

VIRGINIA: AT A REGULAR MEETING OF THE TAZEWELL COUNTY BOARD OF SUPERVISORS HELD MARCH 1, 2011 AT 6:00 P.M. IN THE TAZEWELL COUNTY ADMINISTRATION BUILDING, 108 EAST MAIN STREET, TAZEWELL, VIRGINIA 24651

**PRESENT: DAVE R. ANDERSON, CHAIRMAN
D. MICHAEL HYMES, VICE CHAIRMAN
SETH R. WHITE, MEMBER
JOHN M. ABSHER, MEMBER
JIM T. CAMPBELL, MEMBER
JAMES H. SPENCER, III – COUNTY ADMINISTRATOR
C. ERIC YOUNG, COUNTY ATTORNEY
PATRICIA GREEN, ASSISTANT COUNTY ADMINISTRATOR
MEMBERS OF THE PRESS: JIM TALBERT, CLINCH VALLEY NEWS/RICHLANDS NEWS PRESS; WARREN HINKLE, TAZEWELL COUNTY FREE PRESS; CHARLES OWENS, BLUEFIELD DAILY TELEGRAPH**

Chairman Dave Anderson called the regular meeting to order with all members in attendance. He welcomed any visitors. Member John Absher gave the invocation with Vice Chairman Mike Hymes leading those in the Pledge of Allegiance.

AGENDA APPROVED AS AMENDED

The March 1, 2011 agenda was approved as amended, upon motion of Member White seconded by Member Campbell and unanimously adopted.

MINUTES APPROVED AS WRITTEN

The Minutes of the January 11, January 27 and February 1, 2011 meetings were considered for approval. Upon motion of Member Hymes, seconded by Member Absher and adopted unanimously, the January 11, 2011 minutes were approved as written. Upon motion of Member White seconded by Member Hymes and adopted unanimously, the January 27, 2011 minutes were approved as written. Upon motion of Member Hymes, seconded by Member

Campbell and unanimously adopted the February 1, 2011 meeting minutes were approved as written.

TAZEWELL COUNTY AUDIT, YEAR ENDING JUNE 30, 2010

PRESENTATION BY DEANNA COX, ROBINSON FARMER AND COX

Deanna Cox, Robinson Farmer & Cox presented the FY2010 Tazewell County Audit. Ms. Cox handed out the GFOA booklet, Officials Guide to Internal Controls. All fieldwork was completed by October 2010 and a draft audit was filed by November 30, 2010. The County received a clean, unqualified opinion on the audit. There was a finding in the management letter due to a problem with capital assets for the School Board. Some had been counted twice or not taken off when disposed of; this has been corrected. The auditors also commented on the School Board's Federal Programs for stimulus money. The School Board is only asking for reimbursement, one a year; Ms. Cox recommended at least quarterly. The County's financial indicators as a whole look good. The fund balance for the past few years remained the same and the county debt is low compared to the state average. Tazewell County is approximately \$1,164 per capita; state average is over \$2,000, collections are over 90%.

Dave Anderson asked about the forfeiture funds. Ms. Cox said the funds were included in the testing for all funds. Jim Campbell asked if the auditors looked at how they were spent. Ms. Cox said they were no different from any other county funds and should go through the regular channels for expending.

Jim Spencer asked Ms. Cox to report on the PSA Audit. She gave a brief overview and stated there were no comments to management.

Consideration of extending the audit contract was deferred to later in the meeting.

EXECUTIVE/CLOSED SESSION

Upon motion of Member White, seconded by Member Hymes and adopted by a vote of 5 to 0, unanimous vote, the Tazewell County Board of Supervisors hereby enters into and executive/closed session, pursuant to VA Code Section 2.2-3711:

- A(7) One (1) Legal matter involving Caleb Hollow Road settlement
- A (1) One (1) Personnel matter involving County Engineer Dept.
- A (3) One (1) Property Acquisition matter involving tower at Morris Knob

- A (5) One (1) Economic Development matter involving business or industry where no previous announcement has been made
- A(1) One (1) Personnel Matter involving County Administrator Contract
- A(7) One (1) Consultation with attorney involving IDA Bluestone Development Agreement
- Other

Upon motion of Member Campbell, seconded by Member Hymes and adopted by a unanimous roll call vote, the Tazewell County Board of Supervisors hereby returns from the Executive/Closed Meeting and hereby certifies the following:

**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 Absher, Campbell, Hymes, Anderson and White

Nays: None

Absent: None

Absent during vote: None

There was no action to report as a result of the executive/closed meeting.

The Board will return to the executive/closed session later in the meeting to complete two items of business.

