

VIRGINIA: At a regular meeting of the Tazewell County Board of Supervisors held June 5, 2012 in the Tazewell County Administration Building, 108 East Main Street, Tazewell, Virginia 24651

PRESENT: D. Michael Hymes, Chair
John Absher, Vice Chair
Seth R. White, Member
Charles A. Stacy, Member
Dr. Thomas M. Brewster, Member
James H. Spencer, III. County Administrator
C. Eric Young, County Attorney
Patricia Green, Assistant County Administrator
Ruth Groseclose, Administrative Assistant
Arlene Matney, Director of Budget & Finance (Present at only a portion of the meeting)
Members of the Press: Katie Coil, Bluefield Daily Telegraph;
Jim Talbert, Clinch Valley News/Richlands News Press

ABSENT: None

The Chairman, D. Michael Hymes called the regular meeting to order and presided with all members in attendance. He welcomed those in attendance.

Supervisor White gave the invocation followed by the Pledge of Allegiance to the United States flag directed by Supervisor Stacy.

AGENDA APPROVED AS AMENDED

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 approves the June 5, 2012 meeting agenda as amended. Amendments included adding one personnel matter to the last Executive/Closed

Session involving the Sheriff's Department relating to State Compensation Board – Sheriff Salary.

MINUTES APPROVED

Upon motion of Supervisor Brewster 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 May 1, 2012 Board of Supervisors meeting minutes as written.

Upon motion of Supervisor Stacy, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the May 10, 2012 Board of Supervisors meeting minutes as written.

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 approves the May 16, 2012 Board of Supervisors meeting minutes as written.

EXECUTIVE/CLOSED SESSION

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 enters into and executive/closed meeting, pursuant to Virginia Code Section 2.2-3711:

- A (7) Legal Consultation involving Potential Litigation regarding Coal Severance Tax.
- A (1) Personnel Matter regarding retaining counsel to assist in defense of potential litigation regarding gas well assessment.
- A (1) Personnel regarding annual review of PSA Administrator
- A (7) Legal Consultation involving TCF & R – certificate of need

Now, upon motion of Supervisor Brewster, 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 returns from the Executive/Closed Session and adopts the following Resolution of Certification read by Supervisor Stacy:

CERTIFICATION

OF EXECUTIVE/CLOSED MEETING

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

WHEREAS, 2.2-3712 of the Code of Virginia requires a certification by the 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: Five (5) Supervisor Stacy, Brewster, Absher, White and Hymes
Nays: None
Absent: None
Absent during vote: None

Jim Talbert, member of the Press as well as a Board of Director member of the Tazewell County Fire & Rescue, reported that he attended the executive closed meeting this date as a representative of the Tazewell County Fire & Rescue and not as a member of the Press/Clinch Valley News/Richlands News Press.

**REPORT OF ACTION AS A
RESULT OF THE EXECUTIVE/CLOSED MEETING
GAS WELLS ASSESSMENTS –
RETAINER AGREEMENT**

Upon motion of Supervisor Stacy, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby retain the law firm of Glenn Feldmann Darby Goodlate, 37 Campbell Avenue, S.W. Roanoke, Virginia 24011 to serve a counsel to the Tazewell County Board of Supervisors and the Commissioner of Revenue of Tazewell County, Virginia in defending one or more applications for correction of erroneous taxes anticipated to be filed against the County by CNX Gas Corporation and others. The principal attorney in the case will be Harwell M. Darby, Jr. The Tazewell County Board of Supervisors hereby further authorizes, empowers and directs the Chairman to execute the engagement letter on behalf of the Tazewell County Board of Supervisors, and which said engagement letter will be attached hereto these minutes and incorporated herein by reference thereto.

SPECIAL RECOGNITIONS

The Honorable Teresa M. Chafin – appointment to the Court of Appeals of Virginia

Supervisor Stacy brought to the floor a resolution of congratulations recognizing The Honorable Teresa M. Chafin for appointment to the Court of Appeals of Virginia.

Supervisor Stacy then welcomed The Honorable Teresa M. Chafin and her husband, Frank Kilgore and gave congratulations to Judge Chafin, and now, upon motion of Supervisor Stacy, seconded by Supervisor Absher and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby adopts the following resolution:

RESOLUTION OF CONGRATULATIONS

TO:

***The Honorable Teresa M. Chafin
For appointment to the Court of Appeals of Virginia***



WHEREAS, the Honorable Teresa M. Chafin received her B.A. (Business and Economics) degree from Emory and Henry College, Emory, Virginia and her J.D. from the University of Richmond School of Law, Richmond, Virginia; and

WHEREAS, the Honorable Teresa M. Chafin began her distinguished career as a partner with Chafin and Chafin, P.C. Lebanon, Virginia from 1988 to 2002 where her practice included Domestic Relations, Criminal Law, Business, Torts, Property and representation of the Russell County Department of Social Services; and

WHEREAS, from 2002 to 2005 she served as Chief Judge for the Tazewell County Juvenile and Domestic Relations Court and her distinguished career led to various appointments and designations by the Supreme Court of Virginia that include Guardian ad Litem Study Committee; Best Practice Court; and other memberships and recognitions include, Trustee, Appalachian School of Law, past President, Russell County Bar Association and recipient of Law Enforcement Award by Local Chapter of the Sons of American Revolution and in addition the Honorable Teresa M. Chafin accomplished record recovery of delinquent Child Support and was instrumental in the implementation of the Assign-a-Highway Litter Control Program for probationers in Tazewell County, Virginia; and

WHEREAS, the Honorable Teresa M. Chafin, has served the citizens of the Commonwealth of Virginia as Circuit Court Judge for the 29th Judicial Circuit, Tazewell County, Virginia since 2005 to present and has served as the Chief Circuit Court Judge from 2008 to present; and

