

**VIRGINIA: AT AN ANNUAL/ORGANIZATIONAL MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS, HELD JANUARY 9, 2014 AT 6:30 P.M. IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING, 108 EAST MAIN STREET, TAZEWELL VIRGINIA**

**PRESENT: CHARLES A. STACY, CHAIR  
SETH R. WHITE, VICE CHAIR  
JOHN ABSHER, MEMBER  
D. MICHAEL HYMES, MEMBER  
J. GARLAND ROBERTS, MEMBER  
JAMES H. SPENCER, III – COUNTY ADMINISTRATOR  
C. ERIC YOUNG, COUNTY ATTORNEY  
SHELIA WEIMER, ASSISTANT COUNTY ATTORNEY  
(PRESENT AT ONLY A PORTION OF THE MEETING)  
PATRICIA GREEN, ASSISTANT COUNTY ADMINISTRATOR  
RUTH GROSECLOSE, ADMINISTRATIVE ASSISTANT  
MEMBERS OF THE PRESS: JIM TALBERT, CLINCH VALLEY NEWS/RICHLANDS NEWS PRESS; WARREN HINKLE, TAZEWELL COUNTY FREE PRESS; BILL ARCHER, BLUEFIELD DAILY TELEGRAPH**

**ABSENT: NONE**

Presiding Chairman, John M. Absher, called the annual/organizational meeting to order. All members were in attendance. Supervisor Roberts 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 Roberts, 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 January 9, 2014 agenda as amended.

## **MINUTES APPROVED**

Upon motion of Supervisor Roberts 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 December 3, 2013 and the December 30, 2013 meeting minutes as written.

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## **ORGANIZATIONAL STRUCTURING 2014**

Presiding Chairman Absher 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 Charles A. Stacy was placed in nomination by Supervisor Absher, with Supervisor Hymes 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 Roberts 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 Charles A. Stacy as Chairman of the Tazewell County Board of Supervisors for calendar year 2014 or until his successor is duly elected. The following vote is hereby recorded:

Supervisor Absher:	Aye	Supervisor White:	Aye
Supervisor Stacy:	Aye	Supervisor Roberts:	Aye
Supervisor Hymes:	Aye		

Chairman Stacy 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, Charles A. Stacy then proceeded with the election of a Vice Chairman of the Board of Supervisors for calendar year 2014.

The name of Seth R. White was placed in nomination by Supervisor Hymes with Supervisor Roberts seconding the foregoing. Chairman Stacy sought further nominations from the floor for Vice Chairman and there being none he declared the nominations closed with Supervisor Roberts moving and with Supervisor Hymes seconding the foregoing and by

acclamation, hereby elects Seth R. White as Vice Chairman of the Tazewell County Board of Supervisors for calendar year 2014 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 Roberts:	Aye
Supervisor White:	Aye	Supervisor Hymes:	Aye
Supervisor Absher:	Aye		

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

Upon motion of Supervisor Roberts, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby 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 2014.

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

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 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 2014.

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

Upon motion of Supervisor Hymes seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints James H. Spencer, III, County Administrator as Clerk to the Board of Supervisors for calendar year 2014.

## **DIRECTOR OF EMERGENCY SERVICES FOR TAZEWELL COUNTY**

Upon motion of Supervisor Absher seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints the County Administrator, James H. Spencer, III, as the Director of Emergency Services for Tazewell County for calendar year 2014 –with James H. Spencer, III delegating the position of Emergency Services Coordinator to David White.

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## **LEGISLATIVE CONTACT TO WORK WITH VACo- 2014**

Upon motion of Supervisor Absher, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby appoints Seth R. White to serve as Tazewell County’s legislative contact to work with VACo during the upcoming 2014 General Assembly. The County Attorney, Eric Young will advise and assist in this endeavor.

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## **TAZEWELL COUNTY BUDGET COMMITTEE FY14-15**

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 appoints Supervisor Stacy and Supervisor Roberts 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 Stacy and Roberts.

