

**VIRGINIA: AT AN ANNUAL/ORGANIZATIONAL MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD JANUARY 8, 2013 AT 6:00 P.M. IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING, 108 EAST MAIN STREET, TAZEWELL, VIRGINIA 24651**

**PRESENT: D. MICHAEL HYMES, MEMBER  
JOHN ABSHER, MEMBER  
SETH R. WHITE, MEMBER  
CHARLES A. STACY, 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**

**ABSENT: NONE**

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Presiding Chairman, D. Michael Hymes called the annual/organizational meeting to order and presided. All members were in attendance. Supervisor White gave the invocation with Supervisor Absher leading those present in the Pledge of Allegiance to the United States Flag. He then welcomed all those present.

**AGENDA APPROVED**

Upon motion of Supervisor Stacy, 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 January 8, 2013 agenda as written.

**MINUTES APPROVED**

Upon motion of Supervisor Childress, 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 December 4, 2012 meeting minutes as written.

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**ORGANIZATIONAL STRUCTURING 2013**

Presiding Chairman Hymes gave the floor to the County Administrator, James H. Spencer, III who 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 Childress, with Supervisor Stacy seconding the foregoing. The County Administrator then called for additional nominations of a Chairman of the Board of Supervisors, and there being none he declared nominations closed. Then, 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 hereby elects John M. Absher as Chairman of the Tazewell County Board of Supervisors for calendar year 2013 or until his successor is duly elected. The following vote is hereby recorded:

Supervisor Absher:	Aye	Supervisor White:	Aye
Supervisor Stacy:	Aye	Supervisor Childress:	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 Chairman, John M. Absher, then proceeded with the election of a Vice Chairman of the Board of Supervisors for calendar year 2013.

The name of Charles A. Stacy was placed in nomination by Supervisor Childress with Supervisor Hymes 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 White moving and with Supervisor Childress seconding the foregoing and by acclamation, hereby elects Charles A. Stacy as Vice Chairman of the Tazewell County Board of

Supervisors for calendar year 2013 or until his successor is duly elected, and with all members present voting in favor thereof and no one against the same. The following roll call vote is hereby recorded:

Supervisor Stacy:	Aye	Supervisor Childress:	Aye
Supervisor White:	Aye	Supervisor Hymes:	Aye
Supervisor Absher:	Aye		

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### **REGULAR MEETINGS, DATE, PLACE AND TIME**

Upon motion of Supervisor Hymes, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby 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 2013.

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

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts 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 2013.

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### **CLERK OF THE BOARD OF SUPERVISORS**

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 appoints James H. Spencer, III, County Administrator as Clerk to the Board of Supervisors for calendar year 2013.

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**DIRECTOR OF EMERGENCY SERVICES FOR TAZEWELL COUNTY**

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 appoints the County Administrator, James H. Spencer, III, as the Director of Emergency Services for Tazewell County for calendar year 2013.

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**LEGISLATIVE CONTACT TO WORK WITH VACo- 2013**

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 Charles A. Stacy to serve as Tazewell County's legislative contact to work with VACo during the upcoming 2013 General Assembly. The County Attorney, Eric Young, will advise and assist in this endeavor.

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**TAZEWELL COUNTY BUDGET COMMITTEE FY13-14**

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 appoints Supervisor Absher and Supervisor Stacy to the Tazewell County Budget Committee for Fiscal Year 13-14, with the three remaining Supervisors appointed as an alternate members, to serve as needed in the absence of Members Absher and Stacy.

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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 enters into and Executive/Closed Meeting, pursuant to Virginia Code Section 2.2-3711:

- A-7 Legal Consultation regarding Memorandum of Understanding Number II with Bluefield College for the Dental School
- A-9 Discussions of Plans to protect public safety as related to the location and adequacy of emergency response assets of the County
- A-7 Legal Consultation regarding Gas Well Assessments

- A-7 Legal Consultation regarding Coal Severance tax legislation agreement
- A-7 Legal Consultation regarding claim against PSA

**RETURN/CERTIFICATION/REPORT OF ACTION**

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 returns from the Executive/Closed Meeting with Supervisor White reading 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 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 Stacy, Childress, Absher, White and Hymes

Nays: None

Absent: None

Absent during vote: None

Report of Action as a result of the Executive/Closed Meeting:

**COAL SEVERANCE TAX –SETTLEMENT AGREEMENT / SEVEN COALFIELD COUNTIES**

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 settlement agreement among the seven coalfield counties and the coal producers to eliminate some of the coal companies deductions from the Coal Severance Tax they pay to the County of Tazewell, Virginia in exchange for one-half percent (1/2 %) reduction in the tax rate for smaller coal companies mining less than ten thousand (10,000) tons per month. The Board of Supervisors further endorses the enabling legislation for such agreement which is to be presented to the General Assembly.