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 voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the following items as Consent Calendar. The County Administrator is hereby authorized and directed to issue said warrants in accordance with this action and which said warrants will be converted to negotiable checks by the Treasurer of Tazewell County, Virginia:

WARRANTS

January 2011/February 2011

Payroll

Ordered that Warrant Nos. 133439 through 133518, and direct deposits totaling \$202,545.03 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending January 31, 2011, be approved.

Ordered that Warrant Nos. 133520 through 133600 and direct deposits totaling \$201,471.02 from the General, Landfill Enterprise, and 911 Funds, covering payroll for the various County agencies, for the period ending February 15, 2011 be approved.

Accounts Payable/Payroll Deductions

Ordered that Warrant Nos. 451173 through 451329, for \$402,391.56, from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of January 2011, be approved.

Ordered that Warrant Nos. 451331 through 451348, for \$149,541.08 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending January 31, 2011, be approved

Ordered that Warrant Nos. 451350 through 451507, for \$289,955.03 from the General, Landfill Enterprise, Capital Outlay, Law Library and 911 Funds, covering operating expenses for the various County agencies for the month of February 2011, be approved.

Ordered that Warrant Nos. 451509 through 451527 for \$151,641.21 from the General, Landfill Enterprise, and 911 Funds, covering payroll deductions for the various County agencies for the period ending February 15, 2011, be approved.

Handwritten

Ordered that Warrant Nos. 801564 through 801570 for \$483,720.97 from the General, Landfill Enterprise, Capital Outlay, Law Library, and 911 funds, covering operating expenses for the month of January 2011, be approved.

■ APPROVED COYOTE CLAIMS TOTALING \$5,350.00

- \$150.00 to Tom Henegar, 301 Cove Street, Bluefield, VA 24605 for 3 coyotes killed on December 15, 2010 with a rifle
- \$300.00 to Tom Henegar, 301 Cove Street, Bluefield, VA 24605 for 6 coyotes killed on January 31, 2011 with a trap
- \$50.00 to William Brown, 1595 Gost Mill Road, Tazewell, VA 24651 for 1 coyote killed on November 19, 2010 with a gun
- \$50.00 to John Blankenship, 150 Dessert Rose Dr. Tazewell, VA 24651 for 1 coyote killed on February 10, 2011 with a snare
- \$50.00 to Jack Harman, 6440 Sinking Waters Road, Bandy, VA 24602 for 1 coyote killed on February 10, 2011 with a rifle
- \$50.00 to Brenda Hayes, 176 Empire Drive, Tazewell, VA 24651 for 1 coyote killed on February 9, 2011 with a trap
- \$150.00 to William Bandy, 231 Gillespie Rd. Pounding Mill, VA 24637 for 3 coyotes killed on February 4, 2011 with a trap
- \$200.00 to William Bandy, 231 Gillespie Rd. Pounding Mill, VA 24637 for 4 coyotes killed on January 19, 2011 with a snare
- \$50.00 to William Bandy, 231 Gillespie Rd. Pounding Mill, VA 24637 for 1 coyote killed on January 30, 2011 with a trap
- \$200.00 to Bill Crabtree, 2208 Clearfork Rd. Tazewell, VA 24651 for 4 coyotes killed on February 6, 2011 with a snare
- \$150.00 to Russell Harrington, 157 Dailey's Chapel Rd. North Tazewell, VA 24630 for 3 coyotes killed on February 3, 2011 with a snare