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## **EXECUTIVE/CLOSED MEETING**

Upon motion of Supervisor Stacy, seconded by Supervisor Roberts 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, Section 2.2-3711:

- A-5 Prospective Industry – two (2) matters involving Project MT and Project RCT
- A-3 Property Acquisition - one (1) matter involving Tazewell County Fire Rescue

Upon motion of Supervisor Hymes, seconded by Supervisor Roberts 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 hereby 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 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 Roberts, White, Absher, Hymes and Stacy*

*Nays: None*

*Absent: None*

*Absent during vote: None*

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**SPECIAL RECOGNITION**

The Chairman, Charles A. Stacy, welcomed Tazewell County Sheriff's Deputy, Larry Turley who is retiring effective January 1, 2014. Mr. Turley was accompanied by his wife, Rebecca and their son, Allen and his wife and children. Former Sheriff's Bill Osborne, Joe John and the current Sheriff Brian Heatt were in attendance.

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

**RESOLUTION**  
**ON THE RETIREMENT OF**  
**TAZEWELL COUNTY SHERIFF DEPUTY LARRY TURLEY**



*WHEREAS*, Tazewell County Sheriff's Deputy, Larry Turley has served the citizens of Tazewell County for twenty eight (28) years as a public servant; and

*WHEREAS*, Deputy Larry Turley is retiring January 1, 2014; and

*WHEREAS*, Deputy Turley began his career in 1986 and has worked under Sheriff Bill Osborne, Sheriff Joe Johnson, Sheriff H.S. Caudill and the current Sheriff Brian Hieatt; and

*WHEREAS*, Deputy Turley has served the people of Tazewell County in many capacities, where he has served in many sectors of public service, including service in the US Navy from December 1969 through November 1973, serving aboard the USS San Jose AFS 7, visiting such locations as Sunny Side, Viet Nam, Japan, Singapore, Hong Kong, Taiwan, Thailand, and the Philippines; and

*WHEREAS*, Deputy Turley is married to Rebecca P. Hicks Turley, and is the proud father of Allen Turley born in October 1975 and the late Clinton Turley who tragically passed away in December 2005; and

*WHEREAS*, Deputy Turley *is* a member of New Covenant Fellowship and serves on the Men's Council and is the church's drummer, and is a faithful servant to his church and community; and

*WHEREAS*, Deputy Turley has worked in various capacities in the Sheriff's Office from Court Bailiff, Jailor, Sergeant, Road Deputy and finally in the division of Civil Process. He has assisted numerous agencies from throughout Virginia and West Virginia in apprehending suspects even received a letter of commendation from Governor George Allen for his courage, sound judgment and professionalism while in the pursuit and apprehension of a dangerous criminal; and

*WHEREAS*, the Tazewell County Board of Supervisors hereby commends Deputy Larry Turley for his many years of service to the people of Tazewell County and for his dedication to his profession; and

*NOW, THEREFORE, BE IT RESOLVED*, that the Tazewell County Board of Supervisors hereby presents this resolution to Deputy Larry Turley as an expression of the Board of Supervisors admiration and gratitude for his exceptional tenure of service to the people of Tazewell County, Virginia; and

*FINALLY, BE IT RESOLVED*, that the Board of Supervisors of Tazewell County, Virginia hereby gives their best wishes to Deputy Larry Turley for a long and fulfilling retirement. Congratulations and God Bless.

*IT IS SO APPROVED THIS THE 7<sup>th</sup> DAY OF JANUARY, 2014*

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## **CITIZEN COMMENTS SCHEDULED**

Tom Lester cancelled his presentation to the Board regarding an Educational Summit.

Dave Smith, Historic Pocahontas cancelled his presentation relative to Historic Pocahontas Real Estate and the Pocahontas Walking Trail.

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## **ROBERTS RULES OF ORDER SUSPENDED**

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 suspends Roberts Rules of Order, changing the order of the Agenda due to the Board of Supervisors being ahead of schedule.

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## **CONSENT CALENDAR APPROVED**

Upon motion of Supervisor White seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present, and 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”. 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 following warrants as paid:

### **WARRANTS**

December 2013

#### Payroll

Ordered that Warrant Nos. 138309 through 138363 and direct deposits totaling \$347,436.87 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending November 30, 2013, be approved.

Ordered that Warrant Nos. 138365 through 138418 and direct deposits totaling \$351,646.66 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending December 15, 2013 be approved.

### Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 463837 through 464028, for \$670,657.54 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 2013, be approved.

Ordered that Warrant Nos. 464030 through 464042, for \$139,805.92 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending November 30, 2013 be approved.

Ordered that Warrant Nos. 464044 through 464174, for \$237,654.62 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 2013, be approved.

Ordered that Warrant Nos. 464176 through 464187, for \$125,460.85 from the General Funds, covering payroll deductions for the various County agencies for the period ending December 15, 2013, be approved.