**DENTAL SCHOOL – 2<sup>ND</sup> MOU APPROVED**

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 Second (2<sup>nd</sup>) Memorandum of Understanding with Bluefield College for the development of the Dental School contingent upon final approval of the budget by the Industrial Development Authority. The Board of Supervisors hereby further asks that a copy of the Memorandum of Understanding be part of the Minutes as hereby approved and be incorporated herein by reference thereto.

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**PUBLIC HEARING**

**ANIMAL CONTROL ORDINANCE – PROPOSED AMENDMENTS**

The Chairman, John M. Absher called to order a public hearing that was duly advertised according to law entitled “**AN ORDINANCE TO AMEND AND REENACT CHAPTER 3, ARTICLE II, and SECTIONS 3-26 THROUGH 3-27 AND SECTIONS 3-39 THROUGH 3-70 REGARDING ANIMAL CONTROL.**” The proposed ordinance would (1) clarify the duties and responsibilities of animal control officers; (2) enact the provisions governing the care of animals and cruelty to animals; (3) incorporate Title 3.2 of the Code of Virginia into Tazewell County’s Animal Control Ordinances verbatim; and (4) include new provisions prohibiting nuisances barking by dogs.

Now, the Chairman called for public comments from the floor with regard to the subject public hearing:

The County Attorney, Eric Young said the County recently made changes to the Animal Control ordinance regarding the purchase of dog tags and amendments to this ordinance references duties and responsibilities of animal control officers; (2) enact the provisions governing the care of animals and cruelty to animals; (3) incorporate Title 3.2 of the Code of Virginia into Tazewell County's Animal Control Ordinances verbatim; and (4) include new provisions prohibiting nuisances barking by dogs.

1. Eric Whitesell, a local attorney, and a resident of Thompson Valley, Virginia - was present and stated that he drafted the proposed amendments to the Animal Control Ordinance and presented a power-point/audio presentation, assisted by Attorney, Catherine D. O'Brien. Mr. Whitesell said barking dogs in his neighborhood interrupt the tranquility of Tazewell County. He shared with the Board video clips of the barking dogs and said he was a victim of irresponsible dog owners, comparing the barking dogs to school yard bullying and said the responsibility of owning a dog is not buying a chain, attaching to a dog and leaving the dog chained up all day. Mr. Whitesell the United States Constitution allows for peace and tranquility. He said the ordinance as proposed would exempt hunting dogs, agriculture dogs used for herding or guarding livestock and for training dogs. Mr. Whitesell said the cost of a private lawsuit to a citizen could average \$10,000.00 to \$35,000.00 and could be tied up for months in courts. Supervisor Stacy said several residents had mentioned to him concerns that county law enforcement would be distracted from protecting homes and businesses in favor of handling nuisance barking complaints. Mr. Whitesell responded by stating residents could record the barking on their own and that nuisance barking would be enforced at an officer's discretion.
2. Mr. Bill Monk, 1270 Purcell Road, Richlands, VA - said he felt the ordinance would do more harm than good and the ordinance would violate rights of dog owners. He said he loves his dogs and keeps them under control.
3. Ms. Shelby Jean Billips, Triangle Road, Bluefield, VA - said she could see both sides of the party – but she is not a dog owner, however, she does see owners that

antagonize their dogs. She said maybe the County should implement silencers for all gun owners.

4. Betty Wallace, West River Side Drive, North Tazewell, VA - voiced dismay with her neighbor's dogs and stated she and her husband could not sit in their yard or on their porch for the dogs barking as well as the terrible odor. Ms. Wallace said he is a dog owner, but has taught her dogs to only bark when someone's at her door. She said she once placed stun collars on them and it only took a few times to teach her dogs obedience. Ms. Wallace said she has even offered to buy the necessary items to help with the odor but they haven't accepted her offer.
5. B.C. Fuller, 709 Triangle Road, Bluefield, VA - Concerned with the noise part of the ordinance. He said he was not a dog owner but wanted to know if the ordinance also pertained to cows and their calf's mooing. He said he has lived at the same address for 50 years and said the noise from Gun Club members has never bothered him. Mr. Fuller said he was only concerned with the noise part of the ordinance.
6. Supervisor Stacy requested a show of hands from the audience indicating their attendance on the subject public hearing. 95% of the audience raised their hands.
7. LeRoy Long, Tazewell, Virginia - Stated he felt very blessed to live in Tazewell County, and he was a dog enthusiast and owned hound dogs. He said he took exception to being called a bully because he was a dog owner. He further said he chooses to live in Tazewell County because of its rural agricultural setting, and he accepts the noise as part of the community. Mr. Long said he disagreed with Mr. Whitesell and noted that 90 percent of the people in the audience this evening were responsible dog owners and hunters who take care of their dogs. He said the County needed to make sense of the whole thing – and wanted to know if the next step would be enacting a mooing cow or a crowing rooster ordinance.
8. Ralph Kinder, Tazewell, Virginia – said that he was opposed to any ordinance against dogs. He said he was proud to live in S.W. Virginia and proud to be called a hillbilly. He wanted to know what kind of place this would be without the sound of dogs, or cows mooing. He said he thanked the Lord for living in Tazewell County and was also thankful to have the freedom to speak.