- \$50.00 to Charles Altizer, PO Box 85, Amonate, VA 24601 for 1 coyote killed with a trap on February 6, 2011
- \$200.00 to Alfred Webb, 244 Beachwood Ln. Tazewell, VA 24651 for 4 coyotes killed on January 29, 2011 with a snare
- \$650.00 to Clinton Bell, 1984 Cove Rd. Tazewell, VA 24651 for 13 coyotes killed on January 30, 2011 with a snare
- \$100.00 to Jessie Asbury, 4025 Hogback Rd. Tazewell, VA 24651 for 2 coyotes killed with a snare on January 29, 2011
- \$150.00 to Jessie Asbury, 4025 Hogback Rd. Tazewell, VA 24651 for 3 coyotes killed on February 4, 2011 with a snare/trap
- \$50.00 to Johnny Horn, 904 Goss Road, Bluefield, VA 24605 for 1 coyote killed on February 7, 2011 with a trap
- \$200.00 to Larry Lambert, Jr. 401 Plymouth Hollow Rd. North Tazewell, VA 24630 for 4 coyotes killed on December 20 & 21, 2011 with a trap/rifle
- \$100.00 to Larry Lambert, Sr. 401 Plymouth Hollow Rd. North Tazewell, VA 24630 for 2 coyotes killed on January 12, 2011 with a snare
- \$50.00 to Larry Lambert, 401 Plymouth Hollow Rd. North Tazewell, VA 24630 for 1 coyote killed on February 8, 2011 with a snare
- \$100.00 to Larry Lambert, Sr. 401 Plymouth Hollow Rd. North Tazewell, VA 24630 for 2 coyote killed on January 16, 2011 with a snare
- \$150.00 to Larry Lambert, Sr. 401 Plymouth Hollow Rd. North Tazewell, VA 24630 for 3 coyotes killed on January 22, 2011 with a snare/rifle
- \$100.00 to Ray Osborne, PO Box 1267, Cedar Bluff, VA 24609 for 2 coyotes killed on February 9, 2011 with a rifle
- \$550.00 to William Daugherty, 1098 Plywood Rd. Grundy, VA 24614 for 11 coyotes killed on January 31, 2011 with traps/rifle (on property owned by Mr. Daugherty in Willow Springs/Claypool Hill)
- \$100.00 to Johnny Horn, 904 Goss Road, Bluefield, VA 24605 for 2 coyotes killed with a rifle on February 16, 2011
- \$150.00 to Phillip Linkous, 1093 Cochran Hollow Rd. Cedar Bluff, VA 24609 for 3 coyotes killed on January 28, 2011 with a snare/rifle

- \$100.00 to Phillip Linkous, 1093 Cochran Hollow Rd. Cedar Bluff, VA 24609 for 2 coyotes killed on February 10, 2011 with a snare/rifle
- \$400.00 to Alfred Webb, 244 Beechwood Ln. Tazewell, VA 24651 for 8 coyotes killed on February 12, 2011 with a rifle/snare
- \$50.00 to Randy Spangler, Jr. 256 Fern St. Bluefield, VA 24605 for 1 coyote killed on February 13, 2011 with a vehicle
- \$100.00 to Jack Howery, Jr. 230 Ferndale St. Cedar Bluff, VA 24605 for 2 coyotes killed on February 19, 2011 with a rifle
- \$100.00 to Ray Howell, 1477 Rosenbaum Rd. Bluefield, VA 24605 for 2 coyotes killed on February 10, 2011 with a rifle
- \$50.00 to Ray Howell, 1477 Rosenbaum Rd. Bluefield, VA 24605 for 1 coyotes killed on February 21, 2011 with a snare
- \$250.00 to Lonnie Yates, 179 Mallard Rd. North Tazewell, VA 24630 for 5 coyotes killed on February 13, 2011 with a snare
- \$100.00 to Lonnie Yates, 179 Mallard Rd. North Tazewell, VA 24630 for 2 coyotes killed on November 5, 2009 with a muzzleloader
- \$100.00 to Lonnie Yates, 179 Mallard Rd. North Tazewell, VA 24630 for 2 coyotes killed on March 12, 2010 with a snare

■ School Board Funding:

- Approved an appropriation in the amount of \$400,000.00 from the Federal Education Jobs Fund for FY10-2011

■ Library Funds Approved:

- Approved \$35.98 from Account No. 91050-7041 Contingent Expenditures and Grant Account to the Library Account No. 7301-6001 (funding from Oriental Trading Company –flow through)
- Approved \$203.61 from Account No. 91050-7041 Contingent Expenditures and Grant Account to Library Account No. 7301-6001 (flow through funding (donations \$75.00; \$75.00; \$15.61; \$38.00))

■ Heart of Appalachia: Tourism Committee Budget Reimbursement:

- Approved \$468.16 from Account No. 91050-7041 Contingent Expenditures and Grant Account to the Tourism Budget (Ginger Branton – ½ Conference Reimbursement from HATA)

■ Sheriff Budget:

- Approved \$7,644.23 from Account No. 91050-7041 Contingent Expenditures and Grant Account to the Sheriff Machinery & Equipment Account No. 31020-8101 – (amount to be reimbursed from the State Compensation Board for purchase of copier)

■ Labor of Love Mission:

- Approved \$240.00 from the Southern District Fund (donation)

■ Workforce Investment Board:

- Transferred the amount of \$2,210.62 from Account No. 91050-7041 Contingent Expenditures and Grant Account to the WIA Account No. 12600-5850 (reimbursement of FY09 funds pd. To CVCA)

- Ratified \$1000 (500 NW 500 W) to the Richlands Youth Baseball Club – (inadvertently given to Richlands Little League Baseball Program 2/1/2011).