### Handwritten

Ordered that Warrant No. 801827 through 801834 for \$260,942.94 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of November 2013, be approved.

- Ratified \$1000.00 to Rescue 945 from Account No. 5699-38, Northern District, to pay for heating oil, vehicle fuel & to assist with insurance costs for a new vehicle.
- Ratified \$300.00 from the Western District Fund to the Cedar Bluff Elementary School for the Special Education Program.
- Ratified closing County offices for Christmas Holidays, December 23 – 26, 2013.
- Ratified letter to VACo opposing the new Health Department regulations regarding Onsite Privatization Study (SHIFT).



- Approved check issued to Tazewell County IDA in the amount of \$121,000 (from account 23-97010-8162 County Capital Projects) for the Contribution-In-Aid of Construction agreement approved at the December 30, 2013 Special Called meeting of the Tazewell County Board of Supervisors.

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## **ADMINISTRATIVE/FINANCIAL/OTHER BUSINESS**

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

#### **Planning Commission**

Member Stacy reported that the Planning Commission met this date for its organizational meeting. He said Travis Hackworth is the Chairman and the Vice Chairman is Jason Herndon for calendar year 2014. Subcommittees of the planning commission continue to work on the Comprehensive Plan and the Zoning Ordinance. Member Stacy while attending various BOS certification programs announced that he finds the comprehensive portion of the certification program the most intriguing. He requested fellow board members to get involved as well as reaching out to their constituents and invite them to the various upcoming comprehensive subcommittee meetings to share their visions for Tazewell County. The Zoning Subcommittee continues to work on a draft zoning ordinance concentrating on zoning for the Eastern District.

#### **IDA – Industrial Development Authority**

Supervisor White gave a report on the joint meeting between the IDA & BOS with regard to the Northwest District Natural Gas project. The gas project will bring natural gas to businesses throughout the Richlands area.

#### **School Board**

Board of Supervisor members discussed the upcoming school budget meeting. Supervisor Hymes stated that he would like to see the County Budget Committee meet with the School Board Budget Committee as soon as possible to discuss potential funding, as well as possible deficit funding and to identify and address other school matters.

#### **Recreation Development Authority (RDA)**

Supervisor Roberts reported that the RDA has looked at several hurdles including the Pocahontas Walking Trail and opening of the Spearhead Trail. He said various different approaches will be taken on the Spearhead Trail. The County Administrator continues to work on challenges with Hill Studio.

**Airport Authority**

Jerry McReynolds, Airport Manager provided a hand-out of the various Airport activities. A copy of the report in a form as presented is attached hereto and incorporated herein by reference.

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**PUBLIC HEARING –**

**“A PROPOSED VACATION OF A PORTION OF DIP STREET IN THE CEDAR LAND FARMS SUBDIVISION, POUNDING MILL, TAZEWELL COUNTY, VIRGINIA”**

Chairman Stacy called to order a public hearing entitled **“A PUBLIC HEARING TO HEAR CONCERNS REGARDING A PROPOSED VACATION OF A PORTION OF DIP STREET, IN THE CEDAR LAND FARMS SUBDIVISION, POUNDING MILL, TAZEWELL COUNTY, VIRGINIA, IN THE WESTERN DISTRICT OF TAZEWELL COUNTY, VIRGINIA.”** The public hearing was duly advertised in local newspapers according to law, and which said certificate of publication is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

The Chairman then called for public comments from the floor three (3) times and there being none, he declared the public hearing closed.

The County Attorney, Eric Young, reviewed with the Board the portion of Dip Street proposed for vacation, highlighted in yellow on a Plat as attached to the proposed ordinance and incorporated herein by reference, to wit:

“That portion of Dip Street to be vacated is located in Cedar Land Farms Subdivision between parcels 125A50101SE04000D and 125A401000F, as more particularly shown on that certain plat entitled: "Map Cedar Land Farms, Inc.," annexed to that certain deed from Cedar Land Farms, Inc. to Wayne Tester and John R. Dobson, dated January 26, 1971, and recorded in the Tazewell County Circuit Court Clerk’s Office in Deed Book 360, page 505, and described as follows:

Beginning at a point at the intersection of Spur Street and Dip Street, being the same as the Southeast corner of parcel 125A401000F, belonging to Dudley and Gladys Redden, then running along the Southern boundary of said parcel approximately 136.788' to a point, then running Southward approximately 20.228' to the center of the existing right of way known as Dip Street, then running Westward along the center line of Dip Street approximately 43.862' to a point; then running Southward approximately 22.279' to the Northwest corner of parcel 125A50101SE04000D, belonging to Tex and Juanita Sawyers, then running along the Northern boundary of said parcel approximately 176.286' to the

Southeast corner of said parcel, then running North along the West terminus of Dip Street approximately 39.974' to the point of beginning.