9. Rocky Kinder – Black Diamond, Coon Club, Jewell Ridge, VA – said you can't stop a dog for barking and spoke of the safety factor of owning dogs. He said owning dogs was an American tradition.
10. Supervisor White wanted to clarify that the County's sheriff dept. can and will investigate abused or neglected animals.
11. Buck Brittian, 108 Blue Bonnet Drive, Tazewell, VA – Stated examples given this evening were exceptions. He said the ordinance pertained to continuous barking of dogs, nuisance dogs. Mr. Brittian said the ordinance is to eliminate a nuisance. He said the law allows citizens to get government involved to assist them.
12. Jack Rowe, 397 Cabin Road – Richlands, VA – questioned why Mr. Whitesell's pictures were from an Animal Rights show.
13. Eric Whitesell – said not all pictures shown were from a show, most were from dogs in Thompson Valley. He said he was not talking about responsible dog owners or dogs used for protection, he was talking about nuisance dogs. And, with regard to bully's, he said he was referring to owners who were not responsible dog owners.
14. Gary Shrader, Tip Top, VA – owns eight dogs and is a caregiver, rescuer and trainer to abused and neglected dogs. He said the ordinance is not about dogs barking, but about dogs that are neglected and that are an annoyance to others, as well as a threat to people. Mr. Shrader said that his neighbor has an unruly dog and his reward for trying to talk and reason with his neighbor was a notice "not to trespass".
15. Coy Richardson, 505 Railroad, Cedar Bluff, VA – said "some people work all their lives to get off the farm and others people work all their lives to get on the farm." He said he enjoys farming, raising cattle and the biggest thing with regard to ordinance – he has neighbors with dogs that run his cattle, but in the end usually a compromise is made and something worked out peaceful. He said when the County starts legislating this type of ordinance; it would be like a wild-fire, out of control.
16. LeRoy Long, Tazewell, VA – he doesn't want any hard feelings with anyone, but there are laws in place in the Code of VA to take care of abused neglected dogs. He said he didn't see how this proposed ordinance could be feasible. He requested that the Board use good common sense and reject the barking dog ordinance.

17. Bill Monk, Purcell Road, Richlands, VA - he said people can't control dogs in season and the only way to control barking dogs is to not allow dogs at all in Tazewell County.
18. Kenneth Mitchell, 820 Reynolds Ridge Road, Bandy, VA – said the only time his dog barks was at night when his dog sees a deer, rabbit, bear or other animal. He disagreed with the ordinance and said the county sheriff's office has more to do than to chase down barking dogs.
19. Lacy Hale, Bluefield Tazewell Road, Bluefield, VA – Stated he was a hunter and a dog owner of hunting dogs and guard dogs. He said the best way to decide this type of ordinance is to place it on the November ballot and see what happens.
20. Board of Supervisor member, Seth White requested that the County Sheriff send out a county animal control officer to check Mr. Whitesell's complaint.
21. Board of Supervisor member, Mike Hymes said the County Sheriff had a "twitter" page set up with approximately 150 comments from county citizens concerning the proposed ordinance.

Now, the chairman called for additional public comments from the floor three (3) times and there being none, he declared the public hearing closed.

The Chairman then called for a recess of ten (10) minutes after which the meeting was duly reconvened.

Consideration of adopting the proposed ordinance will be addressed by the Board of Supervisors at a later time.

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***RESOLUTION ADOPTED - AUTHORIZING THE EXERCISE OF EMINENT DOMAIN BY SPECIAL COUNSEL TO CONDEMN PROPERTY INTERESTS NECESSARY TO PERMIT BRISTOL VIRGINIA UTILITY TO INSTALL 4G SERVICE IN TAZEWELL COUNTY***

Now, the Chairman called to order a public hearing that was duly advertised according to law, entitled: A **PUBLIC HEARING** to hear concerns regarding the Boards intent to adopt a resolution declaring its intent to obtain an easement over certain specified properties located within Tazewell County, Virginia, pursuant to Virginia Code Section 15.2-1901, 1904, 1905

(2012) for the purpose of upgrading existing wireless communication towers and constructing one additional fiber optic line on existing AEP, Old Dominion Power and Verizon poles located on the identified properties to enhance the exiting fiber optic route and result in advanced wireless communication abilities through a 4g wireless network for the residents of Tazewell County, Virginia. The Chairman called for public comments three (3) times from the floor and there being none, he declared the public hearing closed.