- Ratified two (2) birthday resolutions – Earl W. Griffith (70) and Clyde W. Bowling (99)

- Transferred the amount of \$19,750.00 from the General Fund Contingency/Capital Outlay, Acct. No. 9105-7008 to purchase GIS software for the County Engineer's Dept.
-

VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT REPORTS)

The Board received a report, via email from the Virginia Department of Transportation outlining recent highway activities in Tazewell County.

<u>Project No.</u>	<u>Discription</u>	<u>Current Status</u>
(NFO)0460-092-802, B634, B635	Deck Replacement-Bridges in Cedar Bluff	scheduled to complete in May 2011
(NFO)0091-092-105,C501,B602,D617	Rte. 91 Bridge Replacement near Tannersville	scheduled to complete in Nov. 2011
SS1A-961-F12,N501	Slurry Seal – Various Routes in Tazewell Co.	scheduled to begin April 15, 2011
(NFO)0019-092-803,N501	Pave Shoulders, install guardrail, median barrier (located on Rte. 19 between College and Wardell Road)	scheduled to begin March 7, 2011
(NFO)0460-092-804,N501	Pave shoulders and pavement markers (located on Rte. 460 – Shorts Gap near County Line)	scheduled to begin April 2011
9999-092-791,N501,P101	Install Guardrail – Route 67 is priority	scheduled to begin May 2, 2011
9999-092-805,N501,P101	CST Paving Project – Various Routes	scheduled to begin April 2011
U000-143-108,C501,B603	Hockman Pike – Bluefield, Route 720	scheduled to ad. April 2011
643-092-P78,N501	Widen Existing Pavement	scheduled to ad. July 2011
0747-092-P71	Widen Existing Pavement	scheduled to ad. July 2011
0610-092-586,B645,C501	Bridge Replacement & approaches (located over the Little River)	scheduled to ad. Sept. 2011

VDOT recently submitted a Maintenance Request form to the County Administrator. The form can be used by County officials to report maintenance concerns in the County and presented to the Lebanon Residency Maintenance Manager in Lebanon, VA. The Board suggested that the County’s IT Department place the form on the County’s webpage for easier access. The Board again requested that a VDOT representative attend regular Board of Supervisors meetings at least quarterly as well as asking that a follow up letter be sent to the Governor with regard to consideration of reopening the local residency.

Now, upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a unanimous vote, the Tazewell County Board of Supervisors hereby authorizes a joint public hearing with the Virginia Department of Transportation to receive public comments on the proposed Secondary Six-Year Plan for fiscal years 2011/12 - 2016/17, subject to legal review.

TEACHER EDUCATION ASSOCIATION (TEA) -**KIM HARRISON & BETH GOFORTH****ADDRESS NEW SALARY SCALE FOR TEACHERS**

Kim Harrison, Teacher Education Association (TEA) Co-President, Cedar Bluff read a statement regarding the new salary structure for teachers and provided a copy to each Board of Supervisor member. The teachers association is requesting a 2.99% pay increase and more money from the County to help with health insurance costs.

Beth Goforth, TEA Co- President, Richlands, read a statement as well indicating most of the younger teachers like the new scale with 15-20 disappointed with the salary structure. She said that classified employees need raises too. Chairman Anderson asked Ms. Goforth's opinion of the scale. She said she represented all teachers and her approval of the new scale depended on where you fall on the scale.

Member Seth White said the budget committee met with the School Board on Monday, February 28 and reported that the School Board has a plan for 15-20 teachers to be made whole if the School Board receives their surplus returned to them each year. He also questioned if there was any interest in buy-outs for teachers nearing retirement. Ms. Goforth said there might be.

CITIZEN COMMENTS – UNSCHEDULED

Listed below are the names and addresses of individuals who spoke to the Board of Supervisors during Citizen Comments Unscheduled:

- Joyce Johnston – 619 Fairway Street, Bluefield VA – addressed zoning and thanked the County for holding community meetings to explain zoning. She said she strongly supports zoning; it helps plan for growth and saves property values. Ms. Johnston reiterated that zoning is a win/win for everyone.
- Charlie Orrock – 112 Triangle Rd. Bluefield, VA – thanked the Board for the zoning community meetings and education on zoning. He said it looked like it was going to be a hard way to go, but requested that the Board hold fast and further educate citizens. He said that some landowners may feel like zoning will only hurt them, but in reality, zoning will keep unsavory businesses out of the county. He requested that the county continue to give guidance on the topic of zoning.