The vacation hereby is made pursuant to Section 15.2-2272 such that ownership of the vacated portion of the road shall revert to the owners of the adjacent lots.”

Now, the Chairman called for public comments from the floor three times and there being none, he declared the public hearing closed.

Then, 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 adopts the ordinance in a form as amended. A complete copy of the ordinance in a form as adopted is as follows:

**"PROPOSED VACATION OF A PORTION OF DIP STREET LOCATED IN THE CEDAR LAND FARMS SUBDIVISION, POUNDING MILL, TAZEWell COUNTY, VIRGINIA, IN THE WESTERN DISTRICT OF TAZEWell COUNTY"**

**WHEREAS**, pursuant to §15.2-2006 and §15.2-2272 of the Code of Virginia, (1950), as amended, the Board is authorized to vacate or alter any Public Right of Way located in the County of Tazewell, by ORDINANCE of the governing body of the locality in which the land lies;

**WHEREAS**, Tex Sawyers petitioned the Board of Supervisors of Tazewell County, Virginia, (“Board”) to consider the vacation of a portion of Dip Street that lies between parcels 125A50101SE04000D and 125A401000F, as shown on a plat entitled "Map of Cedar Land Farms, Inc." annexed to that certain deed from Cedar Land Farms, Inc. to Wayne Tester and John R. Dobson, dated January 26, 1971, and recorded in the Tazewell County Circuit Court Clerk's Office in Deed Book 360, Page 505, and stated in support thereof that Dip Street has never been developed as public passageway and serves no public necessity; and

**WHEREAS**, Tex Sawyers owns property abutting Dip Street, as shown on said map; and

**WHEREAS**, notice of public hearing to consider said vacation of a portion of Dip Street, setting forth the description of the portion of the map to be vacated, stating the time, date, and place of the meeting of the governing body at which the adoption of the ordinance was to be

voted upon, was duly published on the 25th day of December, 2013, and the 1st day of January, 2014, in the Clinch Valley News/Richland's New Press, a newspaper having general circulation in the County in which Dip Street is located, all as required by §15.2-2006 and §15.2-2272 of the Code of Virginia (1950), as amended; and

**WHEREAS**, the Board finds that it is satisfied that Dip Street has not been used as a public passageway and serves no public necessity; and

**WHEREAS**, the Board further finds that the requirements for vacation of portions of a plat as contained in §15.2-2006 and §15.2-2272 of the Code of Virginia, (1950), as amended, have been met.

**NOW THEREFORE BE IT ORDAINED**, that the portion of Dip Street which lies between parcels: 125A401000F and 125A50101SE04000D, and, for taxation purposes, shown in the land records of the County to be owned by: Dudley and Gladys Redden , and Tex and Juanita Sawyers, in the Cedar Land Farms Subdivision, as more particularly shown on a plat entitled "Map of Cedar Land Farms, Inc." annexed to that deed from Cedar Land Farms, Inc. to Wayne Tester and John R. Dobson, dated January 26, 1971, and recorded in the Tazewell County Circuit Court Clerk's Office in Deed Book 360, Page 505, hereby is vacated pursuant to §15.2-2006 and §15.2-2272 of the Code of Virginia, (1950), as amended. That portion of Dip Street to be vacated is hereby described as follows:

That portion of Dip Street to be vacated is located in Cedar Land Farms Subdivision between parcels 125A50101SE04000D and 125A401000F, as more particularly shown on that certain plat entitled: "Map Cedar Land Farms, Inc.," annexed to that certain deed from Cedar Land Farms, Inc. to Wayne Tester and John R. Dobson, dated January 26, 1971, and recorded in the Tazewell County Circuit Court Clerk's Office in Deed Book 360, page 505, and described as follows:

Beginning at a point at the intersection of Spur Street and Dip Street, being the same as the Southeast corner of parcel 125A401000F, belonging to Dudley and Gladys Redden, then running along the Southern boundary of said

parcel approximately 136.788' to a point, then running Southward approximately 20.228' to the center of the existing right of way known as Dip Street, then running Westward along the center line of Dip Street approximately 43.862' to a point; then running Southward approximately 22.279' to the Northwest corner of parcel 125A50101SE04000D, belonging to Tex and Juanita Sawyers, then running along the Northern boundary of said parcel approximately 176.286' to the Southeast corner of said parcel, then running North along the West terminus of Dip Street approximately 39.974' to the point of beginning.