Now, upon motion of Supervisor Childress 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 the following resolution:

**WHEREAS**, the Board of Supervisors of Tazewell County, Virginia (hereinafter “the County”), in cooperation with the Cumberland Plateau Planning District Commission, finds it in the public interest to promote the upgrading of existing wireless communication towers and construction of one additional fiber optic line on existing Appalachian Electric Power, Old Dominion Power and Verizon poles located on identified properties within the County; and

**WHEREAS**, such addition to the existing fiber optic routes will result in enhanced wireless communication abilities through a 4g wireless network for the County’s present and future residents, including public safety communications; and

**WHEREAS**, the vast majority of landowners owning land where the enhanced fiber optic line runs on the aforesaid poles reportedly have agreed to convey easements for the purpose of creating an advanced wireless communication 4g wireless network as set forth above; and

**WHEREAS**, based upon the negotiated amount of compensation previously offered and accepted by numerous County landowners, it is hereby determined by the County that the aggregate sum of \$500.00 per tract of land along the aforesaid existing American Electric Power, Old Dominion Power and Verizon poles is just compensation to the remaining affected landowners;

**NOW, THEREFORE, BE IT RESOLVED** that the County, by its Board of Supervisors, hereby adopts this Resolution authorizing and directing as follows:

1. In order to ensure the acquisition of 100% of the easements for the fiber optic line considered herein, the County hereby finds it to be in the public interest to approve, ratify and

direct the public use and acquisition of such easements to further the purposes of the 4g wireless network; and

2. It appears one property owner has refused or been unable to accept \$500 for said easement; pursuant to Section 15.2-1903, Code of Virginia (1950), as amended, and following a duly advertised and conducted public hearing, the County hereby authorizes the procurement of the aforesaid remaining easement over that certain parcel located along Goss Road in the Mud Fork area belonging to the estate of Robert Billips, number 036A0030A for tax identification purposes, by the exercise of Eminent Domain pursuant to Section 15.2-1901, et. seq., and Sections 15.2-1904 and 15.2-1905, Code of Virginia (1950), as amended; and

3. All Petitions and all other necessary legal processes shall be filed in the name of the County to acquire the remaining easement, using the appropriate caption as provided by law, and same shall be filed and processed by the Chafin Law Firm, of Lebanon, Virginia, or its designee, as Special Counsel to the County upon the terms and conditions previously reached with applicable funding sources and agencies.

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## **PUBLIC HEARING**

### **PROPOSED ORDINANCE TO CREATE**

#### **A TOURISM ZONE IN BURKES GARDEN**

Chairman Absher called to order a public hearing that was duly advertised according to law entitled, a proposed **ORDINANCE TO CREATE A TOURISM ZONE IN BURKES GARDEN** and called for public comments from the floor. The proposed ordinance reads as follows:

WHEREAS, the Board previously adopted an Ordinance to create tourism zones in Tazewell County;

WHEREAS, the Tourism Zone Ordinance provides that additional areas of the County may be included in the Tourism Zone by subsequent Ordinance;

WHEREAS, the Board recognizes the historic significance and natural grandeur of Burkes

Garden as a local treasure and significant tourist attraction for the County and desires to include the area in the Tourism Zone such that tourism related businesses located in and serving “the Garden” will be eligible for all the benefits appertaining to Tourism Zones in Tazewell County;

NOW THEREFORE be it ORDAINED, pursuant to Section 58.1-3851 of the Code of Virginia and Section 15-142 of the Code of Tazewell County, that the Tourism Zone in Tazewell County hereby is amended to include all that certain portion of the County known as Burkes Garden being more particularly described as the Burkes Garden Precinct by the Tazewell County Electoral Board in the 2011 redistricting Ordinance, according to the attached Schedule A and maps thereof maintained by the Electoral Board.

The following people spoke in reference to this public hearing:

Eric Young, County Attorney, explained the purpose of the ordinance and its incentives, such as tax grants and other up-front credits. It is designed to encourage tourist related businesses in certain areas of Tazewell County.

Supervisor Childress requested that the County Attorney clarify that the ordinance is in no way written to involve restrictions or control people’s property. The County Attorney confirmed that the ordinance would not control people’s property.