- Bob Johnston – 619 Fairway St. Bluefield, VA - He said the county needed guidelines and said zoning was imperative for Tazewell County, implying that atomic waste could happen here because of our central east coast location with good roads and lack of regulations. He encouraged zoning for Tazewell County.
- Jeremiah Cochran – Caleb Hollow Road. – Requested that the silt fence be taken down and iron pegs removed and requested an order stating road ends at cattle guard.
- Lloyd Evans – Fincastle Farms, Bluefield, VA – He said zoning is very important because growth will not happened without zoning and urged the Board to support the zoning plan. He further said the plan may need to be tweaked somewhat, but Tazewell County needs it.

EMERGENCY SERVICES (ESC) REPORT

Supervisor Jim Campbell, ESC representative said the February meeting was postponed until March 28, 2011. He reiterated a long-term commitment from the county to buy trucks. The Budget Committee is looking into ways to possibly lease-purchase new equipment.

APPOINTMENTS

Airport Authority

Upon motion of Member Campbell, seconded by Member 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 Steven Rebkovich as a member of the Tazewell County Airport Authority, with a term commencing immediately and expiring December 31, 2013 (3 yr. term).

Appalachian Agency for Senior Citizens (AASC)

Upon motion of Member Anderson, seconded by Member 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 Fraizer M. Miller, 211 Windwood Dr. Bluefield, VA 24605 as a member of the Appalachian Agency for Senior Citizens, with at term commencing immediately and expiring June 30, 2012. The appointment fills the unexpired term of Mrs. Charlene Hurt.

Jeffersonville Rescue Squad – Board of Directors

Consideration of appointing a member to the Jeffersonville Rescue Squad was indefinitely deferred.

Joint Economic Development Authority (JEDA)

Two (2) appointments to the Joint Economic Development Authority (JEDA) were deferred.

TAZEWELL COUNTY EMPLOYEE

HOSPITALIZATION RATES FY2011-12 APPROVED

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby approves the Tazewell County Hospitalization Rates for FY2011-12 as well as approving Advantage 65 Medicare Supplement Rate and the continued coverage for survivors of deceased employees until the end of the month following the employee’s death as set forth below:

<i>Type of Coverage</i>	<i>Total Monthly Premium</i>	<i>Employee’s Monthly Share</i>	<i>Employer’s Monthly Share</i>
SINGLE	\$627.00	\$62.70	\$564.30
Subscriber/Dependent	\$1,160.00	\$222.60	\$937.40
Family	\$1,693.00	\$382.50	\$1,310.50

Note: Based on 90% employer share for single, and 70% employer share for the difference in dual and family

Approved:

The Advantage 65 Medicare supplement rate remains the same at \$160.00. The cost of this coverage is the responsibility of the participant and as a standalone plan is not used in the experience rating when determining the rates for the active group.

Approved:

Continued coverage for survivors of deceased employees until the end of the month following the employee's death. The full premium with continued employer and dependent contribution is required.

VERIZON SCC –

LACK OF SERVICE – LETTER TO BE SENT

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 resolves to oppose Verizon's Petition with the State Corporation Commission to have the Tazewell County Service Area declared Competitive and further instructs that a letter be sent to the Commission on behalf of the Board, including references to the lack of service provided in our area.

GIS PROFESSIONAL CONSULTING SERVICES

CONTRACT (S) KING MOORE & TIMMONS GROUP

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby enters into contract agreements with the two (2) top ranked professional consulting firms for updates to the County's GIS System, maintenance of the County's GIS System, the redistricting of the Tazewell County's voting districts and other GIS's related projects that may arise during the term, to wit: King Moore, 323 South Fork Drive, Wytheville, VA 24382 and Timmons Group, 117 S. 14th Street, Richmond, VA 23219 – subject to legal review and approval by the County Attorney. Once approved by the County Attorney, the County Administrator or Chairman of the Board of Supervisors is hereby authorized, empowered and directed to enter into and execute the contract(s) on behalf of the Board of Supervisors of Tazewell County, Virginia. A copy of same will be on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

ZONING UPDATE

Supervisor Hymes would like to see zoning consultant, Mr. Terry Harrington, come back for additional community meetings. The County Administrator was requested to obtain information regarding costs for additional meetings.

Further, upon motion of Supervisors Hymes, seconded by Supervisor Hymes, seconded by Supervisor Campbell, and adopted by a unanimous vote, the Tazewell County Board of Supervisors hereby requests that Mr. Jesse Peery’s zoning letter be incorporated in the minutes of this meeting.

“Feb. 11, 2011

Tazewell County Board of Supervisors:

Tazewell, Virginia 24651

Board of Supervisor Mike Hymes:

In 1960, after serving in the US Air Force I worked in a garage. Then in 1962 I wanted to get married so I asked my parents for permission to park a house trailer in their back yard. They agreed, so I did. I couldn't have done that with the town zoning law they have now.