The vacation hereby is made pursuant to Section 15.2-2272 such that ownership of the vacated portion of the road shall revert to the owners of the adjacent lots.

The Board does further direct that an instrument be recorded in the land records of the Circuit Court Clerk's Office listing Dudley and Gladys Redden and Tex and Juanita Sawyers as Grantees with respect to the vacated portion of Dip Street.

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## **UPDATE**

Dahmon Ball, PSA Administrator briefed the Board on various PSA projects. He also congratulated Supervisor Roberts as the newest member of the PSA board. However he said Supervisor Stacy would be missed.

The following projects were noted:

The Cedar Land Farms project that has been out for a long time is complete– the system will enhance the water service in the Cedar Land Farms area.

Brunette Street Pump Station was placed in service today serving the Raven Doran System.

The Natural Gas Project study by the PSA should be complete by the end of January (this month) Indian Creek area, Baptist Valley over to Tazewell – almost half of the service area already uses propane or oil.

Mr. Ball said excellent bids were received on the Claypool Hill Wastewater Treatment Plant. Mr. Ball requested the Board of Supervisors approve the support agreement with VRA and a Resolution authorizing the execution of same.

## **PSA – SUPPORT AGREEMENT WITH VRA & RESOLUTION AUTHORIZING THE EXECUTION OF SAME**

Now, 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 Support Agreement with the Virginia Resources Authority (VRA) and the Tazewell County Public Service Authority (PSA) and the Resolution authorizing the issuance of bonds by the PSA to borrow up to \$9,255,550.00 from the Virginia Resources Authority (VRA) to be spread over a term of twenty-five (25) years at a zero (0) interest rate. Further, the Chairman of the Board, Vice Chairman and the Administrator and counsel be hereby authorized to execute any and all documents necessary to close said loan and copies of the executed documents be incorporated herein these minutes by reference thereto.

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## **APPOINTMENTS**

### **Airport**

Appointments to the Airport Authority were deferred to the next regular meeting.

### **Crooked Road**

One appointment was deferred to the Crooked Road until the position of Tourism Director is filled.

### **Cumberland Plateau Planning District**

One citizen appointment from the Town of Tazewell to the Cumberland Plateau Planning District was deferred to the next regular meeting.

### **Library Board of Trustees**

Upon motion of Supervisor Hymes, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby reappoints Rita Cole, 794 Thru Drive, Pounding Mill, VA 24637 to the Library Board of Trustees, with a term effective immediately and expiring January 31, 2018 (4 year term).

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 reappoints Karel Ryan, PO Box 299, Tazewell, VA 24651 to the Library Board of Trustees, with a term effective immediately and expiring January 31, 2018 (4 year term).

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## **COYOTE BOUNTY PROGRAM**

Supervisor Roberts brought to discussion the coyote bounty ordinance and a proposal to revamp the ordinance. He suggested a coupon system and impose a bounty of \$75.00 on a female and \$25.00 on a male coyote. He also suggested the coyote bounty be continued through the hunting months of December and January, which were the primary breeding months for coyotes. He suggested the bounties be paid starting in the month of September. Supervisor Hymes mentioned farmers kill coyotes all year long because they kill their livestock.

William Osborne, President of the Farm Bureau spoke and suggested a \$50.00 for the female and \$25.00 for a male coyote. Mr. Osborne said the Farm Bureau had to be conservative and could only budget \$5,000.00 per year for the coyote program. He said the Farm Bureau would meet in the next few weeks would discuss their budget. He also suggested the County implement a way to better check in the coyotes at the Landfill; he feels the coyotes are not being properly identified. Supervisor Stacy suggested the Sheriff's Department be in charge of the coyote program. He feels there is a lot of fraud in the program and a deputy might deter people from possibly trying to take advantage of the coyote program. Supervisor White thought County folks should be able to handle the program without assistance from the Sheriff.