- Kim Hall – Little Creek Area, 4608 Burkes Garden Road, Burkes Garden, VA - questioned whether her property would be included in the proposed Tourism Zone.
- Betty Melvin, Burkes Garden, VA – requested additional restrictions for the ordinance with regard to how long businesses should be required to stay open. She feels some businesses will be upgraded and stay open for 2 months and then sale and make a profit on the business from the use of grant monies. Mr. Melvin then presented Mr. Hymes with a puzzle from a women’s group in Burkes Garden. The group does a lot of commercial advertising for the community, approximately \$5,000 each year. She itinerated that Burkes Garden is a farming community and would like to keep it that way. It is known for its scenic mountains, farm fields, bird watchers, bike riders/motorcycle enthusiasts as well as runners involved in the annual Varmint Race. The County Attorney explained the requirements of the

tourism zone incentives and said the State has in place certain rules and regulations for qualified businesses receiving incentives.

- Cindy Nicholson, 7322 Burkes Garden Road, Tazewell, VA 24651 – questioned the location of the current tourism zones in Tazewell County. The County Administrator said the locations include parts of the Northern and Southern Districts in Tazewell County – i.e. Pocahontas area & segments of the Crab Orchard Museum area.

Now, the Chairman called for additional comments from the floor with regard to the Public Hearing and there being none, he declared the public hearing closed. Supervisor Hymes stated that the proposed ordinance was a work in progress and he would be talking to residents and visiting the Burkes Garden area in the next few months. Therefore, no action was taken on the ordinance at this time.

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#### **VDOT UPDATE**

Conrad Hill, Transportation Residency Administrator – Lebanon Residency, was present to answer questions of concerns from the Board and citizens present.

- Route 603 curve – no report at this time for Mr. Absher
- Mudfork Project – Mr. Hill visited several roads this date with residents. The project is just beginning, excavation and widening, etc. 20% of the road complete at this point.
- Pole No. 33S – Jewell Ridge/Fiber Optic Line - the pole needs to be moved according to Supervisor White. Mr. Hill suggested Supervisor White speak with James Osborne regarding entrance permits.
- Roger Mitchem, Big Branch Road – spoke of the type of rock that lies on Big Branch Road. He wanted to know how much money the County plans to spend on the Big Branch Road that continues to slide in. As a tax-payer he wanted to know. Mr. Mitchem said the road was a big mess. Conrad Hill stated that VDOT is trying to repair the slides by taking and moving material off the banks and reseeding over the mesh material. The hump in the asphalt is being repaired as well. The retention pond is being cleaned out too.

- Clinic Drive – requested that the road be considered for repairs with Revenue Sharing Road. The project is estimated at \$400,000.00
- Vandyke Street – Watch for Children Sign. These signs have to be paid for by Tazewell County at an approximate cost of \$850 each and must be retro reflective. Mr. Hill provided each member with a memorandum regarding guidance on the installation of watch for children signs. The County now has to install and maintain these signs and adhere to VDOT guidelines regarding the installation of same. The County Administrator and the county's road department would determine the best way to pay for and handle the installation of the signs.
- Mudfork/Goss Road, Bluefield, VA – Mr. Wayne Sluss a resident of Tazewell, VA – Ben Bolt Ave., and a property owner in the Mudfork Community spoke to the Board concerning the Mudfork Road – i.e. the unfinished part, Route 643 that connects to Route 655, then connecting to Route 655. He said the road is traveled by teachers, employees of the Pocahontas Prison and Pyott Boone and people traveling to areas of the County to do business. He said the upgrade would improve the economy and is very much needed. He also mentioned the Spearhead Trail project and noted the need for good roads to accommodate prospective tourists. Mr. Sluss requested that the Board make the project a priority in up-coming meetings concerning future road work in Tazewell County.
- Eddie Dickenson, North Tazewell, Virginia 24630 and his wife Sharon Dickenson, spoke to the Board as well as showing a power-point presentation with regard to the condition of Mudfork Road, from Route 655 into the Abbs Valley community. The road in question is very narrow, curvy and hazardous and needs to be widened and the curves eliminated. The road is highly traveled to the Tazewell area, to businesses, schools and church services. The Dickenson's presented a petition that was given to the Board of Supervisors approximately 23 years. The petition referenced the same road concerns with nearly 200 signatures from the Mudfork and surrounding communities. The petition was dated September 10, 1990. Mr. & Mrs. Dickenson requested that the road be included in the VDOT's six-year plan budget for consideration. The road is now scheduled

for consideration in the 2016 Six Year Plan at a cost of \$1.5 million. Mr. Dickenson will be notified of the next Coal & Gas Severance meeting.

- Supervisor White questioned the status of guardrail projects in the County. Mr. Hill said the VDOT budget includes \$400,000 for guardrail projects in the County and suggestions are needed from the Board regarding guardrail locations. A Coal & Gas Road Improvement Committee meeting will be scheduled soon to discuss the guardrail projects.