WHEREAS, the Honorable Teresa M. Chafin has established an enviable record of dedication to her profession and her great integrity and distinction resulted in many Supreme Court of Virginia appointments which included: Judicial Council (Chair, Judicial Conduct Sub-Committee); Commission on Virginia Courts in the Twenty-First Century; Editorial Board, Virginia Bench book; Judicial Realignment Study Committee; E-filing Committee (Chair, Rules Sub-Committee); Board of Governors, Virginia State Bar Education of Lawyers Section; and Committee for Indigent Defense Compensation; and

WHEREAS, because of the Honorable Teresa M. Chafin's commitment and selfless devotion to duty; and for her effective service to the Commonwealth and to the people of Virginia, the Virginia General Assembly did on May 14, 2012 appoint the Honorable Teresa M. Chafin, of Russell County, Virginia to the Court of Appeals of Virginia, commencing June 1, 2012; and

RESOLVED, this resolution is presented to The Honorable Teresa M. Chafin in honor of her service and for her unparalleled decisions and for placing the importance of ethical values in today's society; and

RESOLVED FURTHER, that the Board of Supervisors of Tazewell County, Virginia hereby commends and congratulates The Honorable Teresa M. Chafin for her dedicated and

effective service to the people of Tazewell County Virginia and hereby further extends best wishes for continued professional success and personal satisfaction in future endeavors.

THIS THE 5TH DAY OF JUNE 2012

TAZEWELL COUNTY MOOSE LODGE NO. 198

Resolution of Thanks – new guns for County Sheriff’s office

Supervisor Brewster brought to the floor a Resolution of Appreciation for the Tazewell County Moose Lodge, No. 198 as an expression of the Board of Supervisors gratitude for donating over \$28,000 to purchase 55 new handguns and holsters for sworn officers of the Tazewell County Sheriff’s office. Now, Mr. Harry Nolley, President of the Tazewell County Moose Lodge was present to accept the resolution. Mr. Eddie Pauley, Regency Real Estate and Auction Company, the Sheriff of Tazewell County and various county deputies were in attendance as well.

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

**RESOLUTION OF APPRECIATION
TAZEWELL COUNTY MOOSE LODGE NO. 198**



WHEREAS, the Tazewell County Moose Lodge No. 198, 616 Market Street, Tazewell, Virginia was established in 1986 and since its inception, Moose Lodge members have sponsored countless events and outreach projects and made numerous financial contributions for worthy causes to County citizens, giving over \$120,000 to charities in 2011; and

WHEREAS, Tazewell County Moose Lodge No. 198 approximately fifteen (15) years ago, donated \$12,000.00 to purchase the first standardized weapons for the Tazewell County’s Sheriff’s Office some of those weapons are still being carried today; and

WHEREAS, the Tazewell County Moose Lodge No. 198 demonstrates extra-ordinary commitments to its community and recently donated over \$28,000.00 to purchase 55 new handguns and 55 new holsters (.357 Glocks) for sworn officers of the Tazewell County Sheriff’s Office at no cost to taxpayers. The .357 caliber is a more powerful round and will give county

officers better protection and each officer will be carrying the same weapons with interchangeable magazine with interchangeable ammunition; and

WHEREAS, the Tazewell County Board of Supervisors sincerely appreciates the Tazewell County Moose Lodge No. 198 for their vitality, hard work and resources to serve others; and

WHEREAS, the Tazewell County Board of Supervisors hereby further extends its sincere appreciation to Regency Real Estate & Auction Company in Bluefield, Virginia who has offered to auction the old weapons and donate the proceeds to the Tazewell County Moose Lodge No. 198 to help fund other worthy events in Tazewell County.

NOW, THEREFORE, BE IT RESOLVED, that the Tazewell County Board of Supervisors hereby adopts and presents this resolution to members of the Tazewell County Moose Lodge No. 198 as an expression of the Boards admiration and gratitude for outstanding dedication to community service and for their on-going commitment and contributions to help others.

ADOPTED THIS THE 5th DAY OF JUNE 2012

TAZEWELL COUNTY BUDGET PRESENTATION, FY12-13

James H. Spencer, III – County Administrator gave a presentation of the proposed County Budget for FY12-13. He presented a breakdown of budget categories and a list of items included in the FY13 Budget, i.e. local share of school funding by 9.29 % over the FY12 local funding, two fire truck payments, increased VRS and life insurance expenses for County & School Board; funding for various needed machinery and equipment, furniture & fixtures, capital outlay, and vehicle purchases and \$100,000 for the purchase of vehicles for the Sheriff's office; as well as payment to the state for reduction in State aid funding for constitutional officers (a total of almost \$1,000,000 in 4 years). The County Administrator also gave a list of the top employers in the county with the School Board being listed as number one. He said that the Department of Social Services and all county employees are impacted by this year's budget and the areas largely impacting the county budget is the decreased funding for the school system. The total proposed budget/summary for all funds, FY2012-13 is \$107,523,714.00.

Dr. Tom Brewster, Member of the Board of Supervisors reiterated the reduction in state funding for public education and how the funding has declined since 2004.

The Chairman thanked the County Administrator for his presentation then called to order a Public Hearing that was duly advertised according to law entitled:

PUBLIC HEARING – TAZEVELL COUNTY BUDGET FY12-13

Now, the Chairman called to order a public hearing that was duly advertised according to law entitled, “An Ordinance Adopting Local Levies and Budget For The County of Tazewell County, Virginia for Fiscal Year Beginning July 1, 2012 and Ending June 30, 2013 In Accordance With Section 15.2-2500 – 15.2-2507 of the Code of Virginia, 1950, As Amended.” A copy of the complete budget as proposed for adoption is attached hereto and incorporated herein by reference thereto and is on file in the office of the County Administrator and posted at the front door of the County Courthouse on Main Street in Tazewell, Virginia. The budget ordinance as proposed is for informative and fiscal planning purposes only and will not be approved, adopted or ratified by the Board of Supervisors until at least seven (7) days after the public hearing. The anticipated adoption date is Thursday, June 28, 2012.