It was the consensus of the Board to see if the Farm Bureau would sign off on the County's plan to amend the current ordinance. The County Administrator will follow up with regard to the coyote identification process at the landfill. No action was taken with regard to additional funding for the program in this fiscal year. The coyote bounty matter will be discussed at the February 4, 2014 regular meeting.

## **ROUTE 607 & 601 DRAIN/ICE ISSUE**

William Osborne, Tannersville community mentioned a bad drain situation at the intersection of Route 607 and 601 west of the Tannersville Post Office. He said a serious ice situation exist there; at least 100 foot of ice occurs due to the drain being stopped up under the road. Mr. Osborne also mentioned environment problems/regulations with VDOT holding up a lot of things. The County Administrator said this could possibly be addressed with VDOT officials when the County visits Richmond during the upcoming Legislative meeting.

## **ERIK ROBINSON – SECOND CHANCE ROCKS THE TWO VIRGINIAS**

Erik Robinson, Co-Founder and Executive Director of Second Chance Learning Center and Second Chance Rocks the Two Virginias, requested the Board of Supervisors same sponsorship as in previous years for the Second Chance Rocks the Two Virginias, scheduled for June 21, 2014. The Second Chance program provides free counseling, mentoring and tutoring services to those in need. Mr. Robinson said the upcoming event is expected to be the largest yet with very prominent performers in the line-up. Mr. Robinson thanked the Board for their support. Chairman Stacy suggested Mr. Robinson come to the February 4, 2014 meeting. Ms. Green will confirm the County's previous year donation and determine if funds have been budgeted for this fiscal year.

## **TAZEWELL COUNTY MAINTENANCE CODE –**

Following presentation by the County Administrator and upon approval of the County's personnel committee this date, and upon motion of Supervisor Roberts, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the In-House Tazewell County Maintenance Code Plan, further approving the reclassification of a Landfill employee to assist Dave White, Maintenance Code Director, and further hereby authorizes and approves the purchase of a trailer, from the Maintenance Code Account, to assist in the removal/transportation of materials from a nuisance site. 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. The County Administrator is further authorized and directed to have a press release ready by the Feb. 4, 2014 regular meeting identifying "standards" necessary with regard to the In-House Maintenance Code Plan.

The County Administrator further requested that all nuisance complaints within the County be sent to [pmc@tazewellcounty.org](mailto:pmc@tazewellcounty.org). A list of nuisance complaints are being compiled similar to all county road complaints.

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## **COURTHOUSE HVAC SYSTEM/SPACE NEEDS**

The County Administrator reported that a meeting with all three judges will be set up to address the HVAC system as well as space needs in the Courthouse.



## **RICHMOND LEGISLATIVE MEETING**

The County Administrator reported that various meetings with Economic Development prospects and other state officials is being planned for the January 15-17 Legislative Meeting in Richmond.

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## **NEW COUNTY TELEPHONE SYSTEM**

The new county telephone system is up and running with a few minor issues being resolved. A list of new phone numbers was provided to board members and other county officials as well as to the media.

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## **TAZEWELL COUNTY PUBLIC SCHOOLS**

### **DEBT SERVICE SAVINGS**

The County Administrator reported that the School Board has been notified of a one-time debt service savings for the January 15, 2014 payment date, non-recurring interest, in an approximate amount of \$25,000.00. The County will provide Dr. Meyer with the appropriate paper-work with regard to the savings.

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## **ATVS – MONIES APPROVED NOT TO EXCEED \$30,000.00 FOR TWO ATV'S FOR FIRE & RESCUE**

Upon motion of Supervisor Roberts, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves an amount not to exceed \$30,000.00 from Account No. 32010-8109 Fire Dept. Capital Outlay, for two (2) ATV's suitable for fire and rescue services to be deployed at County Fire Departments, specifically Pocahontas Fire Department and Rescue 945, to provide emergency rescue access to remote areas, on the condition that their use be governed by the County's Vehicle Policy and that the Departments permitted to operate the vehicles have at least two persons who have met the manufacturer's suggested training requirements and the County Coordinator of Emergency Services' training requirements for the operation of such vehicle for emergency purposes. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this

action and which said warrants will be converted to negotiable checks at such time as may be necessary and appropriate in accordance with this action.

