dam. The County Administrator is hereby authorized and directed to issue said warrant in accordance herewith this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**POST OFFICE - TOWN OF POCAHONTAS, VIRGINIA**

Upon motion of Supervisor Asbury, seconded by Supervisor Hackworth 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 a letter of support/recommendation asking that the main level floor of the old Town Hall in the Town of Pocahontas be utilized as the Post Office for the Town of Pocahontas, VA.

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**LEAD SCHOLARSHIP FUNDING APPROVED**

Upon motion of Supervisor Hymes, 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 Southern Fund for Kathryn Renee Matney's - LEAD Scholarship Funding and the amount of \$300.00 from the Eastern District fund for Ron Holt - LEAD Scholarship Funding. The County Administrator is hereby authorized and directed to issue said warrant in accordance herewith this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**TAZEWELL LITTLE LEAGUE BASEBALL AND SOFTBALL  
SOUTHERN \$3,000.00 AND NORTHERN \$1,000.00**

Upon motion of Supervisor Hymes, seconded by Supervisor Asbury and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$3,000.00 from the Southern District fund and \$1,000.00 from the Northern District fund payable to the Tazewell Little League Baseball and Softball, Inc. PO Box 988, North Tazewell, Virginia 24630. The County Administrator is hereby authorized and directed to issue said warrant in accordance herewith this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**LOCAL FOOD PANTRY ASSOCIATED WITH FEEDING AMERICA -  
FUNDING TO BE CONSIDERED AND RATIFIED FEBRUARY 7, 2017**

Supervisor Hymes said a funding request from a local Food Pantry associated with Feeding America would be considered and a BOS poll possibly conducted for ratification February 7, 2017.

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**ADJOURN**

Now, there being no further business to be transacted and upon motion of Supervisor Absher, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adjourns this meeting to February 7, 2017 at 6:00 p.m.

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John M. Absher, Its Chair

by: RG

Adjourn time: 12:05 am.