Two years later I asked for permission to build a one bay shop behind my trailer to work in, again they said ok, so I did. Again, I couldn't have done that with the zoning law they have now. A few years later the town passed a zoning law, I wanted to expand. Well, the new law said no so I moved across the river to get out of town. I built a new shop and bridge. A few years later the town decided to make a boundary adjustment. I put up a fight but Bill Rasnick, Bill Durham and Jones gave the town permission to include me in the boundary adjustment. Now I must pay B&O tax plus property tax on shop and hillside farm. All the zoning law does is discourage people from trying to open a little business. The people can go before the board to plead their case, but it won't help the little man trying to get a start. Thinking back, if all the laws we have now was in place when I was a young man, I could not have done anything. Now when I go to the courthouse to give them \$4000.00 they make me take my shoes off to get in the door to pay them.

Two years ago Richmond passed a law that I have to pay them \$500.00 a year to run my wrecker and roll back. We have too many laws. The zoning law will make more problems, not less.

Sincerely, Jesse Peery”

REDISTRICTING MEETINGS UPDATE

As a result of the 2010 Census, there have been two (2) County Redistricting Meetings held thus far. The numbers are looking good, with the biggest change the Northern District; with 385 more citizens. The committee is trying to correct a few things, but all districts seem to be in the 5% +- deviation requirement.

Now, upon motion of Supervisor Hymes, seconded by Supervisor Campbell and adopted by a vote of 5 to 0, the Tazewell County Board of Supervisors hereby further remove Eric Young

and Jim Spencer as voting members of the Tazewell County Redistricting Committee. However, they were left as ad-hoc/county staff representatives.

CANCER LETTERS

With regard to the draft cancer letter, Supervisor Hymes edited the letter. It was requested that paragraph 4 of the letter be revised to read “attendance at Tazewell area schools”. Once finalized the letter will be sent to Dr. John Dreyzeher as well state elected representatives.

JEWELL RIDGE CONVENIENCE AREA

ADRIA CONVENIENCE AREA

1. Jewell Ridge convenience area – scheduling meeting with Pocahontas Land Corp. – Problems continue to be monitored and worked on.
2. Adria convenience area – looking at a place at the face of Cavitts Creek Dam – Budget Committee discussed also. Shouldn’t have an effect on access for fishermen to dam/lake

JUMPS DUMP PROPERTY

The Board of Supervisors agreed to request the Tazewell County IDA to include the disposal of the Jumps Dump – county owned property with the auctioneer services recently advertised. Two individuals are interested in buying the Jumps Dump property but the buyer would have to assume environmental liabilities. A report with regard to this matter will be forthcoming.

PROCUREMENT POLICY REVISION

The County Attorney, Eric Young presented a draft-revised resolution pertaining to competition in bidding on public contracts. The Board of Supervisors requested that County staff review the enforcement regulations of the resolution and once developed, all staff be provided a copy as well as a copy of the revised purchase procedure manual. Supervisor White also requested that any county bid procured be advertised on the eVA -government website. This matter will be addressed at the April 5, 2011 regular meeting.

OTHER:

The County's Budget Committee reported they met with the School Board Feb. 28. The new salary scale for teachers was reviewed.

A school board/joint session with the Board of Supervisors will possibly meet the end of April 2011 (no date set).

BACK OF THE DRAGON

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

**RESOLUTION IN SUPPORT OF
"BACK OF THE DRAGON"**

WHEREAS, outdoor recreation has been recognized as a key component of Southwest Virginia's economy; and the Back of the Dragon is one of Tazewell County's newest outdoor recreation initiatives; and

WHEREAS, located along Route 16 between Frog Level in Tazewell County and Marion, in Smyth County, Virginia, the Back of the Dragon is 32 miles of "knee-dragging" excitement for motorcyclists and exhilarating adventure for sports car enthusiasts;

WHEREAS, a similar trail located in Deals Gap, North Carolina called the "Tail of the Dragon" which is only 11 miles has generated economic growth by creating lodging, restaurants and entrepreneurial opportunities; and

WHEREAS, the Back of the Dragon trail has potential to create entrepreneurial opportunities, create new jobs, and increase tourist visitation;

WHEREAS, in 1934, the General Assembly named portions of Route 16 as the "B. F. Buchanan" roadway and this designation shall not affect any other designations heretofore or hereafter applied to this highway or any portions thereof;