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**PUBLIC HEARING – AN ORDINANCE TO REGULATE  
CONDUCT IN COUNTY PARKS**

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 authorizes and directs the County Administrator to advertise for a public hearing to consider amendments to **AN ORDINANCE TO REGULATE CONDUCT IN COUNTY PARKS** – more particularly to broaden the date for use of paddle boats (non petroleum-power boats or conveyance) on the lake. Paddle boats are now only allowed after July 1 of each season. This is contingent upon all rules and regulations of the Department of Recreation and Conservation (DRC), and further, that the boat operation activities be considered for management by an outside company.

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**EROSION & SEDIMENT CONTROL  
STORM WATER – TOWN OF POCAHONTAS**

The County Administrator reported potential storm water & E & S setbacks in the town of Pocahontas with regard to how the projects are enforced. The Town will be offered the option of enforcement by the Town of Pocahontas or by the County. An update will be given at the February 4, 2014 regular BOS meeting.

**VDOT –**

**SAFETY STUDY**

**ROUTE 460 INTERSECTIONS/ BAILEY SWITCH ROAD**

Upon motion of Supervisor Stacy, seconded by Supervisor Hymes and adopted and 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 requesting the Virginia Department of Transportation to perform a safety study at the intersection of Route 460 and Bailey Switch Road, near Tim’s BP Station. There have been numerous accidents that have resulted in serious injuries.

A copy of the resolution will be attached hereto and incorporated herein by reference thereto.

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### **VDOT – TANNERSVILLE DRAIN SITUATION**

Per request of William Osborne, a resident of Tannersville, Virginia and upon a consensus of the Board of Supervisors, the County Administrator was requested to contact VDOT, to discuss a drain situation at the intersection Route 607 and Route 601 west of the Tannersville Post Office. The drain situation is causing a very icy situation on a long stretch of highway in that area. The County Administrator stated that County officials could possibly discuss this matter as well as several VDOT environmental problems during the upcoming Legislative Meeting in Richmond, Jan. 15-17.

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### **CANCER STUDY UPDATE**

Supervisor Hymes reported the Cancer Study Report will be presented by VA Tech folks at the February 4, 2014 regular meeting. The report will possibly be discussed in executive session as well as open meeting.

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### **COAL EVENT**

Supervisor Absher requested Andrew Vehorn with Capital Results have a community meeting in Tazewell. Supervisor Absher suggested Mr. Vehron use one of the buildings at the County Fairgrounds for the Coal event on January 20. Mr. Vehron is working with the National Mining Association and the Faces of Coal Campaign to get public comments in opposition to the EPA proposed regulations. Patricia Green will see if one of the Fairground Facilities is available and contact Mr. Vehron.

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### **LEAD TAZEWELL COUNTY**

Supervisor White requested that the Board of Supervisors consider allocating \$500.00 from their district fund account in support of the LEAD Program. Mr. Tom Lester will attend the February 4, 2014 meeting with regard to this matter.

## **DOMINION POWER**

Supervisor White suggested Dominion Power attend the February 4, 2014 meeting to give the Board of Supervisors an update on future plans for alternate energy in Tazewell County.

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## **JONES ENGINEERING**

Supervisor White requested that Jones Engineering be placed on the Executive Closed Agenda for February 4, 2014.

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## **SCHOOL BOARD EMBEZZLEMENT UPDATE NEEDED**

Supervisor Hymes requested that the County Attorney reach out to the School Board attorney or the Court System for an update on the School Board embezzlement matter and to report same to the Board of Supervisors.

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## **RECEPTION TO BE HELD FOR FIRE DEPARTMENTS/OTHER OFFICIALS FOR EFFORTS WITH REGARD TO DECEMBER 31 –MAIN STREET FIRE**

Supervisor Hymes, Stacy and Absher pledged \$500.00 each from their district funds to hold a reception on February 4, 2014 for the emergency services units that assisted in the December 31, 2013 fire on Main Street in Tazewell. It was a consensus of the Board to have the reception at Nuckolls Hall beginning at 4:30 p.m. for each emergency services unit for their bravery and courageousness and to be honored for same during the February 4, 2014 regular meeting.

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## **SEWER LINE – DRY TOWN (NEAR RAMEY’S) TO THE LANDFILL COMMITTEE ESTABLISHED TO DISCUSS WITH THE PSA**

It was a consensus of the Board to appoint Supervisor Hymes and Supervisor Roberts as a committee to work to the Tazewell County Public Service Authority (PSA) to address the possibility of extending a sewer line from Dry Town in Tazewell near Ramey Chevrolet to the County Landfill to allow the leacate to flow directly into the Town of Tazewell Sewer Plant. Supervisor White said his biggest question would be what are the costs involved to accomplish same.