The Chairman then called for public comments from the floor with regard to the budget public hearing. The following persons spoke – with each person given two (2) minutes to speak on this subject:

- Charlotte Whitted – Executive Director, Historic Crab Orchard Museum, Tazewell, Virginia 24651 and home mailing address 1150 Gose Mill Road, Burkes Garden (Tazewell) gave a history of the Historic Crab Orchard Museum and Pioneer Park and requested the Board of Supervisors increase their budget to \$60,000 per year. Ms. Whitted said no increase in county funding has been received in six years, except with the help of district fund monies from various Board of Supervisor members. She said all salary increases have been frozen and a courier position was eliminated. Ms. Whitted reiterated the importance of maintaining a good relationship with the county and all the good things that the Museum does for Tazewell County.
- James C. St.Clair, Witten Valley Road, Tazewell, Virginia 24651 – told the Board of Supervisors that he did not want his taxes increased, but he could smell it in the air. He said everything costs too much in this country and people can’t afford a tax increase. He said county citizens needed to do something about it.
- Steve Hallie, 737 Chestnut Road, Chilhowie, VA – Case Manager, Brain Injury Services of SWVA. Covers 22 counties – serves as a support system to help people live as independently as possible with brain injuries, as well as providing

social awareness type services. He reiterated the importance of the program and duly requested the Boards funding support. The County inadvertently did not receive a budget request from the organization for this fiscal year. Mr. Hallie said this was an oversight and said he would see that the County received a budget request prior to the June 28 recessed meeting.

- Tommy Tilley, 2737 Pounding Mill Branch Road, Pounding Mill, VA – said that his wife lost her battle on September 21, 2011 as a result of a terminal brain injury. Mr. Tilley appeared before of the Board on previous occasions in support of Brain Injury Services. Mr. Tilley reiterated the importance of their programs and how the many programs helped his wife as well as other persons that receive them. He said he believed so much in the organization that he would continue to be an advocate for the program. Mr. Tilley duly requested that the Board provide funding for the program.
- Nanette Green, 1010 Tazewell Ave. Tazewell, VA 24651 - Ms. Green sated that she was raised in Tazewell, Virginia and moved away but recently came back to the area. She requested that the County provide more opportunities for people of color and voiced concern that the young people in area are leaving due to a lack of opportunities. She said that the last census reported 310 African-Americans living in Tazewell County. The Board suggested that Ms. Green meet with the County Administrator to discuss ways to give our youth better advantages. Ms. Green also stated she would be willing to be an advocate for the youth in our county and said would be glad to work to help promote work ethics and job opportunities. The County Administrator will meet with Ms. Green to address her concerns.
- Betty Wallace, Priscilla Rhodes, Veda Ferguson and Mary Banks signed up to speak but allowed Ms. Nannette Green to be their spokesperson with regard to the enhancement of youth opportunities in Tazewell County.

Now, the Chairman called for additional public comments from the floor

with regard to the public hearing on the proposed budget and there being none, he declared the public hearing closed.

PUBLIC HEARING

TAZEWELL COUNTY ENTERPRISE ZONES

The Chairman, D. Michael Hymes called to order a public hearing that was duly advertised according to law entitled **A PUBLIC HEARING TO HEAR CONCERNS REGARDING A PROPOSED ORDINANCE -**

AN ORDINANCE TO ADJUST THE BOUNDARIES OF THE ENTERPRISE ZONE FOR TAZEWELL COUNTY

WHEREAS the Board has established by previous ordinance an Enterprise Zone for Tazewell County with all the rights and privileges thereunto appertaining;

WHEREAS to further encourage the economic development of the County the Board desires to expand and modify the Boundaries of the Enterprise Zone to include certain real property as shown on the attached map and to remove certain other properties also as shown on the attached map which either have not developed or have developed into other uses;

NOW THEREFORE, BE IT ORDAINED, that in accordance with Section 59.1-538 *et seq.* of the Code of Virginia (1950) as amended and Section 15-64 of the Code of Tazewell County, Virginia, that the Board of Supervisors for Tazewell County, Virginia (Board) approves the relocation and adjustment of the Enterprise Zone as shown on the attached map herein incorporated.

BE IT FURTHER ORDAINED that the Map hereto attached shall supersede the map previously incorporated into Section 15-64 of the Code of Tazewell County.

Now, the Chairman called for public comments from the floor with regard to the public hearing. The County Administrator said the Enterprise zone ordinance could only be changed so often and only so much property could be included. The plan was originally established to include residential property, but now there is no reason or benefit to include residential property in the zones. This ordinance, if adopted, will delete certain property from the Virginia

Enterprise Zone and will amend the incentives included with the enterprise zone designation.

- Ms. Priscilla Ann McReynolds, 223 Shannon Heights, Richlands, Virginia stated that her property was in the Enterprise Zone and wanted to know if she could operate a business from her home.

The County Administrator said getting an investment from the Enterprise Zone required an investment of \$100,000.00 and job creation. He also presented to the Board a list containing 37 names of individuals who called the County's Economic Development Coordinator asking questions with regard to the proposed amendments to the Enterprise Zone. Supervisor White explained that the State has changed the rules of the enterprise zones and now residences no longer qualify. He requested that the Board defer the consideration of adopting the Enterprise Zone Ordinance until the June 28, 2012 recessed meeting to give him additional time to talk to residents in his area about the changes to the ordinance.