WHEREAS, Route 16 has the basic infrastructure needed for a great ride already in existence and has been unofficially dubbed as "Back of the Dragon" by many local motorcyclists because of the three "humps" of a dragon's back (mountains) and the 15-mile per hour curves; and

WHEREAS, Route 16 has been promoted in magazines such as BMW, an international motorcycle periodical and has the potential to draw international visitors to the region; and

WHEREAS, the portion of the route to be named “Back of the Dragon” crosses jurisdictional boundaries into Smyth County and Smyth County has agreed to partner with Tazewell County to promote Back of the Dragon; and

WHEREAS, this roadway is already designated as a Virginia Byway (occurred in 2000) and is signed accordingly and has been verified with the Virginia Department of Transportation District staff and no further action is needed for the Byway designation; and

WHEREAS, Special events called Back of the Dragon Days are being planned. One of these events is being held in conjunction with Southwest Regional Recreation Authority and National Trail Days on June 4, 2011 at Historic Crab Orchard Museum to generate revenue;

WHEREAS, the Tazewell County Tourism Committee has been given authorization to utilize the official logo for “Back of the Dragon” which is in the process of being trademarked by a local entrepreneur; and

WHEREAS, the Tazewell County Board of Supervisors (Tazewell County) pledges its support to pay for the cost of the signage, pursuant to Virginia Code Section 33.1-12 (4) ; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Tazewell County, Virginia hereby officially requests the Virginia Commonwealth Transportation Board to designate Route 16 as “Back of the Dragon” along the course as mentioned to enhance economic growth and tourism opportunities in Southwest Virginia.

MOUNT VISTA COURT PROPERTY –

DEED OF EASEMENT APPROVED

Upon motion of Supervisor Anderson, 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 approves a DEED OF EASEMENT by and between Jerry R. Elswick and Christine Elswick, Grantor(s) herein and Tazewell County, Virginia, Grantee; Whereas, The Elswicks owns certain real property adjacent to a dedicated public road commonly traveled by the public known as Mount Vista Court, Fincastle Farms, located in Tazewell County, Virginia – and for in consideration of the sum of one thousand, five hundred dollars (\$1,500.00), cash in hand paid, and the improvement to Grantors’ property as a result of improvements to Mount Vista Court, plus other good and valuable consideration not herein enumerated – and the Grantors do hereby grant and convey unto the Grantee a permanent drainage easement for twenty (20) feet in width along with a circular area surrounding the sink hole within a ten foot (10’) radius into which water will collect on and across the property of the

Grantors; and the Grantee (Tazewell County) further agrees that should the sink hole identified on the sketch substantially subside within ten (10) years of the date of this agreement, as a result of the increased run off caused by Grantee's paving said road, Grantee shall either remediate said subsidence or pay Grantors a sum of Thirty Thousand Dollars (\$30,000) as liquidated damages for such subsidence in lieu of remediation.

A copy of the complete DEED OF EASEMENT in a form as hereby approved is on file in the office of the County Administrator, 108 East Main Street, Tazewell, Virginia 24651.

RETURN TO EXECUTIVE/CLOSED MEETING

Upon motion of Supervisor White, seconded by Supervisor Hymes and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby return to an Executive/Closed Meeting to discuss the following matters, pursuant to VA Code Section 2.2-3711:

- A-1 Personnel – County Administrator contract
- A-7 Legal – Consultation with attorney involving IDA – Bluestone Development Agreement

RETURN/CERTIFICATION/REPORT OF ACTION

Upon motion of Supervisor Hymes, seconded by Supervisor White and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby return from the Executive/Closed Meeting and further hereby adopts the following certificate of resolution read by Supervisor John 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 Absher, Campbell, Hymes, Anderson and White

Nays: None

Absent: None

Absent during vote: None

Action: There was no action to report as a result of the Executive/Closed Session.

\$2750.00 (\$1,250 Northwestern Youth; \$1,250 Western Youth; \$250 Northern Youth)

PREPARE BASEBALL FIELDS AT RICHLANDS

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 amounts as set forth below from district funds, payable to Richlands Athletic League, Inc. PO Box 1737 Richlands, VA 24641, (to condition little league baseball fields at Richlands for spring season). 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:

- \$1,250.00 Northwestern Youth
 - \$1,250.00 Western Youth
 - \$ 250.00 Northern Youth
- \$2,750.00 Total
-

REASSESSMENT UPDATE

Ms. Patricia Green, Assistant County Administrator updated the Board on the county property reassessment process. She provided each member with a hand-out showing the reassessment guidelines for general reassessment properties every 4 years unless population is fewer than 50,000 – then it can be every 5 or 6 years. The assessment goes into effect January 2012 and the taxes imposed with the new assessments will be due December 5, 2012.