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**VFW POST 7136 – COMMANDER HOMER HARDY**

**115 East Fincastle Street**

**Tazewell, Virginia 24651**

**(276)-988-6821**

Homer Hardy, Commander of VFW Post 7136, Tazewell, Virginia 24651 presented the following:

“We as members of the veterans of foreign wars post 7136 of Tazewell, Virginia respectfully ask you the board of supervisors for a financial donation of three thousand dollars. Your local VFW Post does support our local veterans and family members of deceased veterans with financial obligations that at 'times they personally cannot meet. We also support programs in our community which in return support those that have needs also. VFW Post 7136 has donations drives on three major holidays which are: Memorial Day, fair week, and Labor Day. These drives average a total of \$2,700.00 hundred dollars for all three drives. Members of Barns and Beavers Post 7136 will from time to time pay additional expenses out of our pockets to help meet the needs brought before the VFW Post 7136. We the VFW Post 7136 hope and pray you the board will help us to help our community members at large. We the members of your local VFW Post 7136 would like to thank each and every one of you for your time and effort may God Bless our community.” The Board thanked Mr. Hardy for the many VFW’s services offered to Tazewell County veterans.

**\$3,000.00 SOUTHERN DISTRICT TO V.F.W. POST 7136**

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 approves the amount of \$3,000.00 from the Southern District Funds to the V.F.W. Post 7136, 115 East Fincastle St. Tazewell, Virginia 24651 to assist with VFW community support efforts. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

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### **CONSENT CALENDAR APPROVED**

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

- Approved the warrants for the month of Nov/Dec. 2012

### **WARRANTS**

#### **December 2012**

#### **Payroll**

Ordered that Warrant Nos. 136848 through 136908 and 136910 and direct deposits totaling \$353,814.85 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending November 30, 2012, be approved.

Ordered that Warrant Nos. 136912 through 136975; 136977 through 136978; 136980 through 136981 and direct deposits totaling \$483,864.76 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending December 15, 2012 be approved.

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

Ordered that Warrant Nos. 459296 through 459449, for \$27,375.00 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of November 2012, be approved.

Ordered that Warrant Nos. 459610 through 459620, for \$112,807.70 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending November 30, 2012 be approved.

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. 459770 through 459781 for \$113,041.76 from the General Funds, covering payroll deductions for the various County agencies for the period ending December 15, 2012, be approved.

**Handwritten**

Ordered that Warrant No. 801738 through 801753 for \$209,371.17 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of December 2012, be approved.

- Approved Coyote Claims in the amount of \$1,750.00
  - \$200.00 to Jerry Smith, 165 Matt Street, Tazewell, Virginia 24651 for 4 coyotes killed with a snare on 12-22-12 to 12-24-12.
  - \$150.00 to Johnny Horn, 904 Goss Road, Bluefield, Virginia 24605 for 3 coyotes killed with a snare on 12-25-12.
  - \$50.00 to Larry Lambert, 401 Plymouth Hollow Road, North Tazewell, Virginia 24630 for 1 coyote killed with a rifle on 12-13-12.
  - \$550.00 to Russell Daugherty, 5834 Slate Creek Road, Grundy, Virginia 24614 for 11 coyotes killed with a gun on 11-2012.
  - \$50.00 to Jody Heath Harris, 135 Quarterhorse Circle, Tazewell, Virginia 24651 for 1 coyote killed with a rifle on December 1, 2012.
  - \$200.00 to Larry Lambert, 401 Plymouth Hollow Road, North Tazewell, Virginia 24630 for 4 coyotes killed with a snare on December 1, 2012
  - \$50.00 to Marty Stacy, 550 Sweet Water Drive, Tazewell, Virginia 24651 for 1 coyote killed with a rifle on November 28, 2012
  - \$50.00 to James Taylor, 4789 Abbs Valley Road, Bluefield, Virginia 24605 for 1 coyote killed with a gun on November 30, 2012

- \$200.00 to William Bandy, 231 Gillespie Road, Pounding Mill, Virginia 24637 for 4 coyotes killed on November 28, 2012 with a trap
  - \$50.00 to Johnny Horn, 904 Goss Road, Bluefield, Virginia 24605 for 1 coyote killed on November 29, 2012 with a trap
  - \$100.00 to John Richardson, 601 Thompson Street, Tazewell, Virginia 24651 for 2 coyotes killed on December 1, 2012 with a rifle
  - \$100.00 to Cody Burnette, 143 Ginger Lane, North Tazewell, Virginia 24630 for 2 coyotes killed on January 1, 2013 with a snare.
- Ratified Southern District funds in the amount of \$100 for Nuckolls Hall Rental – North Tazewell Elementary
  - Sheriff’s Department – Approved a transfer in the amount of \$1,000.00 from the Contingent Grant & Resource Account No. 91050-7041 to the Sheriff’s Account No. 31060-6021 as a donation received from Bluefield Hospital Company for DARE tee-shirts
  - Sheriff’s Department – Approved a transfer in the amount of \$15,000.00 from the Contingent Grant & Resource Account No. 91050-7041 to the Sheriff’s Account No. 31020-6010 as a donation from First Century Bank for supplies needed for the new K-9 Units
  - Approved abatement for Kersey Properties – Real Property Tax per order of the Equalization Board in the amount of \$2,793.00.
  - Approved a settlement with lien holder bank of outstanding back taxes assessed against personal property of B & G campers repossessed by lien holder bank, as recommended by the Treasurer and the County Attorney, whereby the County received \$11,000.00 on a \$13,000.00 lien for unpaid taxes and waives 2012 taxes on the same property.
  - Sheriff’s Office: Declared surplus a 2008 Ford Econoline Van VIN: 1FBNE31L38DA58727 to be used to trade as an upgrade to current fleet.
  - Sheriff’s Office: Declared surplus old cages from Crown Vic police cars