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, for the record, authorize that a copy of the list as presented this date by the County Administrator, with 36 names, addresses, telephone numbers with remarks be attached to these minutes of this meeting and incorporated herein by reference.

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

The ordinance as proposed will be placed on the June 28, 2012 meeting agenda for consideration of approval.

PUBLIC HEARING

ORDINANCE - TAXES ON COAL & GAS

Chairman Hymes called the public hearing to order that was duly advertised according to law entitled “ **AN ORDINANCE TO REPEAL AND REENACT CHAPTER 10, ARTICLE IV REGARDING THE SEVERANCE TAX, ROAD IMPROVEMENT LICENSE TAX, AND ADDITIONAL TAXES ON COAL AND GAS” to wit: ”**

WHEREAS the Board desires to make the County’s coal and gas licensure provisions consistent with Code of Virginia §§ 58.1-3712, 58.1-3712.1, 58.1-3713, and 58.1-3713.4 (1950) as amended and all other applicable sections of Chapters 37 and 39 of Title 58.1 of the Code of Virginia (1950) as amended as cited herein;

WHEREAS the Board desires to amend the County’s local ordinances to be consistent with the provisions of Code of Virginia § 58.1-3713.3 (1950) as amended and reenacted pertaining to the validation of local coal and gas severance tax ordinances and local coal and gas road improvement tax ordinances.

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

Mr. Richard Settle, 288 Club House Road, Abingdon, Virginia spoke as a representative for Alpha Natural Resources. Mr. Settle said that he reviewed Buchanan County and Russell County’s revised ordinances and the two ordinances are entirely concurrent. The only difference in Tazewell County’s ordinance and the other two ordinances was the definition’s part in reference to Gross Receipts, i.e. the fair market value of the coal, oil or gas measured at the time it is utilized or sold for utilization in the county or at the time it is placed in transit for shipment.

The County Attorney said that he would review the Gross Receipts section and compare the section with the model ordinance drafted by the study group that helped develop revisions to

the ordinance. Therefore, the Board deferred action on this matter to the June 28, 2012 meeting in order to give the County Attorney additional time to study the Gross Receipts – definition section of the ordinance.

CHRISTIE MERCER PROPERTY

\$500 FINE IMPOSED

Now, pursuant to a PUBLIC HEARING held by the Tazewell County Board of Supervisors on May 1, 2012, in accordance with Section 15.2-908, Code of Virginia (1950), as amended, to receive public comment relative to the abatement of public nuisances, to wit: Collapsing building falling into a public street on 3.00 acres of land at 706 Dry Fork Road, in Bandy, Tazewell County, Virginia owned by Christy Mercer.” The Tazewell County Board of Supervisors did impose a lien on the real property for damages in the amount of \$500.00, to wit: Christy Mercer, “collapsing building falling into a public street on 3.00 acres of land at 706 Dry Fork Road, Bandy, Tazewell County, Virginia, and further hereby authorizes and directs the County Attorney to forward a notice to Christy Mercer, PO Box 727, Raven, Virginia 24639” – and in addition, the Board of Supervisors did table imposing a fine up to the amount of \$1,000 on the property owner until the County Attorney gives the property owner notice of imposition of the lien and which said matter was deferred to this meeting , June 5, 2012.

And, now, upon motion of Supervisor Stacy, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby imposes a fine in the amount of \$500.00, to wit: Christy Mercer, “collapsing building falling into a public street on 3.00 acres of land at 706 Dry Fork Road, Bandy, Tazewell County, Virginia”, and further hereby authorizes and directs the County Attorney to forward a notice to Christy Mercer, PO Box 727, Raven, Virginia 24639 – giving the property owner notice of the imposition of said \$500.00 fine, as well as time to respond to this action.

TEN (10) MINUTE RECESS

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

BOARD OF SUPERVISORS LIAISONS REPORT

Planning Commission – Supervisor Absher did not have anything to report other than the Zoning Update. The Planning Commission previously agreed, as recommended by the Board of Supervisors, to allow the County Attorney and County Engineer to meet with the County’s Zoning sub-committee as well as other county staff to see if the County could rewrite a draft zoning ordinance without the assistance of a consultant as well as possibly using the County’s GIS Consultant to help with drawing the maps.

Industrial Development Authority (IDA) - Supervisor White stated the IDA continues to work on various projects with an update forthcoming following the June 27 meeting.

Emergency Services Committee (ESC) – Supervisor Stacy reported the ESC committee members were briefed on the Fire Rescue Study and members were receptive to the initiative.

At the request of the ESC Committee, the Board of Supervisors agreed to recognize County fire & rescue members who have served 20 or more years of service as well as the Board of Supervisors presenting a resolution to the Barringer family commemorating the late Ben Barringer’s service to Tazewell County as a member of the Cove Fire Department. The Board suggested the ESC decide how to handle the recognitions and resolution in memory of Mr. Barringer. Supervisor Brewster personally acknowledged Mr. Barringer’s service and high level of public involvement in civic issues during his tenure as a public official. Other board member echoed Supervisor Brewster comments with Chairman Hymes stating that Mr. Barringer really cared about Tazewell County.

BANDY FIRE DEPT. TANKER

HOUSED AT TAZEWELL COUNTY FIRE DEPARTMENT - TRANSFERRED TO POCAHONTAS FIRE DEPARTMENT

Upon motion of Supervisor Brewster seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby authorizes the transfer of the old Bandy Fire Dept. Tanker Truck – previously turned over to Tazewell County Fire Department, be hereby transferred to the Pocahontas Fire Department (1975 International Tanker – VIN No. 70722EGB12469)

Recreation Development Authority (RDA)

Supervisor Tom Brewster stated the RDA met June 4 in Boissevain. The Spearhead Trail Executive Director was the guest speaker. The Director is working on the easements for the trail with Pocahontas Land Corporation to try and secure some of the easements. The Sheriff of Tazewell County is also working with the County on ways to implement a safe environment for ATV users. Several County Ordinances are being proposed with regard to ATV rules and regulations.