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**GRAHAM HIGH SCHOOL –  
MODEL GENERAL ASSEMBLY  
\$1000.00 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 \$1,000.00 from the Eastern District Fund, Account No. 91500-5699, to Graham High School, Model General Assembly, c/o Rick Marrs, 210 Valleydale, Bluefield, Virginia 24605. This money will be used to offset travel costs for the Model General Assembly meeting scheduled for March 26, 27, 28 & 29, 2014. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia 24651.

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**FALLS MILLS FISH CLUB  
\$600.00 FROM NORTHERN DISTRICT FUND**

Upon motion of Supervisor Roberts, 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 \$600.00 from the Northern District Fund, Account No. 91600-5699-22, payable to the Falls Mills Fish Club, Falls Mills, VA 24613. This will assist with the placement of gravel for the access road. 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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**BRUSH TRUCK DONATED TO CLEARFORK BY  
DEL RICK CORPORATION ACCEPT UNDER COUNTY'S INSURANCE PROGRAM**

Upon motion of Supervisor Hymes, seconded by Supervisor Roberts and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby accepts the brush truck under the County's insurance program donated to the Clearfork Fire Department by the Del Rick Corporation.

**LABOR OF LOVE MISSION –**

**LADY DOGS TRAVELING SOFT BALL**

**\$500.00 FROM SOUTHERN DISTRICT YOUTH FUND**

Upon motion of Supervisor Hymes, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$500.00 from the Southern District Fund, Account No. 91800-5699-32, Labor of Love Mission, payable to the Lady Dogs Traveling Softball Team, Attn. Spot Steele. The County Administrator is hereby authorized and directed to issue said warrant in accordance with this action and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**TOURISM DIRECTOR POSITION**

The County Administrator reported that the screening committee for the new position of Tourism Director will review the applications on Monday, January 13, 2014 and update the Board at its February 4, 2014 meeting.

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**CELL PHONE TOWERS THOMPSON VALLEY**

Supervisor Hymes stated that he is working with Richard Settle, Verizon, to try and secure locations for a cell phone tower in Thompson Valley. Supervisor White said he would discuss the cell phone tower location matters with Supervisor Hymes as well as potential coverage areas. Supervisor White said funding was approved from the VA Tobacco Commission monies to enhance 4-G service/towers in the region. The location of towers, size and other tower specs need to be addressed. The towers will also be prioritized based on individual County contributions. Supervisor White suggested the Board be concentrating on the County's possible contribution. The County Administrator said the County's GIS Dept. could possibly do a viewshed study to assist in this endeavor.

## **DSS SPRINKLER SYSTEM**

Supervisor Hymes questioned the Tazewell Community Facilities Building – Health Dept. & DSS sprinkler system during the cold event storm and loss of electricity. Only a couple of heads on the sprinklers system had to be replaced – none froze and burst. Additional heat pumps might be needed in the building to accommodate future frigid temperatures.

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## **EXECUTIVE/CLOSED MEETING**

Upon motion of Supervisor White, seconded by Supervisor Roberts 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 Section 2.2-3711 (A)(1), Three (3) personnel items involving County Administrator, County Attorney evaluations and one (1) employee in the Workforce Development Dept. and (A) (3), Property Disposition involving the Piggy Bank Building.

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

<b>CERTIFICATION</b>
<b>OF EXECUTIVE/CLOSED MEETING</b>

**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 Roberts, Stacy, Absher, Hymes and White

Nays: None

Absent: None

Absent during vote: None

Report of Action:

**\$5,000.00 FROM THE BUILDING AND MAINTENANCE ACCOUNT  
TO THE IDA**

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 \$5,000.00 from the Building and Grounds – Repairs & Maintenance Budget, Account 43020-3310, payable to the Industrial Development Authority (IDA). The County Administrator is hereby authorized and directed to issue said warrant in accordance herewith and which said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

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**ADJOURN**

Now, there being no further business to be transacted and upon motion of Supervisor White, seconded by Supervisor Roberts and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby adjourn this meeting at approximately 11:43 p.m.

The next meeting is scheduled for Tuesday, February 4, 2014 at 6:00 p.m.

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Charles A. Stacy, Chair

By: RG

Adjourn time: 11:45 p.m.