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## **BOARD OF SUPERVISORS – LIAISONS REPORT**

### **Emergency Services Committee**

Supervisor Stacy – The Fire & EMS Study will be presented in February.

Supervisor White – ESC Burn Building / solicit input from towns/municipalities – the County will write a letter urging funding contributions from neighboring municipalities. A

request for a formal dollar amount will be made by Supervisor White at the February 5 regular BOS meeting.

**Planning Commission**

Supervisor Childress – the County Attorney is working to modify a proposed Peddler’s Ordinance for review by the Planning Commission.

**Industrial Development Authority (IDA)**

Supervisor White stated the IDA is moving forward with Dental School project and an aggressive time-line is needed for the natural gas project. Supervisor White would like to see a June 2013 ground – breaking for the gas project.

**School Board Liaison Member**

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 appoints Supervisor John Absher as the School Board Liaison member for FY13-14. This appointment replaces the interim appointment of Patricia Green.

**APPOINTMENTS**

**Cumberland Mountain Community Services Board**

Upon motion of Supervisor Absher, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby reappoints Dr. Fred Sayers, PO Box 1086, Cedar Bluff, VA 24609 as a member of the Cumberland Mountain Community Services Board, with a term commencing January 1, 2013 and expiring December 31, 2015 (3 year term).

One at-large appointment to the CMCSB was deferred.

**Tall Structures Appeals Board**

One appointment to the Tall Structures Appeals Board was deferred

**Social Services Board**

Upon motion 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 reappoints Darrell Addison, 502 Lakeview Drive, Richlands, VA 24641 to the Tazewell County Social Services Board with a term commencing

immediately and expiring December 31, 2014. This will be Mr. Addison's second term of office and no member shall serve more than two (2) consecutive terms.

**Clinch Valley Community Action, Inc.**

One appointment to fill the expiring term of the late Don Neal as a member of the Clinch Valley Community Action, Inc. was deferred to the February 5, 2013 meeting. The Board of Supervisors also suggested that a resolution be presented to the Neal family commemorating the life of Mr. Don Neal and his service to Tazewell County, Virginia.

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**PLANNING/ECONOMIC DEVELOPMENT/PROJECTS UPDATE**

The County Administrator reported that the Annual Legislative Meeting will be held January 16-18 in Richmond. A delegation of folks from Tazewell and surrounding counties will attend and the Legislative Reception will be held on Thursday, January 17, 2013 at the Omni Richmond Hotel between the hours of 5:30 and 8:00 p.m.

Mr. Spencer will also meet with the Department of Conservation and Recreation to address a proposed State Park for Tazewell County... a designation as a hybrid park might be the best way to approach this. There are at least five (5) state parks in the State that is losing funding – he said a State park for the County might be an uphill battle.

**UNDERGROUND STORAGE TANKS**

- **APPENDIX G: LOCAL GOVERNMENT GUARANTEE**

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the Underground Storage Tanks – Appendix G: Local Government Guarantee without Standby Trust – Made by a Local Government. A copy of the agreement in a form as hereby adopted is attached hereto and incorporated herein by reference thereto.

The County Attorney will review the insurance portion later in the year, and if a private insurer is found, the Board can revisit and possibly replace the insurance carrier.

**CLINCH RIVER VALLEY INITIATIVE – RESOLUTION OF SUPPORT**

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adopts a Resolution of Support for the Clinch

River Valley Initiative. A copy of the resolution in a form as hereby adopted is attached hereto and incorporated herein by reference thereto.

### **RECYCLING EFFORTS**

The County Administrator is working with the Town of Bluefield, Virginia/Mike Watson with regard to recycling efforts. Jeff Sizemore with the Town of Bluefield has agreed to take on the recycling project similar to Bedford County's recycling program.