PSA INSTALLMENT PLAN

Dahmon Ball, PSA Administrator was present. Supervisor Brewster wanted clarification on how the PSA is going to handle installment plans for water & sewer hook-ups. The PSA will review each applicant on a case-by-case basis with low income customers deferred to Clinch Valley Community Action for possible assistance.

RESOLUTIONS ADOPTED

VRS CONTRIBUTION RATE (COUNTY)

VRS CONTRIBUTION RATE (SCHOOL)

IRREVOCABLE ELECTION - LINE OF DUTY ACT FUND

Upon motion of Supervisor Absher, seconded by Supervisor Brewster 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 adopts the following resolution:

**Employer Contribution Rates for Counties, Cities,
Towns, School Divisions and Other Political Subdivisions
(In accordance with the 2012 Appropriation Act Item 468(H))**

Resolution

BE IT RESOLVED, that **Tazewell County 55192** does hereby acknowledge that its contribution rates effective July 1, 2012 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED that **Tazewell County 55192** does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2012:

(Check only one box)

- The Certified Rate of 11.40% The Alternate Rate of 8.16%; and

BE IT ALSO RESOLVED, that **Tazewell County 55192** does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of **Tazewell County 55192** are hereby authorized and directed in the name of **Tazewell County** to carry out the provisions of this resolution, and said officers of **Tazewell County** are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by **Tazewell County** for this purpose.

D. Michael Hymes, Governing Body Chairman
Tazewell County Board of Supervisors

CERTIFICATE

I **James H. Spencer, III**, Clerk (County Administrator) of **Tazewell County**, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of **Tazewell County** held at **Tazewell, Virginia** at **6:00 o'clock (PM)** on **June 5, 2012**. Given under my hand and seal of **Tazewell County** this **5th** day of **June**, 2012.

Clerk (County Administrator)

This resolution must be passed prior to July 1, 2012 and received by VRS no later than July 10, 2012.

Member Contributions by Salary Reduction for Counties, Cities,
Towns and Other Political Subdivisions

(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))

Upon motion of Supervisor Brewster, 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 the following resolution:

Resolution

WHEREAS, the **Tazewell County 55192** employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012 ("FY2013 Employees" for purposes of this resolution), shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the **Tazewell County 55192** employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of

their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, **Tazewell County 55192** may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2012, to each such employee in service on June 30, 2012, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the difference between five percent of the employee's total creditable compensation and the percentage of the member contribution paid by such employee on January 1, 2012.

BE IT THEREFORE RESOLVED that Tazewell **County 55192** does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2012 (i.e., FY2013):

| Type of Employee | Employer Paid Member Contribution | Employee Paid Member Contribution |
|------------------|-----------------------------------|-----------------------------------|
| Plan 1 | 0 % | 5 % |
| Plan 2 | 0 % | 5 % |
| FY2013 Employees | 0% | 5% |

(Note: Each row must add up to 5 percent.); and

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by **Tazewell County** in lieu of member contributions; and

BE IT FURTHER RESOLVED, that pickup member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, that member contributions made by **Tazewell County** under the pickup arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pickup arrangement; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pickup contributions made by **Tazewell County** directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of **Tazewell County** shall be reduced by the amount of member contributions picked up by **Tazewell County** on behalf of such employee pursuant to the foregoing resolutions.

NOW, THEREFORE, the officers of **Tazewell County 55192** are hereby authorized and directed in the name of **Tazewell County** to carry out the provisions of this resolution, and said officers of **Tazewell County** are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by **Tazewell County** for this purpose.

D. Michael Hymes, Governing Body Chairman
Tazewell County Board of Supervisors

CERTIFICATE

I, **James H. Spencer III, Clerk (County Administrator)** of **Tazewell County**, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of **Tazewell County** held at **Tazewell, Virginia at 6:00 o'clock (PM) on June 5, 2012**. Given under my hand and seal of **Tazewell County** this **5th** day of **June, 2012**.

Clerk (County Administrator)

This resolution must be passed prior to July 1, 2012 and

Upon motion of Supervisor Absher 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 adopts the following resolution:

RESOLUTION

Irrevocable Election Not to Participate in Line of Duty Act Fund

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of **Tazewell County** to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED that **Tazewell County** hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further RESOLVED that the following entities,

Abbs Valley Volunteer Fire Department
Bandy Volunteer Fire Department
Baptist Valley Volunteer Fire Department
Bishop Volunteer Fire Department
Burkes Garden Volunteer Fire Department
Clearfork Volunteer Fire Department
Cove Volunteer Fire Department
Dix Creek Amonate Dryfork (D.A.D.) Volunteer Department
Jewell Ridge Volunteer Fire Department
Tannersville Volunteer Fire Department
Tannersville Rescue Squad
Tazewell County Fire and Rescue
Tazewell County Sheriff's Office
Thompson Valley Volunteer Fire Department
Thompson Valley Rescue Squad
Rescue 945

to the best of the knowledge of **Tazewell County**, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, **Tazewell County** agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of **Tazewell County** on or after July 1, 2010; and it is further

RESOLVED that, as a non-participating employer **Tazewell County** agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that **Tazewell County** shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

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 adopts the following resolution-
VA Retirement System (VRS) Contribution rate for 2012-13:

Local Governing Body Concurrence with School Division
Electing to Pay the VRS Board-Certified Rate
(In accordance with the 2012 Appropriation Act Item 468(H))

Resolution

BE IT RESOLVED, that the [Locality Name] [employer code] does hereby acknowledge that the [School Division Name] has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(1) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate -); and

BE IT ALSO RESOLVED that the [Locality Name] [employer code] does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the [School Division Name] to pay the Certified Rate, as required by Item 468(H) of the 2012 Appropriation Act; and

NOW, THEREFORE, the officers of [Locality Name] [employer code] are hereby authorized and directed in the name of the [Locality Name] to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required- the seal of the [Locality Name], as appropriate, shall be affixed and attested by the Clerk. Clerk of the [Locality Name], certify that the foregoing is a true and correct copy of a resolution passed by the [Locality Name] and ratified by the [Locality Name] at a lawfully organized meeting of the [Locality Name] held at, Virginia at &clock on , 2012. Given under my hand and seal of the [Locality Name] this day of, 2012.

Clerk. This resolution must be passed prior to July 1, 2012 and received by VRS no later than July 10, 2012.

**EMPLOYER CONTRIBUTION RATES FOR COUNTIES, CITIES,
TOWNS, SCHOOL DIVISIONS AND OTHER POLITICAL SUBDIVISIONS
(IN ACCORDANCE WITH THE 2012 APPROPRIATION ACT ITEM 468(H))
RESOLUTION**

BE IT RESOLVED, that the Tazewell County Schools 55592 does hereby acknowledge that its contribution rates effective July 1, 2012 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code Section 51.1445(1) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED that the Tazewell County Schools 55592 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 201 2:

(Check only one box)

(The Certified Rate of 15.32% The Alternate Rate of 11.37%) and;

BE IT ALSO RESOLVED that the Tazewell County Schools 55592 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this

resolution; and

NOW, THEREFORE, the officers of Tazewell County Schools 55592 are hereby authorized and directed in the name of the Tazewell County Schools to carry out the provisions of this resolution, and said officers of the Tazewell County Schools are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by Tazewell County Schools for this purpose.

Governing Body/School Division Chairman

CERTIFICATE

Clerk of the Tazewell County Schools, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Tazewell County Schools held at , Virginia at o'clock on 2012 . Given under my hand seal of the Tazewell County Schools this day of, 2012. Clerk _____

This resolution must be passed prior to July 1, 2012 and received by VRS no later than July 10, 2012.

HISTORIC CRAB ORCHARD MUSEUM – TAZEWELL, VIRGINIA

IMPROVEMENTS - BID AWARDED

Upon motion of Supervisor White, seconded by Supervisor Brewster 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 awards a bid in the amount of \$79,963.58 to the lowest responsive, responsible bidder, Glass Machinery & Excavation, Inc. for improvements to Historic Crab Orchard Museum, Tazewell, Virginia – i.e. provided the bid is in compliance with all necessary VDOT requirements, and further the Board of Supervisors hereby waives the local government (Tazewell County) requirement that the bid be placed on EVA – due to a technicality in the posting of said ad on EVA – i.e. the pre-conference date was set prior to the bid opening date. Therefore, EVA did not post the ad as submitted.

The County Administrator is hereby authorized, empowered and directed to enter into and execute any and all documents in accordance with this action and the County Administrator is hereby further directed to issue said warrant as such time as may be necessary and appropriate with regard to same, if applicable. This expenditure is funded through VDOT – T21 monies. A copy of the documents once executed will be on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

CONSENT CALENDAR

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 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 April & May 2012

WARRANTS

April/May 2012

Payroll

Ordered that Warrant Nos. 135859 through 135927 and direct deposits totaling \$209,911.51 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending April 30, 2012, be approved.

Ordered that Warrant Nos. 135929 through 136000 and direct deposits totaling \$211,010.63 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending May 15, 2012 be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 456755 through 456920, for \$307,165.97 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of April 2012, be approved.

Ordered that Warrant Nos. 456922 through 456933, for \$144,382.11 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending April 30, 2012, be approved.

Ordered that Warrant Nos. 456935 through 457082, for \$344,484.89 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of May 2012, be approved.

Ordered that Warrant Nos. 457084 through 457095 for \$144,291.28 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending May 15, 2012, be approved.

Handwritten

Ordered that Warrant No. 801674 and 801679 through 801686 for \$57,932.40 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of March 2012 and April 2012, be approved.

- Sheriff's Budget: Approved a transfer in the amount of \$2,000.00 from the Contingent Expenditure Account (91050-7041) to account No. 31020-6010 – donation from Walmart.
- Sheriff's Budget: Approved a transfer in the amount of \$312.76 from the Contingent Expenditures Account (91050-7041) to account No. 31020-5510 – Spring Conference reimbursement
- Sheriff's Budget: Approved a transfer in the amount of \$100.00 from the Contingent Expenditure Account (91050-70410) to account No. 31020-6010 – donation for Law Enforcement Week
- Library Budget: Approved the following monies from the Contingent Expenditures Account (91050-70410) to Library Accounts as set forth below received as donations:
 - \$25.00 to Account No. 7301-3099 - Richlands Funeral Co.
 - \$225.00 to Account No. 7301-3099- First Sentinel Bank
 - \$75.00 to Account No. 7301-3099 - Cole Chevrolet
 - \$1,500.00 to Account No. 7301-3310 – Town of Bluefield
 - \$100.00 to Account No. 7301-3099 – Dr. Eric Shrader
 - \$25.00 to Account No. 7301-3099 – Huffman Ins. Agency
 - \$50.00 to Account No. 7301-3099 – F. DeCourcy
 - \$100.00 to Account No. 7301-6012 – Donna Chrislip
 - \$200.00 to Account No. 7301-3310 – Fincastle Garden Club
- Approved reimbursement from the IDA for compensation for part-time employee in the amount \$3,272.37 & transfer to IT Dept/Compensation Line Item 12510-1135
- Southern District Funds Approved:
 - \$2,500.00 to Tannersville Fire Department fire-works
 - \$3,000.00 to Main Street Moments Festival
- Ratified monies to Cedar Bluff Elementary School – Bicycle Program (\$3,500 Western & \$1,000 Northwestern)