BOARD CONCERNS

- ▶ Supervisor Absher - questioned results of speed study on Kents Ridge Road
- ▶ Supervisor Hymes – questioned VDOT results of safety study(highway concerns) for Frog Level & Tazewell Town limits
- ▶ Supervisor Campbell – Stated the dumpsters at the county landfill are torn up beyond repair – recycle if possible. County Administrator to make list of surplus property and present April 5, 2011 meeting.
- ▶ Supervisor Campbell - Board Room P.A. system a big concern. Please remedy by the April 5, 2011 BOS meeting
- ▶ Supervisor Hymes – Sales Tax Recoupment question – what are the collection amounts (Patricia Green to respond)
- ▶ Supervisor Hymes – are County buildings smoke free? Answer: Yes
- ▶ Auctioneer – IDA will pick one at their March 9 2011 regular meeting
- ▶ Supervisor Hymes - County line signs. The Tourism committee continues to look at design – might look at rack cards – Supervisor Hymes believes a contest for motto should be considered
- ▶ Supervisor Hymes - Laurel Gap/Witten Valley illegal dumping – have someone investigate
- ▶ Supervisor Anderson - Sliding scale on commercial rates at landfill questioned
- ▶ Supervisor Anderson – Jeffersonville Rescue – where are we/does county have vehicle titles (no change reported)
- ▶ Supervisor Anderson – Coyote bounties – county representatives to meet with Farm Bureau to address coyote bounty concerns
- ▶ Supervisor Anderson – mentioned the VDOT 3/11 staff meeting
- ▶ Supervisor Anderson – CART (no change in budget)

- ▶ Supervisor Anderson – General Relief (indigent burial Social Services letter addressed)
- ▶ Supervisor Anderson - HB 1588 settled, no \$3,000 contribution from county
- ▶ Supervisor Anderson – additional landfill fees will be considered for budget next year, FY11-12.

BLUESTONE ADVERTISING

\$3,000 (\$1,000 Eastern; \$500 Southern; \$500 Northwestern; \$500 Northern; \$500 Western)

Upon motion of Supervisor Anderson, 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 \$1,000 Eastern; \$500 Southern; \$500 Northwestern; \$500 Northern and \$500 Western respectively (\$3,000 total) to assist with initial advertising costs for the Bluestone. The County Administrator is hereby authorized and directed to issue said warrant in the amount of \$3,000 to the Tazewell County IDA, for Bluestone advertising. Said warrant will be converted to negotiable check by the Treasurer of Tazewell County, Virginia.

\$5,000.00 (\$2,500 Western & \$2,500 Northwestern) for OUTDOOR BASKETBALL COURTS AT CRITTERVILLE TOWN OF RICHLANDS

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 amount of \$2,500.00 Western District Funds and \$2,500.00 Northwestern District Funds, \$5,000.00 total, payable to Town of Richlands, 200 Washington Square, Richlands, VA 24641 Attn: Sue Wade, Memo: Critterville Basketball Courts, to assist with the placement of outdoor basketball courts at Critterville Park in Richlands. 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.

LABOR OF LOVE MISSION - LADY DOGS SOFTBALL

\$3,000.00 (\$1,000 Southern; \$1,000 Northern; \$1,000 split between Northwestern, Western and Eastern (\$333.33 each))

Upon motion of Supervisor Hymes, seconded by Supervisor Campbell 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 \$3,000.00 from district funds as set forth below, payable to the Labor of Love Mission - Lady Dogs Softball, PO Box 386, North Tazewell, Virginia 24630, subject to legal review and approval. 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:

- \$1,000.00 Southern
- \$1,000.00 Northern
- \$ 333.33 Western
- \$ 333.33 Northwestern
- \$ 333.34 Eastern
- \$ 3,000.00 Total

TAZEWELL WRESTLING CLUB -**NUCKOLLS HALL RENTAL FEES PAID FROM SOUTHERN DISTRICT FUNDS**

Upon motion of Supervisor Hymes, seconded by Supervisor Campbell 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 Nuckolls Hall rental reservation fees for Tazewell Wrestling Club, 511 East Tower St. Tazewell, VA 24651 – scheduled for April 30, 2011, from the Southern District Fund Account. 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.

ADJOURN

Now, there being no further business to be transacted and upon motion of Supervisor Campbell, 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 adjourn this meeting.

The next meeting is scheduled for April 5, 2011 at 6:00 p.m.

Dave R. Anderson, Chairman

By: RG

Adjourn time: 10:28 p.m.