### **100 COYOTES**

The County has received its 100<sup>th</sup> coyote claim. Therefore, no additional coyote claims will be accepted until July 1, 2013.

### **BOARD CONCERNS**

Supervisor Hymes wanted to know if any of the county fire stations had emergency generators to use during local disasters. This matter will be addressed during the January 10, local disaster workshop. The County Administrator will also contact the State -Director of Emergency Services to determine if there might be any surplus equipment from Iraq that could be utilized by local governments during local emergencies.

### **WOODSTONE DRIVE – EASTERN DISTRICT**

#### **FRANK BARNES PROPERTY -**

#### **ROUTE 655/BEHIND FAS MART/SPRINGVILLE AREA**

Upon request and motion of Supervisor Stacy, 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 refers the proposal to consider accepting Woodstone Drive into the County's Orphan Road Program to the Tazewell County Planning Commission. After the receipt of official comment from the Planning Commission or after sixty (60) days from the date of referral to the planning commission, the Board may vote to accept the road into the county system, following a public hearing with regard to the County's consideration of accepting same. The County Attorney in cooperation with the County Engineer is hereby further directed to begin the process of obtaining the necessary easements and right-of-ways from property owners in accordance with this action, as well as an estimated cost to improve the road to meet the standards of the County's road system. The road is located on Route 655 – behind Fas Mart Convenience store in the Springville area.

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**GRAHAM HIGH SCHOOL BAND –ORLANDO TRIP**

**\$500.00 FROM EASTERN DISTRICT FUND**

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 Graham High School Band, 210 Valleydale Street, Attn: Mike Brown, Bluefield, VA 24605. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**REGIONAL JAIL OFFICE SPACE ADDRESSED**

Supervisor Childress mentioned a letter from the local Captain of the Regional Jail Authority expressing the need for additional office space in the Courthouse. The County Administrator said he would set up a meeting with the Registrar and Electoral Board to discuss potential office space for administrative Jail personnel.

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Supervisor Childress announced Postal Service public meetings for the proposed changes to the operation of area post offices. A hearing was held today, Jan. 8, 2013 at the Bandy Post Office. A second hearing will be held Jan. 14 @ 5:00 at the Falls Mills United Methodist Church. Mr. Childress voiced dismay with the proposals to reduce the hours of operation for area post offices. He reiterated the need for Congress to appropriate additional money to keep normal postal service hours available to citizens.

Supervisor Childress questioned the status of the grant for the 945 Rescue defibrillator. The County Administrator will check with Dave White on the grant status. There may be a need for the County to reapply for the grant funding.

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**SCHOOL SAFETY COMMITTEE**

With regard to the Newtown, CT shooting on December 14, 2013, Supervisor Hymes said the County, in cooperation with the School System and County Sheriff are re-evaluating the need for continued security preparedness in county schools, as well as addressing potential

funding to include specific safety enhancement expenditures to maintain and improve security. Supervisor Hymes also reported that Sheriff Heiatt has given the County a list of four (4) options that would give Tazewell County Schools more law enforcement protection and security requirements. The Board of Supervisors also congratulated Sheriff Heiatt for his recent appointment by the Governor to the School Safety Task Force.

Now, with regard to this discussion, the Board of Supervisors directed the County Attorney to draft a letter, for the Chairman's signature, requesting that the towns within Tazewell County, as well as the School System, appoint representatives from their respective departments to serve as a Tazewell County School Safety Committee and to set a meeting as soon as possible. The Board of Supervisors selected Supervisor White and Supervisor Stacy to represent the Board as members of this committee.

Supervisor White voiced concern with the current gun laws and requested the County to seek new legislation asking that gun laws be repealed seeking "no more gun free zones". He said all these shootings in our nation are putting each of us at a cross-road. Supervisor White said when we have gun-free zones, "monsters" target defenseless areas, such as our schools. He requested that the County work and talk with our legislatures to eliminate "gun free zones."

Supervisor Stacy said that he has looked at the situation really hard and said he believes there has to be a police officer that is trained and prepared to take a life. He said he truly believes that the most protection we can afford our children is to put a person who is trained to walk to the active shooter opposed to walking away from an active shooter.

Supervisor White said that an armed response is the only way – "the only opportunity for safety". He said he was willing to put up an emergency fund for the schools for additional safety of our children.

Supervisor Stacy reiterated his thanks to Sheriff Heiatt for the extra protection his department has provided to our schools. He said that every school personnel, teacher, parent and student appreciates the extra security seen at the schools recently.

Supervisor White voiced his disagreement with the proposed assault weapons legislation.

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**ADJOURN**

Now, there be no further business to be transacted, and 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 adjourns this meeting.

The next regular meeting is scheduled for February 5, 2013 at 6:00 p.m.

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John M. Absher, Chairman

By: rg 10:55p.m.