- Jeffersonville Rescue Squad: Approved conveyance/donation of rescue squad vehicle to Town of Tazewell

APPOINTMENTS

Library Board of Trustees – Upon motion of Supervisor Absher, seconded by Supervisor White and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors appoints Rita Cole, 794 Thru Drive, Pounding Mill, VA 24637 to serve as a member of the Tazewell County Library Board of Trustees with at term effective immediately and expiring January 31, 2014. This appointment fills the unexpired term of Bill Wimmer who resigned.

The following appointments were deferred to the June 28, 2012 recessed meeting:

- ▶ Appalachian Agency for Senior Citizens – 4 At large
- ▶ Local Board of Building Code of Appeals – 1 Alternate (resignation)
- ▶ Clinch Valley Community Action, Inc. – 5 appointments
- ▶ Community Services Committee – 3 appointments
- ▶ Cumberland Plateau Planning District – 6 appointments
- ▶ Emergency Services Committee – 7 appointments
- ▶ Tazewell County IDA – 2 At large
- ▶ Tazewell County Planning Commission – 1 appointment
- ▶ Tazewell County Recreation and Parks Facility Authority – 1 appointment
- ▶ Tall Structures Appeals Board – 1 appointment
- ▶ Tazewell County Road Viewers – 5 – 1 from each district
- ▶ Tourism and Recreation Committee – 5 appointments
- ▶ Tazewell County Transportation Safety Commission – 3 appointments
- ▶ Wireless Service Authority – 2 appointments

Road Committee Concerns

Supervisor Brewster stated that he received a request from Ray Howell, Rosenbaum area, asking that he be notified of all the Coal & Gas Severance meetings. He said Mr. Howell would like for the Transportation Safety Commission to have input on the way roads in the County are prioritized for paving and other repairs.

Boards/Authorities/Commission Concerns

Supervisor Stacy recommended the County place on its website a list of vacancies of the various County Boards/Authorities/Commissions. He said this would give citizens the opportunity to voice their interests in possibly serving on a County Committee.

HAY BID – CAVITTS CREEK PARK/LAKE JACK WITTEN

The Board of Supervisors solicited bids for approximately 3.5 acres of hay on the back side of Cavitts Creek Park/Lake Jack Witten. There were no bids received.

The Board suggested the County Administrator negotiate the hay project with a local resident if necessary to get the hay cut and baled.

COUNTY TELEPHONE SYSTEM – RFP’s

The RFP ranking committee for the new County telephone system will meet June 6, 2012 at 11:00 a.m.

INUNDATION MAPPING

The Board of Supervisors solicited proposals for services from qualified engineering consultants for Flood Control Dams for the development of inundation mapping for the Upper Clinch Valley Dam (Cavitts Creek Dam). The services will be used to establish an inundation (flood) zone to help emergency operations officials coordinate activities in the event that a breach of the dam occurs. The County received several proposals and a committee was formed to review and rank the proposals for professional services.

The County Administrator reported following review of the proposals, the committee recommended that Froehling Robinson be ranked as the No. 1 committee.

Now, upon motion of Supervisor Hymes, seconded by Supervisor Brewster 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 negotiate a contract with Froehling & Robinson Inc. 1734, Seibel Drive, NE Roanoke, VA 24012 for the Inundation Mapping Project for Cavitts Creek Dam at a cost not to exceed \$25,000.00. A matching grant for the Department of Conservation and Recreation in the amount of \$12,500.00 has been received.

BOARD CONCERNS

Pocahontas Walking Riding Trail

Supervisor Brewster said that several conference calls have been held on this project. The pre-bidding process is taking place and hopefully dirt will be moved by Labor Day, 2012.

Pocahontas Lodge No. 240

Supervisor Brewster said he would be glad to donate money to the Pocahontas Lodge #240 - Virginia Child Identification Program (VACIP) finger printing, photo's etc.) when funding is available. Supervisor Stacy suggested that a VACIP/Lodge representative attend the June 28 recessed meeting and do a VACIP program presentation.

IDA – Micro Loan Program

Supervisor Hymes discussed an IDA/Micro Loan Program and ways the IDA could allocate tax credits for the County Administration Building to help small employers get jobs and grow opportunities.

Supervisor White will take this to the June 27, 2012 IDA meeting.

Amonate Housing Rehabilitation Program

Supervisor Brewster announced a community meeting scheduled at the Amonate Union Hall on June 6, 2012 at 4:30 p.m. with regard to the Amonate Housing Rehabilitation Project.

Precinct Advisory Committee Update

Supervisor Brewster requested that a Precinct Advisory Committee update be given at the June 28 meeting on the needed repairs to various precincts, such as Baptist Valley and Pocahontas.

Bluestone Tech Park – Terry McAuliffe

Supervisor Brewster stated that Terry McAuliffe – former Chairman of the National Democratic Party will visit the Bluestone Park on June 6 and potential run for governorship in Virginia. Mr. McAuliffe owns Greentech Automotive (electric cars industry) and is headquartered in Virginia. The cars are built in Mississippi.

Varmit Annual Run – Burkes Garden

Supervisor Absher discussed the recent Varmit Run in Burkes Garden headed by Ms. Charity McDaniel's. He mentioned the economic boost for Tazewell County associated with the run and commended Ms. McDaniel's for her efforts in coordinating the Run.

Supervisor Brewster suggested Charity McDaniel attend a future RDA meeting to give an update on the recent Varmint Annual Run. He said the RDA/County might have ways to help promote the annual event.

Shawnell Hess – Road Name

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 authorizes and directs that a resolution be drafted and submitted to the Commonwealth Transportation Board asking that the stretch of highway near Clifffield, where County Deputy, Shawnell Hess was killed in the line of duty be named in his honor.

Back of the Dragon – June 2, Tazewell

Chairman Hymes commented on the success of the Second Annual, June 2, 2012 Back of the Dragon event held on Main Street in Tazewell. He said the event drew a huge crowd with hundreds of motorcycles and sports car enthusiasts attending the event.

Annual Coal Mine Rally – June 9, Abingdon

Chairman Hymes announced the Annual Coal Mine Rally in Abingdon on June 9, 2012.

Peddler’s Ordinance – David Hess

Supervisor White stated that he would forward to members of the Board comments he received via – email from Mr. David Hess concerning the impact Peddler’s were having on local businesses. The County Attorney is working on a draft Peddler’s Ordinance for the Board of Supervisors review.

DISTRICT FUNDS

\$2,000.00 NORTHWESTERN & \$800.00 WESTERN

RICHLANDS ELEMENTARY SCHOOL- YEAR END ACTIVITIES

Upon motion of Supervisor White, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$2,800.00 from district funds, i.e. \$2,000.00 from Northwestern District and \$800.00 from Western District payable to Richlands Elementary School, Richlands, Virginia 24641 attn: Wendy Barringer. The monies will be used for student year-end activities. 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.

Recycling Bins

Supervisor White requested the need for additional recycling bins for the elementary schools. He said the children are very excited about the recycling program. The program also benefits their SOL scores.

Tourism Committee – Membership Expansion

Supervisor Hymes suggested the Board consider increasing the membership of the Tazewell County Tourism Committee. This matter will be addressed at the June 28, 2012 recessed meeting. The County Attorney is in the process of drafting a resolution for consideration by the Board.

Natural Gas Project – Tazewell County

Supervisor White and Supervisor Absher brought to discussion the letter the Board received from PSA member Don Dunford regarding the county moving forward with a natural gas project for all of Tazewell County. Supervisor White said he would be glad to come to a future PSA meeting to discuss the County's plan with the PSA Board. He reiterated how the Board of Supervisors and the IDA have been placing great emphasis on a natural gas project for many years and said he thought Mr. Dunford's suggestion for a county-wide project was premature at this time. However, he said he appreciated Mr. Dunford's ideas and suggestions.

DISTRICT FUNDS

\$750.00 FROM NORTHERN

TOWN OF POCAHONTAS, VIRGINIA

4TH OF JULY FIRE-WORKS

Upon motion of Supervisor Brewster, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the amount of \$750.00 from the Northern District Fund payable to the Town of Pocahontas, Virginia – attn: Jean Boone (945-9521). These funds will be assist in the town's 4th of July – fireworks celebration. 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.

EXECUTIVE/CLOSED MEETING

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

- ▶ A (7) Legal Consultation regarding Natural Gas MOU with the Town of Richlands, IDA and PSA.
- ▶ A (5) Discussion of the potential location of a business or industry in the County pertaining to project DB.
- ▶ A (1) Personnel Matter involving the Sheriff's salary guidelines as in compliance with the State Compensation Board.

RETURN/CERTIFICATION/REPORT OF ACTION

Upon motion of Supervisor Brewster, 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 returns from the Executive/Closed Meeting and hereby adopts the following resolution as read by Supervisor Absher:

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, Brewster, Hymes, Absher and White
Nays: None
Absent: None
Absent during vote: None

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

TAZEWELL COUNTY SHERIFF - PAY ADJUSTED

Upon motion of Supervisor Brewster, 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 adjust the beginning pay for the Tazewell County Sheriff's position, retroactive to January 10, 2012. This action has been approved by the Tazewell County Personnel Committee and is in compliance with the State Compensation Board – constitutional officer/sheriff salary guidelines. The County Administrator is hereby authorized and directed to take such actions as may be necessary and appropriate in accordance with this action.

ROOF BID – TAZEWELL COUNTY PUBLIC SAFETY BUILDING

The Assistant County Administrator reported the County received three (3) bids for replacing the Public Safety Building roof and were opened May 30, 2012. The Building is located at 315 School Street, Tazewell, Virginia (old County Administration Building). Davis Brothers Roofing, Inc. Rogersville TN is the apparent low bidder.

Now, upon recommendation of the County Attorney, and upon motion of Supervisor White, seconded by Supervisor Stacy and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby accepts the lowest bid in the amount of \$79,987.00 presented by Davis Brothers Roofing, Rogersville, TN, contingent upon the County Attorney's approval based on the Boards policy of reciprocal discrimination against out of state bidders. The County Attorney said he would review the Tennessee Code, June 6, 2012, to further substantiate bidder regulations with regard to this action.

Upon final approval by the County Attorney, the County Administrator is hereby authorized, empowered and directed to execute any and all documents with regard to this action on behalf of the Tazewell County Board of Supervisors and further directed to issue said warrants in accordance with this action and which said warrants will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

Eric Young, County Attorney said that he would review the Severance Tax Ordinance definition section relating to Gross Receipts and report his findings at the June 28, 2012 recessed meeting.

ADJOURN

Now, there being no further business to be transacted, and upon motion of Member Stacy, seconded by Member Brewster 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 recesses this meeting to June 28, 2012 at 6:00 p.m.

D. Michael Hymes, Chair

By: Rg

10:40 p.m.